

# CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **July 30, 2015**  
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 ((May 14, 2015, May 28, 2015, June 11, 2015)
5. Continued Public Hearings
6. New Public Hearings

*Note: The full ZBA packet is now available  
on-line at: [www.co.champaign.il.us](http://www.co.champaign.il.us).*

**\*Case 808-S-15** Petitioner: **Loretta Dessen, d.b.a. Farm Lake., Inc.**

Request: **Authorize a Special Use Permit for a Private Indoor Recreational Development to allow existing and ongoing use of the existing barn as a retable venue for entertainment and recreation in the R-4 Multiple Family Residence Zoning District.**

Location: **A 10 acre tract in the West half of the Northeast Quarter of Section 4, Township 19 North, Range 8 East in Urbana Township and commonly known as Farm Lake, with an address of 2502 North Cunningham Avenue, Urbana.**

**\*Case 810-V-15** Petitioner: **Thomas E. Burgin II and Randall Brown**

Request: **Authorize the following variance in the CR, Conservation Recreation Zoning District:  
Authorize the proposed separate use of an existing nonconforming lot that was in common ownership with adjacent property and has an average width of 132 feet in lieu of the required minimum 200 feet as per Section 5.3 of the Zoning Ordinance.**

Location: **A 1 acre tract in Urbana Township in the Northeast Quarter of the Northeast Quarter of Section 3, Township 19 North, Range 9 East of the Third Principal Meridian and commonly known as 2901 Airport Road, Urbana.**

7. Staff Report
8. Other Business
  - A. Review of Docket
  - B. September 24, 2015, meeting location or cancellation
9. Audience Participation with respect to matters other than cases pending before the Board
10. Adjournment

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

2 **MINUTES OF REGULAR MEETING**

3 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

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4 1776 E. Washington Street

5 Urbana, IL 61802

7 **DATE:** May 14, 2015

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

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

Urbana, IL 61802

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

13  
14 **MEMBERS ABSENT :** Jim Randol

15  
16 **STAFF PRESENT :** Connie Berry, John Hall

17  
18 **OTHERS PRESENT :** Lloyd N. Allen Sr., Caleb Burton, Keith Padgett, Andy Tunstall, Lawrence  
19 Johnson

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22 **1. Call to Order**

23  
24 The meeting was called to order at 7:01 p.m.

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

27  
28 The roll was called and a quorum declared present with one member absent and one vacant seat.

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

34 **3. Correspondence**

35  
36 None

**DRAFT**

38 **4. Approval of Minutes (March 26, 2015)**

39  
40 Mr. Thorsland entertained a motion to approve the March 26, 2015, minutes.

41  
42 **Ms. Lee moved, seconded by Ms. Griest to approve the March 26, 2015, minutes as submitted.**

43  
44 Mr. Thorsland asked the Board if there were any corrections or additions to the minutes and there were  
45 none.

46  
47 **The motion carried by voice vote.**

48

1 **5. Continued Public Hearing**

2

3 **Case 685-AT-11 Petitioner: Champaign County Zoning Administrator. Request to amend the**

4 **Champaign County Zoning Ordinance by revising Section 6.1 by adding standard conditions required**

5 **for any County Board approved special use permit for a Rural Residential Development in the Rural**

6 **Residential Overlay district as follows: (1) require that each proposed residential lot shall have an**

7 **area equal to the minimum required lot area in the zoning district that is not in the Special Flood**

8 **Hazard Area; (2) require a new public street to serve the proposed lots in any proposed RRO with**

9 **more than two proposed lots that are each less than five acres in area or any RRO that does not**

10 **comply with the standard condition for minimum driveway separation; (3) require a minimum**

11 **driveway separation between driveways in the same development; (4) require minimum driveway**

12 **standards for any residential lot on which a dwelling may be more than 140 feet from a public street;**

13 **(5) require for any proposed residential lot not served by a public water supply system and that is**

14 **located in an area of limited groundwater availability or over a shallow sand and gravel aquifer other**

15 **than the Mahomet Aquifer, that the petitioner shall conduct groundwater investigations and contract**

16 **the services of the Illinois State Water Survey (ISWS) to conduct or provide a review of the results; (6)**

17 **require for any proposed RRO in a high probability area as defined in the Illinois State Historic**

18 **Preservation Agency (ISHPA) about the proposed RRO development undertaking and provide a copy**

19 **of the ISHPA response; (7) require that for any proposed RRO that the petitioner shall contact the**

20 **Endangered Species Program of the Illinois Department of Natural Resources and provide a copy of**

21 **the agency response.**

22

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

24

25 Mr. Thorsland entertained a motion to continue Case 685-AT-15 to the August 13, 2015, meeting.

26

27 Ms. Lee moved, seconded by Ms. Griest to continue Case 685-AT-15 to the August 13, 2015, meeting.

28 The motion carried by voice vote.

29

30

31 **Case 792-V-14 Petitioner: Robert Frazier Request to authorize the following Variance from the**

32 **Champaign County Zoning Ordinance in the I-1 Light Industry Zoning District. Part A. Variance for**

33 **48 parking spaces as required by Section 7.4 of the Zoning Ordinance. Part B. Variance for a setback**

34 **of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in lieu of the**

35 **minimum required setback of 55 feet and the minimum required front yard of 25 feet as required by**

36 **Section 5.3 of the Zoning Ordinance. Location: Lot 4 of the Stahly Subdivision in the Southeast**

37 **Quarter of Section 8 of Champaign Township and commonly known as the former LEX building**

38 **located at 310 Tiffany Court, Champaign.**

1 Mr. Thorsland informed the Board that Robert Frazier, the petitioner, is not present. Mr. Thorsland stated  
2 that four people have signed the witness register to present testimony although the petitioner is not present  
3 and during the common order of events the petitioner is allowed to make a brief statement about their case  
4 before the Board receives witness testimony. Mr. Thorsland stated that he does not believe that it is  
5 appropriate for the Board to take witness testimony without the petitioner being present because he should  
6 have the opportunity to cross examine any witness. He said that during the last public hearing for this case  
7 the Board provided a courtesy to the petitioner's tardiness and rearranged the docket to assure the  
8 petitioner's presence and then rearranged the docket again when the petitioner walked into the meeting  
9 room. Mr. Thorsland apologized to the witnesses that are in attendance tonight but in fairness to the  
10 petitioner he should be able to hear the testimony presented by any witness. Mr. Thorsland stated that he  
11 will not apologize for the petitioner because it is his choice whether or not to attend the meeting. He said  
12 that staff checked the office phones and no message from the petitioner was received.  
13

14 Mr. Thorsland entertained a motion to continue Case 792-V-14.  
15

16 Ms. Griest stated that she understands and appreciates Mr. Thorsland's comments, but with respect to the  
17 witnesses that have chosen to take time out of their day, would the Board serve the witnesses and the  
18 petitioner to rearrange the docket and allow the petitioner time to arrive. She said that if the petitioner has  
19 not arrived after the Board has completed Case 793-S-14 the Board could then continue Case 792-V-14.  
20

21 Mr. Thorsland stated the petitioner may not arrive at all.  
22

23 Mr. Passalacqua stated that he apologizes to the people who have signed the witness register to present  
24 testimony but it is not the Board's fault that the petitioner has not arrived.  
25

26 Mr. Lloyd Allen, who resides at 3222 Stoneybrook Drive, Champaign, asked the Board to indicate their  
27 policy when a petitioner chooses not to attend the public hearing.  
28

29 Mr. Thorsland stated that generally the Board will continue or dismiss the case.  
30

31 Mr. Allen asked Mr. Thorsland why the Board would not dismiss the case since the petitioner has chosen not  
32 to notify staff of his absence or blatantly not attend the meeting tonight. He said that he does not understand  
33 why everyone else has to suffer due to Mr. Frazier's negligence.  
34

35 Mr. Thorsland stated that the only reason why he would entertain a motion to continue the case rather than  
36 dismissing it is because the petitioner could have had a mishap or emergency which could have prevented  
37 him from notifying staff of his absence.  
38

39 Mr. Allen asked Mr. Thorsland to indicate the Board's policy regarding this issue.



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Mr. Thorsland stated that the Champaign County Zoning Board of Appeals By-laws do address this issue.

Mr. Allen asked Mr. Thorsland if the By-laws are available for review.

Mr. Thorsland stated yes, and staff can provide a copy for his review.

Mr. Allen asked Mr. Thorsland how many times the Board will continue this case before it is dismissed. He said that the Board could continue this hearing until June and Mr. Frazier could not appear at that hearing either.

Mr. Thorsland stated that if Mr. Frazier fails to attend the continued hearing then the Board would vote to dismiss the case.

Mr. Allen stated that it appears that the decision should be very simple. He said that based on the information that the Board has been provided the request by Mr. Frazier does not apply to the request for the variance.

Mr. Thorsland stated that the Board needs to decide whether to continue the case to a later date or dismiss the case. He said that he understands Mr. Allen’s frustration and he understands the difference between a responsible person and someone who does not honor their commitments but the Board has to decide whether to continue the case to a later date or dismiss it. He said that the docket does not have room to continue this case to the next meeting.

Mr. Hall read Article 7.1.4 of the ZBA By-laws as follows: In the event that the petitioner fails to appear either in person or by agent, the case shall be deemed dismissed unless the Board shall vote otherwise. In such cases, the Petitioner shall be furnished with written notice of the dismissal by the Secretary of the Board. A petitioner may reactivate a dismissed case only upon filing a new petition and upon payment of the fee specified in Section 9.3.3(A)4 of the Zoning Ordinance. Such reactivated cases shall be noticed in the usual manner pursuant to Section 6.2 herein. Mr. Hall stated that in this instance the Supplemental Memorandum dated May 6, 2015, indicates that the case will require re-advertisement due to the substantial increase in the proposed variance. He said that if the case is continued and re-advertised the fee for that re-advertisement is \$100. He said that if the case is dismissed a new case will need to be filed with an entirely new application fee of \$200. He said that in a case like this the case shall be deemed dismissed unless the Board votes otherwise.

**Mr. Passalacqua moved, seconded by Ms. Capel to dismiss Case 792-V-14. The motion carried by voice vote.**

1 Mr. Hall stated that one thing that the By-laws do not address is that in most cases a petitioner has to wait  
2 one year before resubmitting an application unless there are changed conditions. He said that there has been  
3 a lot changed since this case began and the By-laws do not seem to require that one year wait time therefore  
4 given the understanding at the time that the Board dismissed the case he is inclined to accept a reapplication  
5 tomorrow morning.  
6

7 Mr. Thorsland stated that should this case be resubmitted he would assume that everyone who is present  
8 tonight would like to be notified of the new public hearing date. He said that staff will make sure that  
9 everyone who is in attendance tonight will be included as a special for any new case.  
10  
11

12 **Case 793-S-14 Petitioner: Lawrence Johnson and Fuad Handal Request: 1) Authorize a kennel as a**  
13 **Special Use on 1.8 acres located in the AG-1, Agriculture Zoning District; and 2) Authorize the**  
14 **following waivers to the standard conditions of the Kennel Special Use as per Section 6.1.3 of the**  
15 **Zoning Ordinance: a. ~~A separation distance of 95 feet between any outdoor animal exercise/training~~**  
16 **~~area and any adjacent residential structure and/or use in lieu of the required 200 feet; Note:~~**  
17 **WAIVER NOT NEEDED FOR REVISED SITE PLAN. b. No noise buffer of evergreen shrubs or**  
18 **trees in lieu of the required noise buffer of evergreen shrubs or trees a minimum of four feet in height**  
19 **installed separating the exercise and/or training area from any adjacent structure and/or use; and c. A**  
20 **side yard setback of 85 feet in lieu of the required 200 feet. Location: A 1.8 acre tract in the Southeast**  
21 **Quarter of the Southeast Quarter of Section 5, Township 19N, Range 8E. in Champaign Township**  
22 **with an address of 1211 North Staley Road, Champaign.**  
23

24 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign  
25 the witness register for that public hearing. He reminded the audience that when they sign the witness  
26 register they are signing an oath. He asked the audience if anyone desired to sign the witness register at this  
27 time.  
28

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

38 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.  
39

1 Mr. Lawrence Johnson, who resides at 1211 N. Staley Road, Champaign, stated that he has petitioned to  
2 receive approval for a small household kennel business. He said that he intends to comply with all of the  
3 zoning regulations therefore he revised the site plan to comply with those regulations.  
4

5 Ms. Lee stated that Mr. Johnson previously testified that he did not like the burning that previously took  
6 place on the subject property. She asked Mr. Johnson if he has exclusive possession of the property that he  
7 is renting or can the landlord come and go as he pleases to do whatever he chooses to do.  
8

9 Mr. Johnson stated that the landlord has the right to come and go and do as he pleases on the property.  
10

11 Ms. Lee asked Mr. Johnson if he has a written lease.  
12

13 Mr. Johnson stated yes. He said that the lease does not indicate that the landlord cannot do what he wants to  
14 do on the property.  
15

16 Mr. Passalacqua asked Mr. Johnson if his lease includes the metal shed on the property.  
17

18 Mr. Johnson stated no.  
19

20 Ms. Lee asked Mr. Johnson how often the landlord visits the property.  
21

22 Mr. Johnson stated that the landlord visits the property weekly because there is paint stored in the house for  
23 the landlord's other projects.  
24

25 Mr. Thorsland asked Mr. Hall if he had new information to present to the Board regarding this case.  
26

27 Mr. Hall stated that the description of the case, included on the cover of the Supplemental Memorandum  
28 dated May 6, 2015, discusses the fence surrounding the activity area on the south, northeast and north sides  
29 but the description should indicate south, east and north sides as this is how the petition is written and the  
30 Summary of Evidence. He said that waiver a. is no longer required due to the revised site plan and  
31 description b. is accurate. He said that the only new information is the early draft version of the April 16,  
32 2015, minutes which were distributed to the Board for review. He said that most of the testimony at the last  
33 meeting appeared to address everyone's concerns which could be the reason why no one else is present at  
34 tonight's hearing.  
35

36 Mr. Thorsland stated that he was not present for the last public hearing for this case but he understands that it  
37 was a long evening but it appears that everything was worked out between the neighbors, the petitioner and  
38 the Board. He asked Mr. Johnson if he has had a lot of interaction with the neighbors since the last public  
39 hearing.

1  
2 Mr. Johnson stated no. He said that no one has ever contacted him during his time living at the residence.  
3  
4 Mr. Thorsland asked Mr. Johnson if the April 16<sup>th</sup> minutes adequately reflect what occurred at the meeting.  
5  
6 Mr. Johnson stated yes.  
7  
8 Ms. Lee stated that Mr. Johnson has indicated that he owns six dogs and occasionally he has the landlord's  
9 two dogs on the property therefore Mr. Johnson only has openings for seven additional dogs. She asked Mr.  
10 Johnson how close he is on most days to his maximum capacity.  
11  
12 Mr. Johnson stated that when business is slow he does watch his landlord's dogs but it is usually in the  
13 summer.  
14  
15 Ms. Lee asked Mr. Johnson to indicate the largest number of dogs that he has had at the kennel at one time  
16 within the last three months.  
17  
18 Mr. Johnson stated that within the last three he has had ten dogs at one time.  
19  
20 Ms. Lee asked Mr. Johnson if he is indicating that with his six dogs he only had four other client's dogs.  
21  
22 Mr. Johnson stated yes.  
23  
24 Ms. Lee asked Mr. Johnson to indicate his fee for each dog.  
25  
26 Mr. Johnson stated that he charges \$20 per dog.  
27  
28 Ms. Lee asked Mr. Johnson if the fee is the same for a small or large dog.  
29  
30 Mr. Johnson stated yes.  
31  
32 Mr. Thorsland asked Ms. Lee to explain the relevance of her question regarding the fee.  
33  
34 Ms. Lee stated that she doesn't understand how Mr. Johnson is making it if he only has seven additional  
35 dogs by which he charges a fee.  
36  
37 Mr. Passalacqua stated that Mr. Johnson's income is not the Board's venue.  
38  
39 Mr. Thorsland stated that the Board is present to either grant or deny the case and the business income is not

1 part of it the review.

2

3 Ms. Lee stated that the income is relevant to the total number of dogs at the kennel and whether Mr. Johnson  
4 goes over the maximum of 15.

5

6 Mr. Thorsland stated that it does but the Board has an agreement with Mr. Johnson regarding the maximum  
7 number of dogs allowed.

8

9 Ms. Lee stated that her question regarding the income was not due to dollars and cents but to the number of  
10 dogs.

11

12 Mr. Thorsland stated that he understands Ms. Lee's reasoning for questioning the fee.

13

14 Mr. Johnson stated that he is fine with the maximum number of dogs being 15. He said that he lives on the  
15 property by himself and he does not have any children therefore he does not need 30 or 40 dogs to make ends  
16 meet.

17

18 Mr. Thorsland stated that previous testimony indicated that part of Mr. Johnson's business is not solely  
19 taking care of dogs during the day and night but training the dogs.

20

21 Ms. Lee asked how the Board will regulate the number of dogs on the property.

22

23 Mr. Passalacqua stated that it is complaint driven.

24

25 Mr. Thorsland stated that he is sure that the neighbors will be very attentive to the number of dogs that are  
26 on the property and if it appears that there are more than 15 they will probably call Mr. Hall with a  
27 complaint.

28

29 Mr. Hall stated that this case will be treated like any other case in that the Board either trusts what the  
30 petitioner has said and agreed to or they don't. He said that there is no way to ensure that no violation will  
31 ever occur.

32

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

34

35 Mr. Thorsland stated that the Board will now review page 28 of the Revised Draft Summary of Evidence  
36 dated May 14, 2015, regarding the proposed special conditions for Case 793-S-14.

37

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

39



1                   **A. The Zoning Administrator shall not authorize a Zoning Use Permit Application**  
 2                   **or issue a Zoning Compliance Certificate on the subject property until the**  
 3                   **lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been**  
 4                   **met.**

5                   The special condition stated above is required to ensure the following:  
 6                   **That exterior lighting for the proposed Special Use meets the requirements**  
 7                   **established for Special Uses in the Zoning Ordinance.**

8  
 9                   Mr. Thorsland asked Mr. Johnson if he agreed with proposed special condition A.

10  
 11                   Mr. Johnson stated that he agreed with proposed special condition A.

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

14  
 15                   **B. The number of animals to be boarded at one time will not exceed 15, including**  
 16                   **dogs that are the property of anyone residing on the property and any dogs**  
 17                   **belonging to the owner of the property, which is the number the Petitioner**  
 18                   **indicated as the maximum that they would board.**

19                   The special condition stated above is required to ensure the following:  
 20                   **That noise from the proposed Special Use is minimally disruptive to the**  
 21                   **surrounding area.**

22  
 23                   Ms. Capel suggested that special condition B. be revised as follows: The number of animals on the property  
 24                   will not exceed 15 at any one time.

25  
 26                   Mr. Thorsland stated that he prefers “dogs” over “animals”. He asked Ms. Capel to indicate her concern  
 27                   with the existing text.

28  
 29                   Ms. Capel stated that the special condition can be stated very concisely in that the number of dogs will not  
 30                   exceed 15 on the property at any one time.

31  
 32                   Mr. Hall stated that he would beg the Board to include some statement which includes the dogs of the owner  
 33                   as well as the dogs of the resident because it is such an obvious question in the future.

34  
 35                   Mr. Thorsland stated that the zoning district is AG-1 therefore dogs or pigs could be on the subject property.  
 36                   He said that if the Board changes “animals” to “dogs” the special condition would not be limiting what is  
 37                   already a by-right use.

38  
 39                   Mr. Hall stated that he does appreciate the comment regarding the number of dogs to be on the property at

1 any one time so that someone could not indicate that they are only boarding 15 of the 30 dogs that are  
2 present on the property.

3  
4 Mr. Hall recommended the following change to proposed special condition B.:

5  
6 **B. The number of dogs to be on the subject property at any one time shall not  
7 exceed 15, including dogs that are the property of anyone residing on the  
8 property and any dogs belonging to the owner of the property.**

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

10 **That noise from the proposed Special Use is minimally disruptive to the  
11 surrounding area.**

12  
13 Ms. Capel stated that she agreed with Mr. Hall’s revision with special condition B.

14  
15 Mr. Johnson stated that he agreed with revised special condition B.

16  
17 Mr. Thorsland read proposed special condition C. as follows:

18  
19 **C. The Zoning Administrator shall not authorize a Zoning Use Permit Application  
20 or issue a Zoning Compliance Certificate on the subject property until the  
21 Petitioner has installed a six feet tall wood fence on the south, north and east  
22 sides and chain link on the west side of the relocated fenced activity area.  
23 There can be no gap between the wood fence and the chain link fence.**

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

25 **That the Special Use conforms to the Zoning Ordinance requirement that the  
26 Special Use is so designed, located, and proposed as to be operated so that it will  
27 not be injurious to the DISTRICT in which it shall be located or otherwise  
28 detrimental to the public welfare.**

29  
30 Mr. Thorsland asked Mr. Johnson if he agreed with proposed special condition C.

31  
32 Mr. Johnson stated that he agreed with revised special condition C.

33  
34 Mr. Thorsland read proposed special condition D. as follows:

35  
36 **D. The Zoning Administrator shall not authorize a Zoning Use Permit Application  
37 or issue a Zoning Compliance Certificate on the subject property until the  
38 Petitioner has ensured compliance with the Illinois Accessibility Code.**

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

1 **That all state accessibility requirements have been met.**

2  
3 Mr. Thorsland asked Mr. Johnson if he agreed with special condition D.

4  
5 Mr. Johnson asked Mr. Thorsland if the proposed special condition is requiring a wheelchair ramp.

6  
7 Mr. Hall informed Mr. Johnson that he should contact Doug Gamble to see what his requirement is because  
8 this is not a County requirement. He said that he could tell Mr. Johnson wrong either way so the best bet is  
9 for Mr. Johnson to personally contact Mr. Gamble. Mr. Hall noted that Mr. Gamble would be willing to  
10 visit the subject property if Mr. Johnson would prefer.

11  
12 Mr. Hall stated that normally Mr. Gamble will only be concerned if new parking is being proposed and if so  
13 then the parking has to be accessible but Mr. Johnson is not adding any new parking. He said that it is not  
14 clear that Mr. Johnson needs to do anything which is the reason why he is requesting that Mr. Johnson  
15 contact Mr. Gamble.

16  
17 Mr. Johnson stated that he agreed with special condition D and he will contact Mr. Gamble.

18  
19 Mr. Thorsland read proposed special condition E. as follows:

- 20
- 21 **E. No dog shall be kenneled outside other than for intermittent periods of exercise**
- 22 **and such periods of exercise shall be supervised by the kennel owner or**
- 23 **representative.**
- 24 The special condition stated above is required to ensure the following:
- 25 **To ensure that kennel operations are consistent with the testimony and to**
- 26 **minimize impact on the neighbors.**
- 27

28 Mr. Thorsland asked Mr. Johnson if he agreed to special condition E.

29  
30 Mr. Johnson stated that he agreed to special condition E.

- 31
- 32 **F. The private sewage disposal system serving the Special Use Permit shall be**
- 33 **maintained as necessary or as recommended by the County Health Department**
- 34 **but maintenance shall occur on at least a triennial basis and all maintenance**
- 35 **reports shall be made available for review by the Zoning Administrator. Failure**
- 36 **to provide copies of maintenance reports when requested shall constitute a**
- 37 **violation of this Special Use Permit approval and the Zoning Administrator**
- 38 **shall refer the violation to the Champaign County State’s Attorney for legal**
- 39 **action.**

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

2 **To ensure that the septic system continues to be of sufficient capacity and in**  
3 **operation given the increase in use from a single family residence to a residence**  
4 **with a Kennel.**

5  
6 Mr. Thorsland asked Mr. Johnson if he agreed with proposed special condition F.

7  
8 Mr. Johnson stated that he agreed with proposed special condition F.

9  
10 Mr. Thorsland read proposed special condition G.

11  
12 **G. No Trash or garbage shall be burned on the property.**

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

14 **To ensure that the Special Use conforms with the Zoning Ordinance policy**  
15 **protecting the health, safety, and general welfare of area residents.**

16  
17 Ms. Griest stated that Mr. Johnson's testimony indicated that, technically, he was not renting all of the  
18 property. She asked Mr. Hall if Mr. Johnson is not going to have control over all of the property does this  
19 condition refer to the entire parcel or only the portion of the property of which Mr. Johnson does have  
20 control.

21  
22 Mr. Thorsland states that no trash or garbage shall be burned on the property.

23  
24 Mr. Johnson stated that he had no control over what was going on when the EPA visited the property. He  
25 said that he spoke with the EPA because he was the only person on the property at the time of their visit. He  
26 said that Mr. Handal called him shortly after the EPA's visit and told him that if anyone shows up with  
27 materials to burn that they are not allowed to do it because if they do it will cost Mr. Handal \$3,000 in fines.

28  
29 Mr. Passalacqua stated that the violation with the EPA is not on Mr. Johnson's shoulders and has nothing to  
30 do with this case.

31  
32 Ms. Griest agreed. She said that she does not want to burden Mr. Johnson with the responsibility of  
33 controlling a landlord which seems to be outside of the bounds of EPA regulations.

34  
35 Mr. Thorsland stated that perhaps the condition could indicate that no trash or garbage shall be burned on  
36 the 1.8 acres of the property, as contained in this Special Use Permit.

37  
38 Mr. Hall stated that Mr. Thorsland's proposed text does not change anything because that is what this  
39 condition is already.

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Mr. Thorsland stated that someone could decide that this means the entire property and not just the 1.8 acres.

Ms. Griest stated that if Mr. Hall is clarifying that the condition, as written, only pertains to the portion of the property that is covered by the special use.

Mr. Hall stated that that would be a different condition because the 1.8 acres consists of the land that the Board may authorize the kennel upon plus the sheds that are there and Mr. Johnson does not use. He said that all of the sheds are not located on the 1.8 acres but Mr. Johnson isn't proposing to use all of the 1.8 acres for the kennel. He said that based on what Mr. Johnson said about the last visit by the EPA, there will not be burning occurring on the 1.8 acres because there will be a \$3,000 fine imposed upon the landowner.

Mr. Thorsland asked Mr. Johnson if Mr. Handal is aware of the possible \$3,000 fine.

Mr. Johnson stated yes, because Mr. Handal called him to tell him about it.

Mr. Thorsland asked Mr. Johnson if he agreed with proposed special condition G. as written.

Mr. Johnson stated that he agreed with proposed special condition G. as written.

Mr. Thorsland read proposed special condition H.

- H. The Special Use Permit shall expire when the current resident operator Mr. Reginald Johnson no longer resides on the property.**  
The special condition stated above is required to ensure the following:  
**To ensure that there is an experienced and qualified resident operator that has been involved in the public hearing for this case.**

Mr. Thorsland asked Mr. Johnson if he agreed with proposed special condition H.

Mr. Johnson stated that he agreed with proposed special condition H.

- I. The Revised Site Plan received April 24, 2015, will be the final site plan for approval and will include the floor plans received April 07, 2015.**  
The special condition stated above is required to ensure the following:  
**To ensure that all parties are clear in which submitted site plan is the official site plan for approval.**



1 Mr. Thorsland asked Mr. Johnson if he agreed with proposed special condition I.

2

3 Mr. Johnson stated that he agreed with proposed special condition I.

4

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

6

7 Mr. Thorsland entertained a motion to approve special conditions.

8

9 **Ms. Griest moved, seconded by Ms. Capel to approve the special conditions. The motion carried by**  
10 **voice vote.**

11

12 Mr. Thorsland asked Mr. Hall if there were any new Documents of Record.

13

14 Mr. Hall stated that there were no new Documents of Record.

15

16 **Findings of Fact for Case 793-S-14:**

17

18 From the documents of record and the testimony and exhibits received at the public hearing for zoning case  
19 793-S-14 held on February 12, 2015, April 16, 2015, and May 14, 2015, the Zoning Board of Appeals of  
20 Champaign County finds that:

21

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

24

25 Mr. Passalacqua stated that the requested Special Use Permit IS necessary for the public convenience at this  
26 location because it is an underserved market.

27

28 Mr. Thorsland stated that the proposed Special Use Permit serves a demand that is underserved in this area  
29 and the site has easy access for a business of this type to the urban area.

30

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

35

- 36 **a. The street has ADEQUATE traffic capacity and the entrance location has**  
37 **ADEQUATE visibility.**

38

39 Ms. Capel stated that the street has ADEQUATE traffic capacity and the entrance location has ADEQUATE

1 visibility.

2  
3 **b. Emergency services availability is ADEQUATE.**

4  
5 Mr. Passalacqua stated that emergency services availability is ADEQUATE.

6  
7 **c. The Special Use WILL be compatible with adjacent uses.**

8  
9 Mr. Passalacqua stated that the Special Use WILL be compatible with adjacent uses.

10  
11 **d. Surface and subsurface drainage will be ADEQUATE.**

12  
13 Mr. Passalacqua stated that surface and subsurface drainage will be ADEQUATE and is unchanged.

14  
15 **e. Public safety will be ADEQUATE.**

16  
17 Ms. Capel stated that public safety will be ADEQUATE.

18  
19 Mr. Thorsland stated that public safety will be ADEQUATE due to Special Conditions C. and E.

20  
21 **f. The provisions for parking will be ADEQUATE.**

22  
23 Mr. Passalacqua stated that the provisions for parking will be ADEQUATE.

24  
25 **g. The property is BEST PRIME FARMLAND and the property with the**  
26 **proposed improvements IS WELL SUITED OVERALL.**

27  
28 Mr. Passalacqua stated that the property is BEST PRIME FARMLAND and the property with the proposed  
29 improvements IS WELL SUITED OVERALL.

30  
31 **h. The existing public services ARE available to support the proposed special use**  
32 **effectively and safely without undue public expense.**

33  
34 Ms. Griest stated that the existing public services ARE available to support the proposed special use  
35 effectively and safely without undue public expense.

36  
37 **i. The only existing public infrastructure together with proposed improvements**  
38 **ARE adequate to support the proposed development effectively and safely**  
39 **without undue public expense.**

1  
2 Mr. Passalacqua stated that the only existing public infrastructure together with proposed improvements  
3 ARE adequate to support the proposed development effectively and safely without undue public expense.  
4

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

- 9           **3a. The requested Special Use Permit, subject to the special conditions imposed**  
10           **herein, DOES conform to the applicable regulations and standards of the**  
11           **DISTRICT in which it is located.**  
12

13 Ms. Griest stated that the requested Special Use Permit, subject to the special conditions imposed herein,  
14 DOES conform to the applicable regulations and standards of the DISTRICT in which it is located.  
15

- 16           **3b. The requested Special Use Permit, subject to the special conditions imposed**  
17           **herein, DOES preserve the essential character of the DISTRICT in which it is**  
18           **located because:**  
19

- 20                   **a. The Special Use will be designed to CONFORM to all relevant County**  
21                   **ordinances and codes.**  
22

23 Ms. Capel stated that the Special Use will be designed to CONFORM to all relevant County ordinances and  
24 codes.  
25

- 26                   **b. The requested Special Use Permit IS necessary for the public**  
27                   **convenience at this location.**  
28

29 Mr. Thorsland stated that the requested Special Use Permit IS necessary for the public convenience at this  
30 location.  
31

- 32                   **c. The requested Special Use Permit, subject to the special conditions**  
33                   **imposed herein, is so designed, located, and proposed to be operated so**  
34                   **that it WILL NOT be injurious to the district in which it shall be located**  
35                   **or otherwise detrimental to the public health, safety and welfare.**  
36

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

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

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

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

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

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

**6. For the requested waivers, special conditions and circumstances DO 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.**

Mr. Passalacqua stated that for the requested waivers, special conditions and circumstances DO 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 of the proximity to the City of Champaign.

**7. For the requested waivers, practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or construction.**

Mr. Thorsland stated that for the requested waivers, practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or permitted use of the land or structure or construction.

**8. For the requested waivers, the special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant.**

Ms. Capel stated that for the requested waivers, the special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant.

**9. The special conditions imposed herein are required to ensure compliance with**

1 the criteria for Special Use Permits and for the particular purposed described  
2 below:

3  
4 **A. The Zoning Administrator shall not authorize a Zoning Use Permit**  
5 **Application or issue a Zoning Compliance Certificate on the subject**  
6 **property until the lighting specifications in Paragraph 6.1.2.A. of the**  
7 **Zoning Ordinance have been met.**

8 The special condition stated above is required to ensure the following:  
9 **That exterior lighting for the proposed Special Use meets the**  
10 **requirements established for Special Uses in the Zoning Ordinance.**

11  
12 **B. The number of dogs to be on the subject property at any one time shall**  
13 **not exceed 15, including dogs that are the property of anyone residing on**  
14 **the property and any dogs belonging to the owner of the property.**

15 The special condition stated above is required to ensure the following:  
16 **That noise from the proposed Special Use is minimally disruptive to the**  
17 **surrounding area.**

18  
19 **C. The Zoning Administrator shall not authorize a Zoning Use Permit**  
20 **Application or issue a Zoning Compliance Certificate on the subject**  
21 **property until the Petitioner has installed a six feet tall wood fence on**  
22 **the south, north and east sides and chain link on the west side of the**  
23 **relocated fenced activity area. There can be no gap between the wood**  
24 **fence and the chain link fence.**

25 The special condition stated above is required to ensure the following:  
26 **That the Special Use conforms to the Zoning Ordinance requirement**  
27 **that the Special Use is so designed, located, and proposed as to be**  
28 **operated so that it will not be injurious to the DISTRICT in which it**  
29 **shall be located or otherwise detrimental to the public welfare.**

30  
31 **D. The Zoning Administrator shall not authorize a Zoning Use Permit**  
32 **Application or issue a Zoning Compliance Certificate on the subject**  
33 **property until the Petitioner has ensured compliance with the Illinois**  
34 **Accessibility Code.**

35 The special condition stated above is required to ensure the following:  
36 **That all state accessibility requirements have been met.**

37  
38 **E. No dog shall be kenneled outside other than for intermittent periods of**  
39 **exercise and such periods of exercise shall be supervised by the kennel**



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**owner or representative.**

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

**To ensure that kennel operations are consistent with the testimony and to minimize impact on the neighbors.**

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

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

**To ensure that the septic system continues to be of sufficient capacity and in operation given the increase in use from a single family residence to a residence with a Kennel.**

**G. No Trash or garbage shall be burned on the property.**

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

**To ensure that the Special Use conforms with the Zoning Ordinance policy protecting the health, safety, and general welfare of area residents.**

**H. The Special Use Permit shall expire when the current resident operator Mr. Reginald Johnson no longer resides on the property.**

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

**To ensure that there is an experienced and qualified resident operator that has been involved in the public hearing for this case.**

**I. The Revised Site Plan received April 24, 2015, will be the final site plan for approval and will include the floor plans received April 07, 2015.**

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

**To ensure that all parties are clear in which submitted site plan is the official site plan for approval.**

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

1 of Fact as amended.

2  
3 **Ms. Griest moved, seconded by Ms. Capel to adopt the Summary of Evidence, Documents of Record**  
4 **and Findings of Fact as amended. The motion carried by voice vote.**

5  
6 Mr. Thorsland entertained a motion to move to the Final Determination for Case 793-S-14.

7  
8 **Ms. Griest moved, seconded by Ms. Capel to move to the Final Determination for Case 793-S-14. The**  
9 **motion carried by voice vote.**

10  
11 Mr. Thorsland informed Mr. Johnson that currently the Board has one vacant Board seat and one absent  
12 Board member therefore it is at his discretion to either continue Case 793-S-14 until a full Board is present  
13 or request that the present Board move to the Final Determination. He informed Mr. Johnson that four  
14 affirmative votes are required for approval.

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

17  
18 **Final Determination for Case 793-S-14:**

19  
20 **Ms. Griest moved, seconded by Ms. Capel that the Champaign County Zoning Board of Appeals finds**  
21 **that, based upon the application, testimony, and other evidence received in this case, the requirements**  
22 **of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority granted by Section**  
23 **9.1.6B. of the Champaign county Zoning Ordinance, determines that:**

24  
25 **The Special Use requested in Case 793-S-14 is hereby GRANTED WITH SPECIAL**  
26 **CONDITIONS to the applicants Fuad Handal and Lawrence Johnson to:**

- 27  
28 1) **Authorize a kennel as a Special Use on 1.8 acres located in the AG-1,**  
29 **Agriculture Zoning District.**  
30 2) **Authorize the following waivers to the standard conditions of the Kennel special**  
31 **use as per Section 6.1.3 of the Zoning Ordinance:**  
32 a. **A six feet tall wood privacy fence around the activity area on the**  
33 **northeast and north side.**  
34 b. **A side yard setback of 85 feet in lieu of the required 200 feet.**

35  
36 **Subject to the following special conditions:**

- 37  
38 A. **The Zoning Administrator shall not authorize a Zoning Use Permit**  
39 **Application or issue a Zoning Compliance Certificate on the subject**

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**property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

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

**That exterior lighting for the proposed Special Use meets the requirements established for Special Uses in the Zoning Ordinance.**

**B. The number of dogs to be on the subject property at any one time shall not exceed 15, including dogs that are the property of anyone residing on the property and any dogs belonging to the owner of the property.**

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

**That noise from the proposed Special Use is minimally disruptive to the surrounding area.**

**C. 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 installed a six feet tall wood fence on the south, north and east sides and chain link on the west side of the relocated fenced activity area. There can be no gap between the wood fence and the chain link fence.**

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

**That the Special Use conforms to the Zoning Ordinance requirement that the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare.**

**D. 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 ensured compliance with the Illinois Accessibility Code.**

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

**That all state accessibility requirements have been met.**

**E. No dog shall be kenneled outside other than for intermittent periods of exercise and such periods of exercise shall be supervised by the kennel owner or representative.**

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

**To ensure that kennel operations are consistent with the testimony and to minimize impact on the neighbors.**

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

9                   The special condition stated above is required to ensure the following:  
 10                   **To ensure that the septic system continues to be of sufficient capacity**  
 11                   **and in operation given the increase in use from a single family residence**  
 12                   **to a residence with a Kennel.**

13  
 14                   **G. No Trash or garbage shall be burned on the property.**  
 15                   The special condition stated above is required to ensure the following:  
 16                   **To ensure that the Special Use conforms with the Zoning Ordinance**  
 17                   **policy protecting the health, safety, and general welfare of area**  
 18                   **residents.**

19  
 20  
 21                   **H. The Special Use Permit shall expire when the current resident operator**  
 22                   **Mr. Reginald Johnson no longer resides on the property.**  
 23                   The special condition stated above is required to ensure the following:  
 24                   **To ensure that there is an experienced and qualified resident operator**  
 25                   **that has been involved in the public hearing for this case.**

26  
 27                   **I. The Revised Site Plan received April 24, 2015, will be the final site plan**  
 28                   **for approval and will include the floor plans received April 07, 2015.**  
 29                   The special condition stated above is required to ensure the following:  
 30                   **To ensure that all parties are clear in which submitted site plan is the**  
 31                   **official site plan for approval.**

32  
 33                   Mr. Thorsland requested a roll call vote:

34  
 35                   **The roll was called:**

36  
 37                                   **Lee-yes**                                   **Passalacqua-yes**                                   **Randol-absent**  
 38                                   **Capel-yes**                                   **Griest-yes**                                   **Thorsland-yes**  
 39

1 Mr. Hall informed Mr. Johnson that he received an approval for his request. He said that Ms. Chavarria will  
2 contact Mr. Johnson regarding the contact information for Doug Gamble and a copy of the final  
3 documentation will be sent out as soon as possible.  
4

5 **6. New Public Hearings**

6  
7 None  
8

9 **7. Staff Report**

10  
11 None  
12

13 **8. Other Business**

14 A. Review of Docket  
15

16 Mr. Hall stated that Ms. Chavarria is acting as staff's chief enforcer for people who need to submit their  
17 applications for a public hearing but this process will take a while.  
18

19 Mr. Hall stated that the City of Urbana did file a conditional protest for Case 769-AT-13 and he is glad that  
20 they did because it really has to do with something that we were too aggressive on in changing in the current  
21 policy and it was a very reasonable change and that change is what ELUC recommended at their meeting last  
22 week. He said that even though it was a condition protest it was sort of a friendly protest and the County  
23 will be better off for it. He said that hopefully Case 769-AT-13 will be approved by the County Board next  
24 week.  
25

26 Ms. Lee asked Mr. Hall to explain what portion of the amendment that the City of Urbana protested.  
27

28 Mr. Hall stated that Section 4.3, Exemptions and our current policy exempts anything that is subject to  
29 municipal storm water regulations. He said that Mr. Kass had assisted him with this and when an exemption  
30 for anything subject to annexation agreement was added in Section 4.2 Mr. Kass believed that this removed  
31 the need for that existing exemption but in fact it didn't because Section 4.2 is only for when there is an  
32 annexation agreement. He said that there could still be development subject to municipal storm water  
33 regulations of which the County would still permit. He said that he was actually glad that the City of Urbana  
34 caught that and he just restored the existing exemption the way it is in the current storm water policy and it is  
35 a really good change.  
36

37 Ms. Lee asked Mr. Hall if the ZBA needs to do anything about this change.  
38

39 Mr. Hall stated that this is out of the ZBA's hands. He said that he took it to be a friendly amendment to the



1 Board’s recommendation and it didn’t need to come back to the ZBA. He said that if it had subsequently  
2 changed the ZBA’s recommendation it should have been sent back so that the ZBA could approve it but  
3 since it was something that was in our existing policy it did not need to be sent back to this Board.  
4

5 Mr. Thorsland stated that he will be absent for the May 28<sup>th</sup> meeting.  
6

7 Ms. Griest stated that she will be absent from the June 11<sup>th</sup> meeting.  
8

9 Ms. Lee stated that she will be scheduling hand surgery as soon as possible but she has not specific date yet.  
10 She said that she will let staff know when a date is set.  
11

12 Mr. Thorsland asked Mr. Hall if any applications for the vacant Board seat have been submitted.  
13

14 Mr. Hall stated that at this time there are no valid applications for the empty Board seat.  
15

16 **9. Audience Participation with respect to matters other than cases pending before the Board**  
17

18 None  
19

20 **10. Adjournment**  
21

22 Mr. Thorsland entertained a motion to adjourn the meeting.  
23

24 **Ms. Griest moved, seconded by Ms. Lee to adjourn the meeting. The motion carried by voice vote.**  
25

26 The meeting adjourned at 7:56 p.m.  
27  
28  
29

30 Respectfully submitted  
31  
32  
33  
34

35 Secretary of Zoning Board of Appeals  
36  
37  
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39

1 **MINUTES OF REGULAR MEETING**  
2 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**  
3 **1776 E. Washington Street**  
4 **Urbana, IL 61802**

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5  
6  
7 **DATE: May 28, 2015** **PLACE: Lyle Shield's Meeting Room**  
8 **1776 East Washington Street**  
9 **TIME: 7:00 p.m.** **Urbana, IL 61802**

---

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

11  
12  
13 **MEMBERS ABSENT :** Eric Thorsland

14  
15 **STAFF PRESENT :** Connie Berry, John Hall, Susan Chavarria

16  
17 **OTHERS PRESENT :** Joyce Hudson, Thomas Drysdale

18  
19  
20 **1. Call to Order**

21  
22 The meeting was called to order at 7:00 p.m.

23  
24 Mr. Hall informed the Board that due to the absence of Mr. Thorsland, Chair, the Board needs to appoint an  
25 Acting Chair for tonight's meeting.

26  
27 **Mr. Randol moved, seconded by Ms. Lee to appoint Catherine Capel as the Acting Chair for the May**  
28 **28<sup>th</sup> meeting. The motion carried by voice vote.**

29  
30 **2. Roll Call and Declaration of Quorum**

31  
32 The roll was called and a quorum declared present with one member absent and one vacant seat.

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

37  
38 **3. Correspondence**

39  
40 None

**DRAFT**

41  
42 **4. Approval of Minutes (April 16, 2015)**

43  
44 Ms. Capel entertained a motion to approve the April 16, 2015, minutes.

45  
46 **Ms. Lee moved, seconded by Ms. Griest to approve the April 16, 2015, minutes.**

47  
48 Ms. Capel asked the Board if there were any additions or corrections to the minutes.

1 Ms. Capel stated that she has given staff two minor grammatical edits.

2  
3 **The motion carried.**

4  
5 **5. Continued Public Hearing**

6  
7 **Cases 799-AM-15, 800-S-15 and 801-V-15 Petitioner: Joyce Hudson d.b.a. Hudson Farm Weddings**  
8 **and Events, LLC Requests: Case 799-AM-15: Amend the Zoning Map to change the zoning district**  
9 **designation from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District in**  
10 **order to operate the proposed Special Use in related Zoning Case 800-S-15 and subject to the**  
11 **requested variance in related case 801-V-15; and Case 800-S-15: Part A. Authorize the remodeling of**  
12 **existing farm buildings for the establishment and use of an Event Center as a combination “Private**  
13 **Indoor Recreational Development” and Outdoor Commercial Recreational Enterprise” as a Special**  
14 **Use on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current**  
15 **Ag-1 Agriculture Zoning District in related zoning case 799-AM-15 and subject to the requested**  
16 **variance in related zoning case 801-V-15; and Part B. Authorize the following waiver to the standard**  
17 **conditions of the “Outdoor Commercial Recreational Enterprise” special use as per Section 6.1.3 of**  
18 **the Zoning Ordinance: A separation distance of 50 feet in lieu of the required 200 feet between any**  
19 **Outdoor Commercial Recreational Enterprise and any adjacent residential structure and/or use; and**  
20 **Case 801-V-15: A variance from Section 7.1.2.E.4.c(1) of the Zoning Ordinance that requires onsite**  
21 **parking to allow off-premises parking on the shoulder of County Road 1800 East during special**  
22 **events held at the proposed Private Indoor Recreational Facility that is also the subject of related**  
23 **cases 799-AM-15 and 800-S-15. Location: A 3.67 acre tract in Urbana Township in the Northeast**  
24 **Quarter of the Southeast Quarter of Section 25 of Township 19N, Range 9E of the Third Principal**  
25 **Meridian and commonly known as the farmstead located at 1341 CR 1800E, Urbana.**

26  
27 Ms. Capel called Cases 799-AM-15, 800-S-15 and 801-V-15 concurrently.

28  
29 Ms. Capel informed the audience that Cases 800-S-15 and 801-V-15 are Administrative Cases and as such  
30 the County allows anyone the opportunity to cross examine any witness. She said that at the proper time she  
31 will ask for a show of hands for those who would like to cross examine and each person will be called upon.  
32 She requested that anyone called to cross examine go to the cross-examination microphone to ask any  
33 questions. She said that those who desire to cross examine are not required to sign the witness register but  
34 are requested to clearly state their name before asking any questions. She noted that no new testimony is to  
35 be given during the cross examination. She said that attorneys who have complied with Article 7.6 of the  
36 ZBA By-Laws are exempt from cross examination.

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

1 they are signing an oath. She asked the audience if anyone desired to sign the witness register at this time.

2  
3 Ms. Capel asked the petitioners if they would like to make a brief statement regarding their request.

4  
5 Mr. Thomas Drysdale, attorney for the petitioner, stated that at the last hearing a lot of testimony was  
6 presented and a lot of discussion occurred but there were a few things that were left outstanding and the  
7 Board's biggest concern was the parking issue. He said that tonight he would like to distribute an aerial  
8 photograph indicating a box on the southern end of the property which encompasses .04 acres and that area  
9 is the proposed area that has been sketched out accommodating 68 parking spaces. He said that they have  
10 also provided a small area for ingress from the road. He said that the proposed 68 spaces will be on the tract  
11 of farmland that runs adjacent to the grass and should satisfy the Board's concern. He said that the other  
12 document that he distributed to the Board is a floor plan of the barn, which was also requested by the Board  
13 at the last hearing, and indicates the general setup and dimensions of the inside of the barn.

14  
15 Mr. Drysdale stated that he does not have paper documentation but a few weeks ago he did speak to Doug  
16 Gamble on the phone regarding the accessibility features on the farm. He said that he and Mr. Gamble had a  
17 half hour conversation and Mr. Drysdale informed Mr. Gamble about the nature of the business and what  
18 goes on during events and currently what accessibility features exist on the farm and what is being used and  
19 done to create accessibility. Mr. Drysdale said that Mr. Gamble indicated that he was fine with everything  
20 that was out there currently as long as handicap parking spaces are put in, which is Ms. Hudson's plan. Mr.  
21 Drysdale said that Mr. Gamble also said that he would like to see a hard surface installed from the shed to  
22 the barn so that handicapped guests could have easy access to the barn. Mr. Drysdale stated that the barn is  
23 where the weddings are held and the shed is where the receptions are held and a hard surface would  
24 accommodate people in wheelchairs, motorized scooters or walkers to and from the two buildings. He noted  
25 that the hard surface area will be constructed during the same time as the handicap parking spaces. He said  
26 that according to his conversation with Doug Gamble, once these issues were taken care of he could not see  
27 any additional problems regarding accessibility.

28  
29 Mr. Drysdale stated that the last concern by the Board was related to the septic tank situation. He said that as  
30 of last week or so the septic system situation has become confusing on their part and to make a long story  
31 short the proposed septic system that Mr. Flanagan is telling Ms. Hudson that she needs at Hudson Farms is  
32 entirely too big and is overkill for the amount of waste, events and guests that Ms. Hudson is having at her  
33 premises. He said that Ms. Hudson wanted to use port-a-potties or portable bathrooms at the premises for  
34 the limited purposes of her events and she was told by the Board that it was not a problem and Mr. Flanagan  
35 indicated that it also was not problem but the Illinois State Plumbing Inspector became involved and he  
36 indicated that it was a problem on his end. Mr. Drysdale stated that the Illinois State Plumbing Inspector  
37 indicated that according to his regulations port-a-potties or portable bathrooms are not allowed for the type  
38 of venue that Ms. Hudson holds. Mr. Drysdale stated that the next suggestion was to place a holding tank on  
39 the premises known as the Hudson Farms and Mr. Flanagan is of the opinion that a holding tank is not

1 allowed on the Hudson Farm property but Mr. Drysdale is of the opinion that *Illinois Private Sewage*  
2 *Disposal Code*, specifically Section 905.140(a) authorizes the use of a holding tank on Ms. Hudson's  
3 property if the proposed septic system or the septic system that is being proposed does not fit or is  
4 inappropriate for the conditions or the site that the septic tank is proposed for. He said that Mr. Flanagan has  
5 informed Ms. Hudson that she needs a septic tank that will hold the waste capacity of 225 people on 365  
6 days a year. Mr. Drysdale stated that the septic tank that Mr. Flanagan has suggested is incredibly large and  
7 is unbelievably expensive and is unduly burdensome on Ms. Hudson because she should not have to put in a  
8 septic system with a tank that holds the waste of 225 people for 365 days a year when she only has 21 events  
9 per year. He said that he has placed a few calls to Mr. Flanagan but it is his understanding that Mr. Flanagan  
10 is out of the office for a couple of weeks. Mr. Drysdale stated that he is in the process of trying to work with  
11 Mr. Flanagan to gain approval for the holding tank at which point it would hold the waste of 225 people,  
12 which is the capacity of Hudson Farms, and then that holding tank would be serviced by a licensed  
13 contractor after the weddings and events at the premises. He said that this would eliminate Ms. Hudson  
14 from having to put in such a large and expensive septic system on her property that is not going to get a  
15 fraction of the use in which it is designed for. Mr. Drysdale stated that currently this where he and Ms.  
16 Hudson stand in regards to what the Board requested them to provide based on the testimony presented at the  
17 last public hearing. He said that he would be happy to answer any questions that the Board may have.

18  
19 Ms. Capel asked the Board if there were any questions for Mr. Drysdale.

20  
21 Ms. Lee asked Mr. Drysdale to indicate what size septic system the State Plumbing Inspector recommended  
22 versus the holding tank.

23  
24 Mr. Drysdale stated that to be honest he does not know a ton about septic systems but what Mr. Flanagan  
25 told him on the phone and the price that was quoted was very expensive. Mr. Drysdale stated that Mr.  
26 Flanagan told him that because Hudson Farms has the capacity of 225 people that they have to have septic  
27 tank that will hold the waste capacity of 225 people on an everyday basis and not just a septic tank that  
28 would hold the waste capacity of 225 people on Saturday when Ms. Hudson had a wedding and then cleaned  
29 out for the next event. Mr. Drysdale stated that the size and price difference between the holding tank that  
30 Ms. Hudson had originally looked at and the septic tank that Mr. Flanagan indicated was necessary was  
31 astronomical.

32  
33 Mr. Hall stated that he thought the cost problem was for the septic system and not just the septic tank.

34  
35 Mr. Drysdale stated yes, it is the system.

36  
37 Mr. Randol asked Mr. Drysdale if he knew the gallon capacity of each of these proposed systems.

38  
39 Mr. Drysdale stated that he does not have that information with him tonight but the contractors that Ms.



1 Hudson has contacted to complete the work could provide that information to the Board for review.

2

3 Ms. Capel asked if staff had any questions for Mr. Drysdale.

4

5 Mr. Hall asked Mr. Drysdale if his client would be willing to accept a limit of no more than 21 events per  
6 year.

7

8 Mr. Drysdale stated that he will defer answering Mr. Hall's question therefore allowing Ms. Hudson to  
9 respond.

10

11 Mr. Hall stated that the Board needs the full picture of what has happened and the full picture is that Ms.  
12 Hudson, on her own and with no encouragement from staff, proposed to build restrooms and install a septic  
13 system. He said that the *Illinois Private Sewage Code* provides no reduction for the size of a septic field  
14 based on the frequency of use and sometimes this is a problem for facilities that are not used continuously  
15 because surges occur with the system. He said that the Hindu Cultural Center addressed the surge problem  
16 by installing smaller multiple septic tanks because the surge had less effect on multiple tanks than a single  
17 tank. He said that the Hindu Cultural Center installed a septic system to accommodate their capacity for  
18 every day of a year even though they only planned to be at the Center on their religious days. He said that  
19 the L.A. Gourmet Event Center installed a system to accommodate 500 people every day of the year even  
20 though they do not host events every day of the year and certainly not all of their events are for 500 people.  
21 He said that this whole process did not start with someone proposing something for 21 events per year with  
22 no construction of toilet facilities but did start with someone proposing something during certain months  
23 with the construction of restrooms. He said that if someone proposes to install restrooms they will have to  
24 install a septic system therefore when Mr. Flanagan was faced with installing restrooms without a septic  
25 system he had to determine how much construction had already begun on the proposed restrooms. Mr. Hall  
26 stated that Mr. Flanagan requested the assistance of the State Plumber and he identified some things that are  
27 not quite up to par with the code and that is not terribly surprising and is why every jurisdiction that has a  
28 code does inspections to make sure that things are done correctly. He said that it was not Larry Luka, the  
29 State Inspector, who made the determination that Ms. Hudson had to go ahead and do the whole kit and  
30 caboodle to install the restrooms and toilets and it was someone above Mr. Luka. Mr. Hall stated that he  
31 believes that the person who did determine this requirement is above Mr. Luka and Mr. Hall believes that  
32 this person is misinterpreting his own Illinois Plumbing Code and everyone in our office believes that he is  
33 misinterpreting the *Illinois Plumbing Code* although our own Champaign County Health Department is not  
34 interested whether or not he is misinterpreting the *Illinois Plumbing Code*. Mr. Hall stated that the  
35 Champaign County State's Attorney told him that the Zoning Board of Appeals cannot overrule the Illinois  
36 Department of Health when it comes to public health. Mr. Hall stated that this is not an ideal situation  
37 because it is crystal clear that there is an individual at IDPH that believes that a facility like this requires a  
38 septic system and that is how they are interpreting their code. He said that he and Ms. Chavarria are in the  
39 process of revising the condition related to septic systems to make sure that if there is a septic system



1 installed it had better be according to a permit issued by our own health department. He said that he does not  
2 know if limiting the amount of events would cause IDPH to reconsider their position but it might be a  
3 reasonable thing to request provided that they are at least willing to talk to Mr. Drysdale because they were  
4 not willing to talk to Mr. Hall.

5  
6 Mr. Passalacqua stated that he does not know how they are going to care about the number of events if they  
7 are looking at a size based on a maximum capacity for one event.

8  
9 Mr. Hall stated that when they are approached by an attorney perhaps they will change their mind.

10  
11 Mr. Passalacqua asked Mr. Hall if there are any more specifics as to what the problem is regarding the  
12 current install and the concrete.

13  
14 Mr. Hall stated that he did not receive the specifics and there really is not much installed. He said that his  
15 question to Mr. Flanagan was if all of the concrete and everything else is removed to where there is no  
16 plumbing why could they not use port-a-potties because it is explicitly provided for in the *Illinois Private*  
17 *Sewage Disposal Code*.

18  
19 Mr. Drysdale stated that he was specifically told that because there is a roof on the building which is why  
20 port-a-potties were not allowed but if Ms. Hudson was merely using a tent or a roofless building then port-a-  
21 potties would be perfectly acceptable but since her facility is inside a facility with four walls and a roof then  
22 she has to have restrooms and not port-a-potties.

23  
24 Mr. Passalacqua stated that it appears that the Board has their hands tied regarding any decisions until the  
25 Board receives documentation that these things have been worked out.

26  
27 Mr. Hall stated that once the Board has the information that has been requested and has reviewed that  
28 information the Board could decide whether or not to approve it. He said that the only thing the Zoning  
29 Ordinance requires the Board to do is to ensure that any new septic system complies with the *Illinois Private*  
30 *Sewage Disposal Code* and the Board has to find that there is no risk to public safety. He said that whether a  
31 roof is over someone's head or not, if they can use port-a-potties for a tent why can't they use port-a-potties  
32 if a farm building has been remodeled, provided that the port-a-potties are properly cleaned out by the  
33 appropriate technicians. He said that it is up to the Board but if the Board waits for this to be resolved  
34 between the Petitioner and the other code bodies then it is undetermined when a decision will happen.

35  
36 Mr. Randol asked if part of the problem is because this is a private facility with all kinds of parties then, sort  
37 of speaking, the facility is open to the public. He asked if there is a different code for a public venue versus  
38 a private venue.

39

1 Mr. Drysdale stated that it is his understanding that there is no difference. He said that Ms. Hudson's events  
2 are not open to the public and not just anyone can come on the property to partake in the facility. He said  
3 that the guests would be invited by the clients who are holding the event at Ms. Hudson's property.  
4

5 Mr. Hall stated that the *Illinois Plumbing Code* is the worst enforced code in the State of Illinois because  
6 staff knows that people construct buildings every day of the year with no toilets and this is due to Champaign  
7 County deciding years ago that they were not going to make sure that the *Illinois Plumbing Code* is enforced.  
8 He said that he does not understand why Champaign County made this decision and he does not agree with it  
9 but that is the decision that we have. He said that the decision that Champaign County made many years ago  
10 was not during his tenure. He said that frankly Champaign County has a problem with dealing with codes  
11 but that is the situation that we have today.  
12

13 Ms. Lee asked Mr. Hall if he means state codes.  
14

15 Mr. Hall stated that he means providing for people's health, safety and welfare on a daily basis.  
16

17 Ms. Lee asked Mr. Drysdale who he spoke with at the Illinois Department of Health.  
18

19 Mr. Drysdale stated that he has talked to several offices and he apologizes if he gets them mixed up. He said  
20 that he spoke with Mike Flanagan at the Illinois Department of Health.  
21

22 Ms. Chavarria stated that Mike Flanagan is with the Champaign County Department of Health.  
23

24 Mr. Drysdale stated that he spoke with Larry Luka and his assistant and this is the department where he  
25 spoke back and forth about roofs being on buildings and the need for restroom facilities. He said that Larry  
26 Luka's department indicated that they believed that Mike Flanagan's determination was incorrect which  
27 created a tangent conversation. He said that Larry Luka's office stated that they are going to enforce a  
28 provision from the *Illinois Plumbing Code* on his client and they will have a meeting to decide what exactly  
29 needs to be done and someone will get back with him about the meeting's results. Mr. Drysdale stated that  
30 he left his information with Mr. Luka and has yet to hear from him regarding the meeting's results.  
31

32 Mr. Hall asked Mr. Drysdale if he still has not received a final decision.  
33

34 Mr. Drysdale stated no. He said that no one has called him back to indicate the steps that are needed to  
35 comply with the *Illinois Plumbing Code* and the only thing that they told him was that they will not allow his  
36 client to have port-a-potties on the property. He said that this was the last conversation that he had with  
37 them and Mr. Luka indicated that they would speak again after they had whatever meeting they needed to  
38 have and to date he has heard nothing.  
39

1 Mr. Hall stated that Mr. Luka would not even speak to him about it and referred him to his supervisor.  
2

3 Mr. Drysdale stated that he did not get past Mr. Luka. He said that he is certainly willing and will make  
4 more calls to continue to work on this issue.  
5

6 Mr. Hall informed Mr. Drysdale that he needed to ask for Mr. Mark Kuechler and he wishes him better luck  
7 than he had.  
8

9 Ms. Lee stated that during Mr. Drysdale's initial presentation he quoted a section from the *Illinois State*  
10 *Plumbing Code*. She asked Mr. Drysdale if his conversation with Mr. Luka dealt with that section.  
11

12 Mr. Drysdale stated that the section that he quoted from was the section that Mr. Flanagan had initially told  
13 them that a holding tank for the Hudson Farm was not an option. Mr. Drysdale stated that he quoted the  
14 section out of the *Illinois Private Sewage Disposal Code* which is the section of the *Illinois Private Sewage*  
15 *Disposal Code* that specifically deals with holding tanks and it indicates that holding tanks are approved for  
16 private sewage disposal under the following circumstances: where site conditions, such as lack of size, or  
17 other conditions are not suitable to achieve compliance with this part for installing a private sewage disposal  
18 system.  
19

20 Ms. Lee asked Mr. Drysdale if this is Illinois Statute.  
21

22 Mr. Drysdale stated yes.  
23

24 Ms. Lee asked Mr. Drysdale if he has had time to look up any case law regarding this issue.  
25

26 Mr. Drysdale stated that there is a distinct lack of court cases regarding the *Illinois Private Sewage Disposal*  
27 *Code*. He said that the only case interpretation that he found was the difference between a public facility and  
28 a private facility and was unable to find anything else.  
29

30 Ms. Griest stated that Mr. Drysdale is classifying this venue as private even though it is a commercial  
31 venture.  
32

33 Mr. Drysdale stated yes. He said that according to an opinion that he found by the Illinois Attorney General  
34 the difference in classifying it as a "public facility," there is a difference between "public facilities" and  
35 "private facilities," the Attorney General classifies things like theatres, restaurants and stadiums as "public  
36 facilities" and are open to the general public. He said that the general public can flow freely in and out of  
37 these events as opposed to what Ms. Hudson is running in which the general public cannot freely flow in and  
38 out. He said that if the Board is interested in the Attorney General's opinion he would be happy to provide it  
39 as evidence.

1

2 Mr. Randol asked Mr. Hall what happens if the ZBA approves the requests and the State comes back with  
3 their plumbing requirements. He said that the State of Illinois' plumbing requirements are out of the ZBA's  
4 hands.

5

6 Mr. Hall stated that he is not an attorney, but at a minimum that would be an enforcement action by the  
7 IDPH or perhaps the CCDPH against Ms. Hudson. He said that he does believe that it would involve the  
8 Champaign County Department of Planning and Zoning.

9

10 Ms. Lee asked Mr. Hall if there are other cases that the Board has heard with provisions that were out of the  
11 Board's hands for compliance.

12

13 Ms. Capel stated that those provisions are included in a special condition.

14

15 Mr. Hall stated that for this case he would recommend a reduced version of that special condition but still  
16 require conformance with the Zoning Ordinance.

17

18 Mr. Drysdale stated that the previous testimony regarding installation of two small septic systems has never  
19 been suggested to his client as an option. He said that he and his client would be willing to investigate the  
20 cost of such a system.

21

22 Mr. Hall stated that option would be more expensive because two tanks with more connections would be  
23 more expensive but ultimately it may be a better system. He said that as he understands it, cost is an issue,  
24 and Ms. Hudson has plenty of land which is being farmed which could be converted for a septic system  
25 therefore land is not an issue.

26

27 Ms. Griest stated that the statute that was cited did not include cost as one of the prohibitive factors that  
28 allowed that holding tank. She said that just because it is expensive to do, the other does not give an out for  
29 the installation of a holding tank whereas if they did not have an adequate footprint on the land an  
30 opportunity would be given to exercise that clause but cost was not in that statute.

31

32 Ms. Lee stated that a tile cannot be placed in the agricultural field.

33

34 Mr. Hall stated that his point was that on this parcel there is land available for a septic system.

35

36 Mr. Randol stated that perhaps this case should be tabled until more definitive answers are provided by the  
37 State. He said that if the ZBA approves the requests and there are issues with the State it is not being ethical  
38 for the ZBA to approve a use of the land and the use is ceased because the Petitioner cannot meet the septic  
39 requirements. He said that there is more to it than just the ZBA making adjustments and amendments to

1 ordinances.

2  
3 Mr. Hall asked Mr. Randol what it would take for him to be comfortable that the events at Ms. Hudson's  
4 property, whether they build a new septic system or not, would not harm public health or safety. He asked  
5 Mr. Randol what information would be required.

6  
7 Mr. Randol stated that the avenue that he is looking at regarding health and safety is, if the ZBA approves  
8 the changes and the variances and a venue is held which results with a sewage issue, would there be any  
9 recourse on staff or the ZBA because they approved it without an adequate septic system.

10  
11 Mr. Hall stated that any approval that the ZBA gives will absolutely require that any new septic system be  
12 approved by the Health Department with a duly approved permit.

13  
14 Mr. Randol stated that the Board could approve the requests and if Ms. Hudson does not comply with the  
15 State requirements that will be an issue with Ms. Hudson and the State and not with Ms. Hudson, the State  
16 and the ZBA.

17  
18 Mr. Hall stated that Mr. Randol was correct, as long as the Board is convinced that knowing that there is this  
19 issue, if the Board has any concerns regarding public health and safety which is one of the findings that the  
20 Board has to make, then this is a problem that must be resolved even with the condition requiring that any  
21 new septic system be approved by the Health Department.

22  
23 Mr. Randol stated that there is a kitchen.

24  
25 Mr. Hall stated that there is no kitchen which is part of this approval.

26  
27 Mr. Randol stated that this is strictly a restroom issue.

28  
29 Mr. Drysdale stated that the food is catered and there is no kitchen proposed.

30  
31 Ms. Griest stated that the site plan indicates that each room is 35' x 41'. She said that the large building is  
32 not 35' x 41' therefore she requested that Mr. Drysdale put the site plan into context. She said that the plan  
33 that was submitted appears to be more of a seating chart rather than a floor plan. She said that she would  
34 like to see a floor plan that indicates where the doors are located for ingress and egress and a site plan with  
35 individual floor plans of each building and an explanation of where the activities take place.

36  
37 Mr. Drysdale stated that a floor plan was provided of the shed but one was not provided for the barn.

38  
39 Mr. Hall stated that a revised site plan was requested at the previous meeting. He said that a floor plan of the



1 shed indicating the restrooms was provided and is included as Attachment F. on page 5 of 5 of the  
2 Preliminary Memorandum dated April 9, 2015. He said that the Board also requested a floor plan of the barn  
3 at the previous hearing.  
4

5 Ms. Griest stated that she believed that the barn is where the actual ceremonies occur and there was line-up  
6 seating in the barn therefore the submitted floorplan is confusing.  
7

8 Mr. Hall stated that the submitted floor plan is better than what the Board sees in most instances but it does  
9 indicate restrooms and restrooms cannot exist if there is no septic system.  
10

11 Ms. Lee stated that the plan only indicates one doorway plus the overhead door. She asked Mr. Hall how  
12 many doors are required for a building of this size.  
13

14 Mr. Hall stated that at least two doors located at opposite ends and the width of each door is a function of the  
15 capacity. He said that there is a very detailed method for determining that.  
16

17 Ms. Chavarria stated that she has completed a site visit and can confirm that there is a second door on the  
18 back end of the Farm Shed Hall which is diagonally across from the doorway that is shown for the Farm  
19 Shed Hall. She said that the opposite door does not appear on the floor plan.  
20

21 Ms. Capel asked Ms. Chavarria if the door is a walk-through door.  
22

23 Ms. Chavarria stated yes. She said that this does not help with how many doors are actually required for  
24 accessibility purposes but there is another door that is not indicated on the floor plan.  
25

26 Mr. Randol asked if the doors are overhead doors or are they on a track.  
27

28 Ms. Chavarria stated that there are two regular doors and there are three overhead doors, two on the north  
29 side and one on the east.  
30

31 Mr. Drysdale noted that the doors are sliding doors not overhead doors.  
32

33 Mr. Randol stated that if the doors are sliding doors on a track there would be no issue with opening them  
34 when there is no electricity available.  
35

36 Mr. Passalacqua stated that he was unclear what the client was agreeing to regarding parking. He said that  
37 the Board wanted dimensions on the site plan and the location of the septic system, if required.  
38

39 Mr. Drysdale stated that the Board wanted to see 68 parking spaces. He said that the 68 parking spaces



1 would be in the field to avoid the parking around the actual venue, which is what was being avoided with the  
2 variance to begin with, and that excludes the mapped out handicapped parking spaces which will be located  
3 near the shed. He said that the proposed location of the septic system is to the left of the shed where the field  
4 is located.

5  
6 Mr. Passalacqua stated that the 68 parking spaces shown are in the tilled acres. He asked Mr. Drysdale if his  
7 client has indicated that she is willing to convert the tilled area into the parking area for this facility.

8  
9 Mr. Drysdale stated yes. He said that his client wanted to find a way that would both satisfy what they  
10 wanted to do, which was not park vehicles on the site, and what the Board wanted to do, which was not park  
11 vehicles on the street. He said that the result was to convert the tilled farmland into the parking area for the  
12 venue.

13  
14 Mr. Passalacqua asked Mr. Drysdale if, during the Board's review they propose a condition that indicates  
15 that this will be the parking area for the facility, his client will agree to that condition.

16  
17 Mr. Drysdale stated yes.

18  
19 Ms. Lee asked Mr. Drysdale if Alternative 1 is out of the question.

20  
21 Mr. Drysdale stated that Alternative 1 is their less favorite alternative and would prefer Alternative 2.

22  
23 Mr. Hall stated that staff can provide this same aerial view without the lettering so that he or Ms. Hudson  
24 could sketch in the proposed parking area and label it as parking and they could sketch in where any new  
25 septic system might go and call it "location of any new septic system" and indicate where the handicapped  
26 spaces are proposed with required dimensions. He said that the handicapped parking area has very specific  
27 dimensional requirements, striping requirements and signage requirements that could just be noted. He said  
28 that the Board would probably like to see an accurate and detailed floor plan for both buildings. He said that  
29 if staff provided a clean copy of the aerial photograph he is confident that a complete and accurate site plan  
30 could be submitted by Mr. Drysdale and Ms. Hudson.

31  
32 Mr. Passalacqua stated that the hard surface path that Doug Gamble required should also be indicated on the  
33 site plan.

34  
35 Mr. Hall stated that if staff could obtain a site plan one week before the next meeting the Board could review  
36 it and be very comfortable with it.

37  
38 Mr. Passalacqua noted that the sanitary aspect of this venue is going to be extremely difficult but he is very  
39 comfortable in moving forward as long as the Board's findings indicate that the Board is requiring

1 compliance with someone else's ordinance or regulations that is out of the Board's control.

2  
3 Mr. Hall asked Mr. Passalacqua to explain what he is referring to when he states requiring compliance.

4  
5 Mr. Passalacqua stated that the Board has previously required compliance by other entities.

6  
7 Ms. Lee stated that the approval could be subject to both the Champaign County Health Department and the  
8 Illinois Department of Health.

9  
10 Mr. Hall stated that Ms. Hudson would have to agree with that condition.

11  
12 Mr. Passalacqua asked Mr. Hall how the Board has written such a condition in the past.

13  
14 Mr. Hall stated that in the past the Board would state that a septic system will be installed but this Board has  
15 never had something like this, the use of port-a-potties, proposed. He said that if the Board believes that it  
16 can make findings that this will not be damaging to public health and safety, even though the Board is not  
17 certain that port-a-potties will or will not be used and the Board is comfortable if the port-a-potties are used  
18 and is comfortable with only requiring that any new septic system be approved by the Health Department,  
19 then the condition would only call out that any new septic system must be approved by the Health  
20 Department.

21  
22 Mr. Passalacqua stated that this is what he was alluding to.

23  
24 Ms. Capel stated that the Board is not requiring them to provide a new septic system but if they were to  
25 provide a new septic system it would comply. She said that the finding that the Board would need to make  
26 with that condition is that it will not be injurious to the public health and safety.

27  
28 Mr. Passalacqua stated that he would be comfortable in saying that it is not injurious to public health if  
29 whatever item is constructed, whether the use of port-a-potties or a new septic system, complies.

30  
31 Ms. Capel stated that the Board cannot make a recommendation that is against the codes but the Board can  
32 make a recommendation that basically recognizes that if a septic system is installed it has to comply.

33  
34 Mr. Passalacqua agreed.

35  
36 Ms. Lee asked if that compliance has to be with Champaign County and the State of Illinois.

37  
38 Mr. Passalacqua stated that it is out of the Board's hands.

1 Ms. Griest stated that the Board is not saying that they have to have a septic system but they do have to have  
2 a waste disposal system of some type which could be port-a-potties or a septic system.

3  
4 Mr. Randol stated that it could even be the holding tank.

5  
6 Ms. Griest stated that the Board is kicking the ball back to public health and stating that it is their game. She  
7 said that they have to be in compliance for their special use to be valid but the Board has no jurisdiction over  
8 how public health makes it happen.

9  
10 Mr. Hall stated that this finding is going to be very silent about public health and safety and the only thing  
11 that the Board can do is require that any new septic system be approved by the health department and that is  
12 exactly how he would word it.

13  
14 Mr. Passalacqua stated that the use of port-a-potties is not a violation of our ordinance.

15  
16 Mr. Hall stated that port-a-potties are consistent with the *Illinois Private Sewage Disposal Code* which is  
17 what the Zoning Ordinance references.

18  
19 Ms. Lee stated that the Board is supposed to make a finding that this is okay for AG-2. She said that the  
20 AG-2 Zoning District has requirements that it is supposed to be beneficial to agriculture. She asked how the  
21 Board is supposed to do that.

22  
23 Ms. Griest stated that the use provides agri-tourism.

24  
25 Mr. Hall stated that AG-2 does not say anything about being beneficial to agriculture. He said that the AG-2  
26 Zoning District is intended to prevent scattered indiscriminate urban development and to preserve the  
27 AGRICULTURAL nature within areas which are predominately vacant and which presently do not  
28 demonstrate any significant potential for development.

29  
30 Mr. Passalacqua stated that it is keeping with agriculture because it is the use of existing agricultural barns in  
31 a rural setting.

32  
33 Mr. Hall stated that if there were opposing neighbors present they would say that the Board better also find  
34 that it preserves the character of the surrounding AG-1 Zoning District.

35  
36 Mr. Passalacqua stated that it does.

37  
38 Mr. Hall stated that it certainly does not harm it. He said that the Board has done this before and can do it  
39 again because this is actually even more so not harming the AG-1 District and he believes that the Board can

1 make those findings.

2

3 Mr. Passalacqua stated that if the Board receives a detailed site plan and floor plan and the Petitioner is in  
4 agreement with the Board's proposal for the parking in getting vehicles off of the street the Board should be  
5 able to move forward.

6

7 Mr. Hall stated that there have been no neighboring farmers who have voiced opposition and that they  
8 coordinate with Hudson Farms is great evidence.

9

10 Mr. Passalacqua asked Mr. Drysdale and Ms. Hudson if they clearly understood what the Board is requiring  
11 before the next meeting.

12

13 Mr. Drysdale stated yes. He said that Mr. Hall indicated that staff would provide him and Ms. Hudson with  
14 a clean aerial photograph of the subject property. He said that he understands what needs to go on the aerial  
15 photograph and understands that a detailed floor plan of the barn and shed are required for the Board's  
16 review. He said that he will get this information to staff within the next few weeks.

17

18 Ms. Capel asked Mr. Drysdale if he understands that the Board needs dimensions on the site plans.

19

20 Ms. Griest stated that the doors should be indicated on the floor plans. She said that a directional arrow  
21 would also be helpful.

22

23 Mr. Drysdale stated that there could probably never be too much information on the floor plans and site plan.

24

25 Ms. Griest stated that if an area will be used as a multi-use purpose area then, for clarity, it should be  
26 indicated on the floor plan. She said that it is not necessary for the Board to see how the chairs and tables  
27 are set up. She asked Mr. Hall if it would be helpful for the floor plan for the shed to indicate the area for  
28 the band or music, food, seating area, etc. She said that Mr. Drysdale indicated that the septic system was  
29 sized for the capacity of 225 people but if the number of people were limited it might help with the costs of  
30 the septic system. She said that during previous cases the Board has limited the number of guests or clients  
31 for a facility or venue on a given day.

32

33 Mr. Hall stated that it would help but the Board spent a lot of time determining that a maximum capacity of  
34 225 people was a desirable number.

35

36 Mr. Hall informed Mr. Drysdale that the Board is not asking that there be any further resolution of this  
37 disagreement between the Petitioner and the Health Department, at least for purposes of this public hearing.

38

39 Mr. Passalacqua stated that the Board only needs to consider the information and requirements of the

1 Champaign County Zoning Ordinance.  
2

3 Ms. Griest stated that the only thing that impacts this Board is the floor plan and whether there will be  
4 bathrooms and where they will be placed and if there are no bathrooms proposed they should not be  
5 indicated on the floor plan.  
6

7 Mr. Hall stated that for the future it might be good to know where bathrooms might be installed if a new  
8 septic system is installed.  
9

10 Ms. Griest stated that Mr. Hall was correct as this would prevent the Petitioner from having to come back  
11 before the Board for a second approval.  
12

13 Ms. Capel asked if the location of the port-a-potties was important information for the site plan.  
14

15 Mr. Hall stated that having the information on the site plan would be the evidence that indicates that the  
16 Board knows this is not going to be no worse for public health than any other facility that uses port-a-potties.  
17

18 Mr. Drysdale stated that it would not be a problem to sketch in where hypothetical port-a-potties would go if  
19 they were hypothetically placed on the property.  
20

21 Ms. Lee asked if the hypothetical holding tank should be indicated in a hypothetical area on the site plan.  
22

23 Mr. Hall stated no. He said that he disagrees with Mr. Drysdale regarding the holding tank because the  
24 *Illinois Private Sewage Disposal Code*, as Ms. Griest previously pointed out, does not allow the use of a  
25 holding tank just because the septic system is expensive.  
26

27 Mr. Randol asked Mr. Hall if the Board approves the variance with a limit of 21 events per year the  
28 Petitioner could come back within one year and request a new variance for an unlimited number of events  
29 per year.  
30

31 Mr. Hall stated that such a request would be a new Special Use Permit.  
32

33 Mr. Randol stated that just because the Board approves one issue the Petitioner could come back in one year  
34 to change their request.  
35

36 Ms. Hall stated yes, but right now there has been no suggestion that the number of events would be limited.  
37

38 Ms. Griest stated that even if the number of events were limited it would not be a limitation by variance but  
39 by Special Use Permit. She said that the only thing that the Petitioner was asking to be varied was to allow

1 for the on-street parking and when they return to the next meeting with the new site plan indicating off-street  
2 parking the variance will go away and the Special Use will not be affected. She said that what Mr. Randol is  
3 discussing regarding the limitation of 21 events per year is within the Special Use Permit and is not part of  
4 any variance request.

5  
6 Ms. Capel asked Ms. Hudson if she desired to testify.

7  
8 Ms. Joyce Hudson, who resides at 1341 CR 1800E, Urbana, stated that she had no new information to add  
9 but would answer any questions that the Board may have.

10  
11 Ms. Capel requested a continuance date.

12  
13 Ms. Griest reminded the Board that she will not be present at the June 11, 2015, meeting.

14  
15 Mr. Hall recommended that that Cases 799-AM-15, 800-S-15 and 801-V-15 be continued to the June 25,  
16 2015, meeting. He said that there should be a full Board present at the June 25<sup>th</sup> meeting and there should be  
17 plenty of time to consider these cases. He asked Ms. Hudson if she would be available for the June 25,  
18 2015, meeting.

19  
20 Ms. Hudson stated yes.

21  
22 Ms. Capel entertained a motion to continue Cases 799-AM-15, 800-S-15 and 801-V-15 to the June 25, 2015,  
23 meeting.

24  
25 **Mr. Passalacqua moved, seconded by Ms. Griest to continue Cases 799-AM-15, 800-S-15 and 801-V-15**  
26 **to the June 25, 2015, meeting. The motion carried by voice vote.**

27  
28 Ms. Capel asked the audience if anyone else desired to present testimony regarding these cases and there was  
29 no one.

30  
31 Ms. Capel closed the witness register.

32  
33 **6. New Public Hearings**

34  
35 None

36  
37 **7. Staff Report**

38  
39 None



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**8. Other Business**

A. Review of Docket

Mr. Hall stated that staff received a new case application in time for advertising for the June 11<sup>th</sup> meeting. He said that there will be a meeting on June 11<sup>th</sup> for a variance case. He said that some might say that the County pays so much for per diem for only one case but no one wants to wait any longer than necessary to have their case heard so staff scheduled the case on the June 11<sup>th</sup> meeting. He said that if the Board has concerns about using the County's per diem more efficiently staff will keep that in mind but when there is an opening and somebody wants their case decided this is staff's response.

Mr. Passalacqua stated that if he was a petitioner he would not want to wait to have his case heard.

Ms. Lee asked Mr. Hall to indicate any progress regarding the Petitioner who did not show up for the public hearing therefore the case was dismissed.

Mr. Hall stated that a letter was sent to the Petitioner the very next day advising him that the case was dismissed but the variance was still needed and if the variance is not approved enforcement action will be taken. He said that it will be two weeks tomorrow and staff has not heard from the Petitioner.

Mr. Passalacqua asked Mr. Hall if there has been an improvement in enforcement with the help of the interns hitting the streets.

Mr. Hall stated yes and the interns have been very good in doing inspections and as suspected when they write their First Notice of Inspection either the Zoning Officer or himself have to review them. He said that if any Board member has driven up or down Highway 45 recently between Thomasboro and Rantoul they will notice a dramatic change in the landscape. He said that enforcement actions are starting to clear up the landscape of the Cherry Orchard area and the Jones' building, which is the easternmost building of the complex, was burned either last weekend or the week before.

Ms. Griest stated that she did notice that the grass had been mowed.

Mr. Hall stated that the grass has been mowed and the buildings have been secured. He said that staff does know that a prominent local civil engineering firm has been hired to design an extension of sewer for the property and staff is just waiting to hear whether or not the Board will receive a Special Use Permit Application for the property because it is a nonconforming use that requires a Special Use Permit if it is to be rebuilt. He said that this case may be coming before the ZBA soon but not so soon that it has been placed on the docket.

1 Ms. Lee asked if the venue that was advertised in the newspaper has been contacted by staff.

2

3 Mr. Hall stated yes.

4

5 Ms. Lee asked if staff has heard anything back.

6

7 Mr. Hall stated that staff never asks anyone to do anything in less than two weeks.

8

9 Ms. Lee asked Mr. Hall if anyone else has applied for the vacant position on the ZBA.

10

11 Mr. Hall stated no.

12

13 Ms. Capel asked Mr. Hall if Champaign Township is represented on this Board.

14

15 Mr. Hall stated no. He said that the Board has not ever had anyone from Champaign Township on the  
16 Board. He said that there was a recent applicant but the County Board did not move quickly enough.

17

18 Ms. Lee stated that she is scheduled to have surgery soon but she is not sure of the specific date. She said  
19 that she will contact staff as soon as a date has been scheduled.

20

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

22

23 None

24

25 **10. Adjournment**

26

27 Ms. Capel entertained a motion to adjourn the meeting.

28

29 **Ms. Griest moved, seconded by Ms. Lee to adjourn the meeting. The motion carried by voice vote.**

30

31

32 The meeting adjourned at 8:16 p.m.

33

34

35 Respectfully submitted

36

37

38

39

Secretary of Zoning Board of Appeals

2 **MINUTES OF REGULAR MEETING**  
3 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**  
4 **1776 E. Washington Street**  
5 **Urbana, IL 61802**

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7 **DATE: June 11, 2015** **PLACE: Lyle Shield's Meeting Room**  
8 **1776 East Washington Street**  
10 **TIME: 7:00 p.m.** **Urbana, IL 61802**

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11 **MEMBERS PRESENT:** Marilyn Lee, Brad Passalacqua, Jim Randol, Eric Thorsland

13 **MEMBERS ABSENT :** Cathe Capel, Debra Griest

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

17 **OTHERS PRESENT :** Corbitt Griffith, Yvonne Griffith

---

20 **1. Call to Order**

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

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

26 The roll was called and a quorum declared present with two members absent and one vacant seat.

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

32 **3. Correspondence**

34 None

36 **4. Approval of Minutes**

38 None

40 **5. Continued Public Hearing**

42 None

44 **6. New Public Hearings**

46 **Case 803-V-15 Petitioner: Corbitt and Yvonne Griffith Request to authorize the following Variance**  
47 **in the R-1 Single Family Residence Zoning District: A detached shed with a side yard of 2 feet in lieu**  
48 **of the minimum required 5 feet. Location: Lot 23 in Block 6 of the Edgewood Subdivision in Section**

**DRAFT**

1 **10 of Urbana Township and commonly known as the residence at 307 E Dodson Drive, Urbana.**  
2

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

11  
12 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign  
13 the witness register for that public hearing. He reminded the audience that when they sign the witness  
14 register they are signing an oath. He asked the audience if anyone desired to sign the witness register at this  
15 time.

16  
17 Mr. Thorsland asked the petitioner if he would like to make a brief statement regarding their request.  
18

19 Mrs. Yvonne Griffith, who resides at 307 E. Dodson Drive, Urbana, stated that approximately 15 years ago  
20 she and her husband moved to the subject property and within one or two years they had a shed built by a  
21 person who owned a shed making business in St. Joseph. She said that at the time of the construction of the  
22 shed she and her husband were not aware that they needed a permit for the shed. She said that she and her  
23 husband believed that since the shed was not attached to the house a permit was not required. She said that  
24 when they applied for a permit for their proposed sunroom they found out that the shed is closer to the  
25 property line than what is preferred. She said that staff came to their property to view the shed's location  
26 and saw that moving the shed, which is 15 years old with an attached porch, would destroy it. She said that  
27 there is no possible way to get large equipment in the back yard to even attempt moving the shed. Mrs.  
28 Griffith stated that the only other location for the shed is at the south end of the property but there is a utility  
29 pole with a transformer at that location and the transformer has caught on fire twice since the time that they  
30 have lived at the property, so with this concern they decided to put the shed in its current location. She said  
31 that there is also a large tree on their property with the septic system in front of the tree which also restricts  
32 placement of the shed. She said that once they discovered that the shed was in violation they immediately  
33 came to the office to apply for a variance which is why they are present tonight.  
34

35 Mr. Thorsland asked Ms. Griffith if the permit for the sunroom is what actually started this process. He said  
36 that in reviewing the photographs of the property it is pretty apparent that the shed is pinned in on the  
37 property therefore Mr. and Mrs. Griffith will either need to remove the large mature tree or place the shed on  
38 the septic system.  
39

1 Mrs. Griffith stated that her husband visited each neighbor who adjoined their property as well as those who  
 2 were outside of that boundary to explain their situation and not one neighbor had any concerns regarding the  
 3 variance. She submitted a letter signed by all of the neighbors that Mr. Griffith visited indicating that the  
 4 neighbors had no objections to the location of the shed or the requested variance.

5  
 6 Mr. Passalacqua asked Mrs. Griffith if the pole actually caught on fire or did the transformer blow up.

7  
 8 Mrs. Griffith stated that the last time the transformer blew up the Edge-Scott Fire Department came to the  
 9 property because the wires were burning.

10  
 11 Mr. Thorsland stated that the event must have been quite a sight.

12  
 13 Mrs. Griffith stated that she and her husband have kept the shed in good condition and they recently had a  
 14 new roof and gutters placed on it and had the shed repainted.

15  
 16 Mr. Thorsland asked the Board if there were any additional questions for Mrs. Griffith and there were none.

17  
 18 Ms. Thorsland asked if staff had any questions for Mrs. Griffith and there were none.

19  
 20 Mr. Thorsland asked the audience if anyone desired to cross examine Mrs. Griffith and there was no one.

21  
 22 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present  
 23 testimony and there was no one.

24  
 25 Mr. Thorsland closed the witness register.

26  
 27 Mr. Thorsland stated that a new item #3 should be added to the Documents of Record as follows: Letter  
 28 from adjacent neighbors, submitted by Mr. and Mrs. Griffith at the June 11, 2015, public hearing.

29  
 30 Mr. Thorsland asked the Board if any special conditions were required for this case and the Board indicated  
 31 that there were none.

32  
 33 **Finding of Fact for Case 803-V-15:**

34  
 35 From the documents of record and the testimony and exhibits received at the public hearing for zoning case  
 36 803-V-15 held on June 11, 2015, the Zoning Board of Appeals of Champaign County finds that:

- 37  
 38 **1. Special conditions and circumstances DO exist which are peculiar to the land or**  
 39 **structure involved, which are not applicable to other similarly situated land and**

1 **structures elsewhere in the same district.**

2  
3 Mr. Passalacqua stated that special conditions and circumstances DO exist which are peculiar to the land or  
4 structure involved, which are not applicable to other similarly situated land and structures elsewhere in the  
5 same district because of the mature tree and the need for access to the transformer on the pole limits  
6 placement of the shed.

7  
8 Mr. Thorsland stated that the location of the septic system on the lot restricts the shed’s location.  
9

10 **2. Practical difficulties or hardships created by carrying out the strict letter of the**  
11 **regulations sought to be varied WILL prevent reasonable or otherwise**  
12 **permitted use of the land or structure or construction.**  
13

14 Mr. Randol stated that practical difficulties or hardships created by carrying out the strict letter of the  
15 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure  
16 or construction because the layout of the land, the septic system location on the lot restricts the building’s  
17 location, a mature tree exists and the need for access to the transformer on the pole limits placement.  
18

19 **3. The special conditions, circumstances, hardships, or practical difficulties DO**  
20 **NOT result from actions of the applicant.**  
21

22 Mr. Randol stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT  
23 result from actions of the applicant because the petitioners were unaware of the required setback and when  
24 the petitioners found out that they were in violation they took action and did not avoid it.  
25

26 Mr. Thorsland stated that the house was constructed prior to the adoption of the Zoning Ordinance and the  
27 shed was constructed after the adoption of the Zoning Ordinance by a professional who apparently was not  
28 aware that a Zoning Use Permit was required for construction of the detached shed.  
29

30 **4. The requested variance IS in harmony with the general purpose and intent of**  
31 **the Ordinance.**  
32

33 Mr. Passalacqua stated that the requested variance IS in harmony with the general purpose and intent of the  
34 Ordinance because the Board has evidence that indicates that the neighbors are in agreement.  
35

36 Mr. Thorsland noted that Mr. Passalacqua’s statement might be better under Finding of Fact #5.  
37

38 Mr. Thorsland stated that this allows the preservation of an existing structure and a mature tree and will keep  
39 the septic tank location free of structures.



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

Mr. Passalacqua stated that the requested variance WILL NOT be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because of evidence of agreement by the neighbors.

Mr. Thorsland stated that the fire protection district and the township highway commissioner were notified and no response was received.

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

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

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

Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings of Fact, as amended for Case 803-V-15.

**Ms. Lee moved, seconded by Mr. Passalacqua to adopt the Summary of Evidence, Documents of Record and Findings of Fact, as amended for Case 803-V-15. The motion carried by voice vote.**

Mr. Thorsland entertained a motion to move to the Final Determination for Case 803-V-15.

**Mr. Passalacqua moved, seconded by Ms. Lee to move to the Final Determination for Case 803-V-15. The motion carried by voice vote.**

Mr. Thorsland informed Mr. and Mrs. Griffith that currently the Board has one vacant Board seat and two absent Board members therefore it is at their discretion to either continue Case 803-V-15 until a full Board is present or request that the present Board move to the Final Determination. He informed Mr. and Mrs. Griffith that four affirmative votes are required for approval.

Mr. and Mrs. Griffith requested that the present Board move to the Final Determination.

**Final Determination for Case 803-V-15:**

**Mr. Passalacqua moved, seconded by Mr. Randol that the Champaign County Zoning Board**

1 of Appeals finds that, based upon the application, testimony, and other evidence received in this case,  
 2 that the requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority  
 3 granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals  
 4 of Champaign County determines that the Variance requested in Case 803-V-15 is hereby GRANTED  
 5 to the petitioners Corbitt and Yvonne Griffith to authorize the following variance in the R-1  
 6 Residential Zoning District:

7  
 8 **A detached shed with a side yard of 2 feet in lieu of the minimum required 5 feet.**  
 9

10 Mr. Thorsland requested a roll call vote:

11			
12	<b>Lee-yes</b>	<b>Passalacqua-yes</b>	<b>Randol-yes</b>
13	<b>Capel-absent</b>	<b>Griest-absent</b>	<b>Thorsland-yes</b>
14			

15 Mr. John Hall, Zoning Administrator, informed Mr. and Mrs. Griffith that they have received approval for  
 16 their request and staff will send out the appropriate paperwork as soon as possible. He noted that if Mr. and  
 17 Mrs. Griffith has any questions they should not hesitate to call the office.  
 18

19 **7. Staff Report**

20  
 21 None  
 22

23 **8. Other Business**

24 A. Review of Docket  
 25

26 Mr. Thorsland informed the Board that the next meeting consists of the Hudson cases. He stated that he was  
 27 not present at the last meeting for these cases therefore he would appreciate a copy of the draft minutes for  
 28 review.  
 29

30 Ms. Lee informed the Board that her surgery has been scheduled therefore she will not be attending the June  
 31 25, 2015, public hearing.  
 32

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

35 None  
 36

37 **10. Adjournment**  
 38

39 Mr. Thorsland entertained a motion to adjourn the meeting.

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

The meeting adjourned at 7:20 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals

## CASE NO. 808-S-15

PRELIMINARY MEMORANDUM

July 23, 2015

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

(217) 384-3708  
[zoningdept@co.champaign.il.us](mailto:zoningdept@co.champaign.il.us)  
[www.co.champaign.il.us/zoning](http://www.co.champaign.il.us/zoning)

**Petitioner:** Loretta Dessen, d.b.a. Farm Lake Inc.

**Request:** Authorize a Special Use Permit for a Private Indoor Recreational Development to allow existing and ongoing use of an existing barn as a rentable venue for entertainment and recreation in the R-4 Multiple Family Residence Zoning District.

**Location:** A tract of land in the West half of the Northeast Quarter of Section 4 Township 19 North Range 8 East in Urbana Township and commonly known as Farm Lake, with an address of 2502 North Cunningham Avenue, Urbana.

**Site Area:** 10 acres

**Time Schedule for Development:** Already in use

**Prepared by:** Susan Chavarria  
Senior Planner

**John Hall**  
Zoning Administrator

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### BACKGROUND

Petitioner Loretta Dessen has owned the subject property since 1959. Several parcels comprise the Dessen property: a western parcel has the "West Barn", and the larger east parcel has the residence and an East Barn that was built in 1976. The property was used for the Farm Lake Day Camp for 16 years starting in the 1960s. Mrs. Dessen has held private events in both barns since 1992. The barns are rented out separately, and are approximately 275 yards apart on opposite sides of the residence.

Zoning for the eastern parcel is R-4, which does not allow Private Indoor Recreational Developments without a Special Use Permit, and does not allow outdoor recreation at all. The west parcel is in the B-4 General Business Zoning District, which permits Private Indoor Recreational Developments and outdoor recreation by-right. Mrs. Dessen seeks to continue using both barns for events, so she has applied for a Special Use Permit for the east parcel and East Barn.

Mrs. Dessen holds approximately 50 events in the spring and fall, which generally run from 8 pm to 11:30 pm. There are generally 150 to 200 people at each event. Mrs. Dessen hires 1 security guard for every 25 people. Private parties are responsible for providing transportation to and from the site, food, and alcohol; parties are responsible for ensuring that their vendors are licensed. There is no septic system or running water for the barns; they serve bottled water and rent portable restrooms which are cleaned after events.

Mrs. Dessen seeks to be in full compliance with the Zoning Ordinance while maintaining the same hosting capabilities she has organized for decades. She does not seek to expand or renovate her barns.

## EXTRATERRITORIAL JURISDICTION

The subject property is located within one and one-half miles of the City of Urbana, a municipality with zoning.

## EXISTING LAND USE AND ZONING

**Table 1. Land Use and Zoning in the Vicinity**

Direction	Land Use	Zoning
Onsite	Single Family Residence with accessory structure used for private events	R-4 Multi-Family Residential
North	Residential	R-5 Mobile Home Park
East	Residential	R-5 Mobile Home Park
West	Dessen property (West Barn) Vacant Lot (former hotel)	County B-4 Business (Dessen property) City of Urbana B-3 General Business (vacant lot)
South	Residential	R-4 Multi-Family Residential

## LIFE SAFETY AND ACCESSIBILITY CONSIDERATIONS

The proposed Special Use appears to comply with the Champaign County Zoning Ordinance, but some questions remain about compliance with State of Illinois Life Safety Codes and Accessibility Codes.

- Regarding life safety, the East Barn has two wide doorways that are always open during events (one has doors, the other does not). There are 4 fire extinguishers, and numerous “no smoking” signs posted prominently in and around the structure. It is decorated with hay, strings of lights, and rustic low-wattage flood lights that are plugged directly into outlets mounted on the barn rafters and walls.
- Regarding accessibility, there are no paved parking spaces or pavement in or around the East Barn, although the private road and East Barn area are hard packed and smooth. Pathways are wide enough for wheelchair access. She provides a handicap accessible portable restroom when a private party requests one in advance.

Mrs. Dessen says she spoke with Doug Gamble, Accessibility Specialist with the Illinois Capital Development Board and with the Carroll Fire Protection District, and that neither agency had any concerns. Staff has received no comments from these agencies.

## PROPOSED SPECIAL CONDITIONS

- A. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Private Indoor Recreational Development until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**



---

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

**That the proposed Special Use meets applicable state requirements for accessibility.**

- B. **The only two principal uses authorized by Case 808-S-15 are a Single Family Residence and use of the East Barn as a Private Indoor Recreational Development.**

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

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

#### ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received June 22, 2015
- C Annotated Site Plan dated July 23, 2015
- D Site Images taken July 2, 2015
- E Natural Resources Report by the Champaign County Soil and Water Conservation District, received July 8, 2015
- F Draft Summary of Evidence dated July 23, 2015

# Location Map

Case 808-S-15  
July 30, 2015

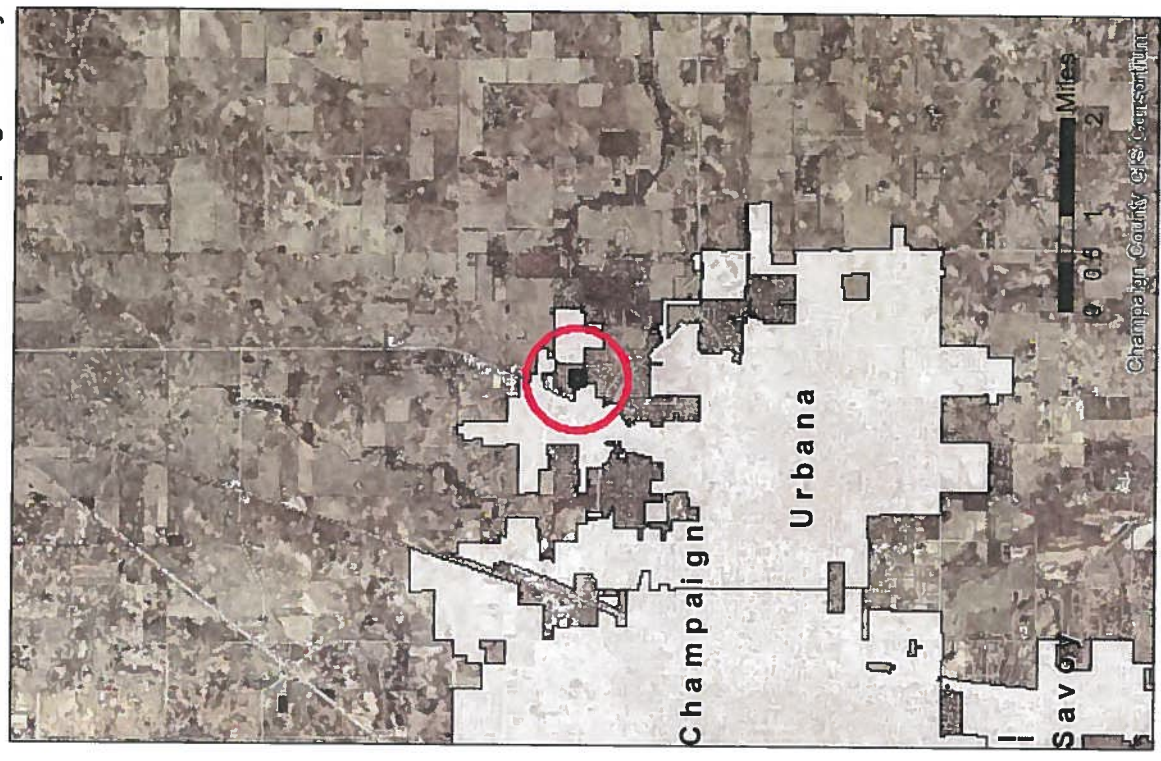
Subject Property



**Legend**



Property location in Champaign County



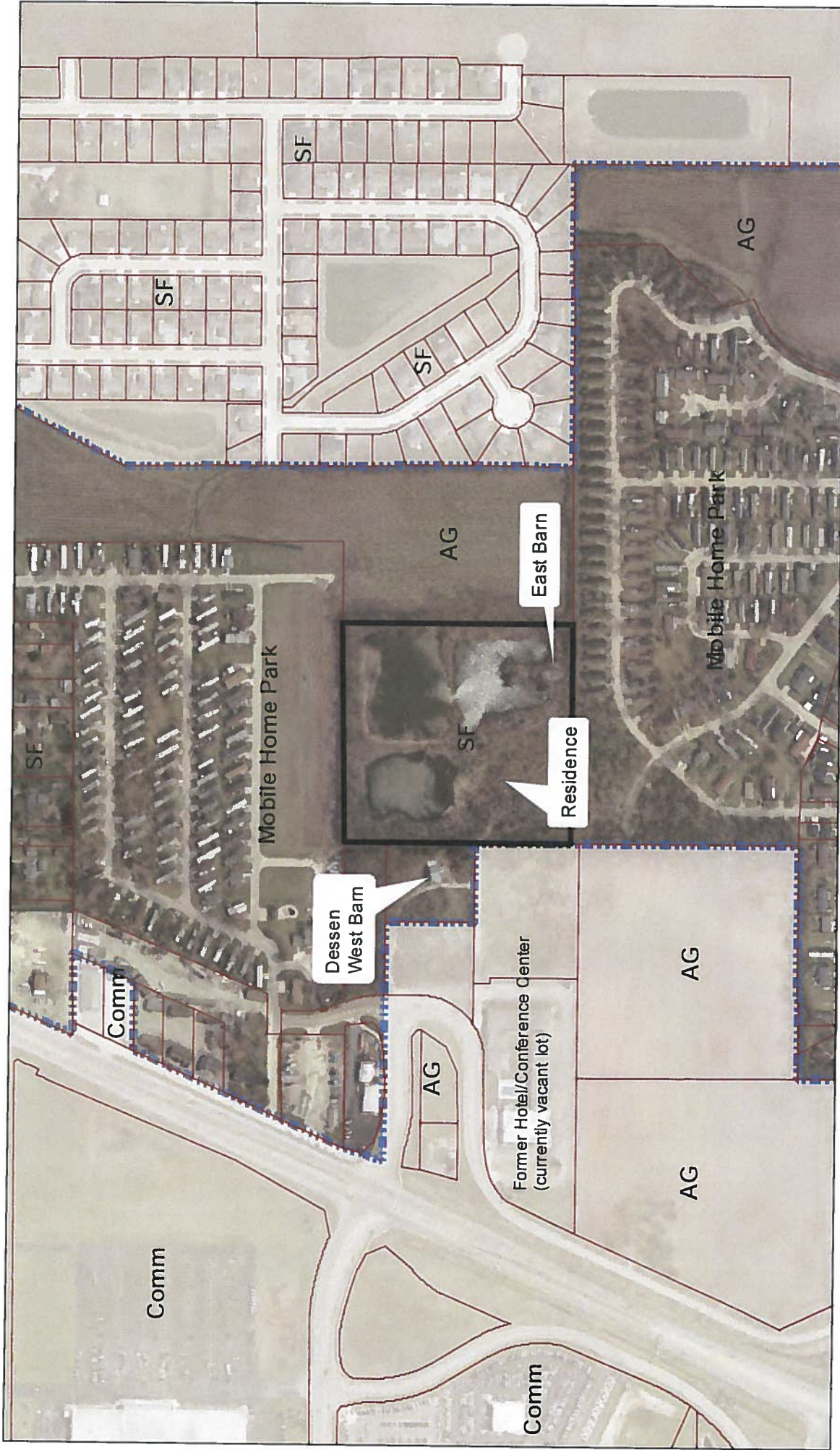
Note that the 2011 aerial photo was used instead of most recent 2014 aerial because it provides a clearer view of the subject property.



# Land Use Map

Case 808-AM-15  
July 30, 2015

Note that the 2011 aerial photo was used instead of most recent 2014 aerial because it provides a clearer view of the subject property.



## Legend

- Subject Property
- Parcels
- Urbana Municipal Boundary

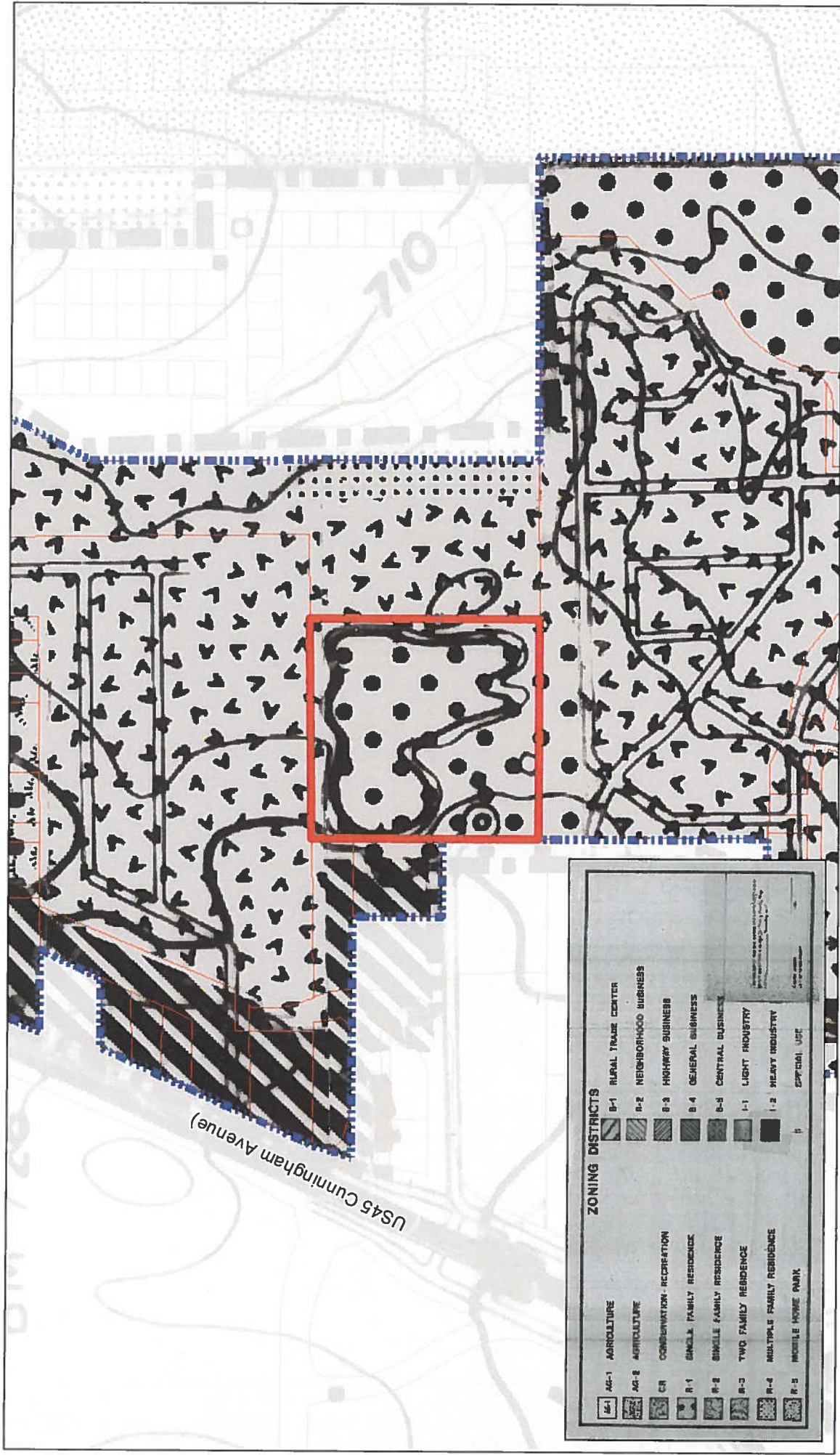




# Zoning Map

Case 808-S-15

July 30, 2015



ZONING DISTRICTS	
AG-1 AGRICULTURE	B-1 RURAL TRADE CENTER
AG-2 AGRICULTURE	B-2 NEIGHBORHOOD BUSINESS
C-1 CONSUMPTION-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
R-5 MOBILE HOME PARK	S-1 SPECIAL USE

## Legend

Subject Property

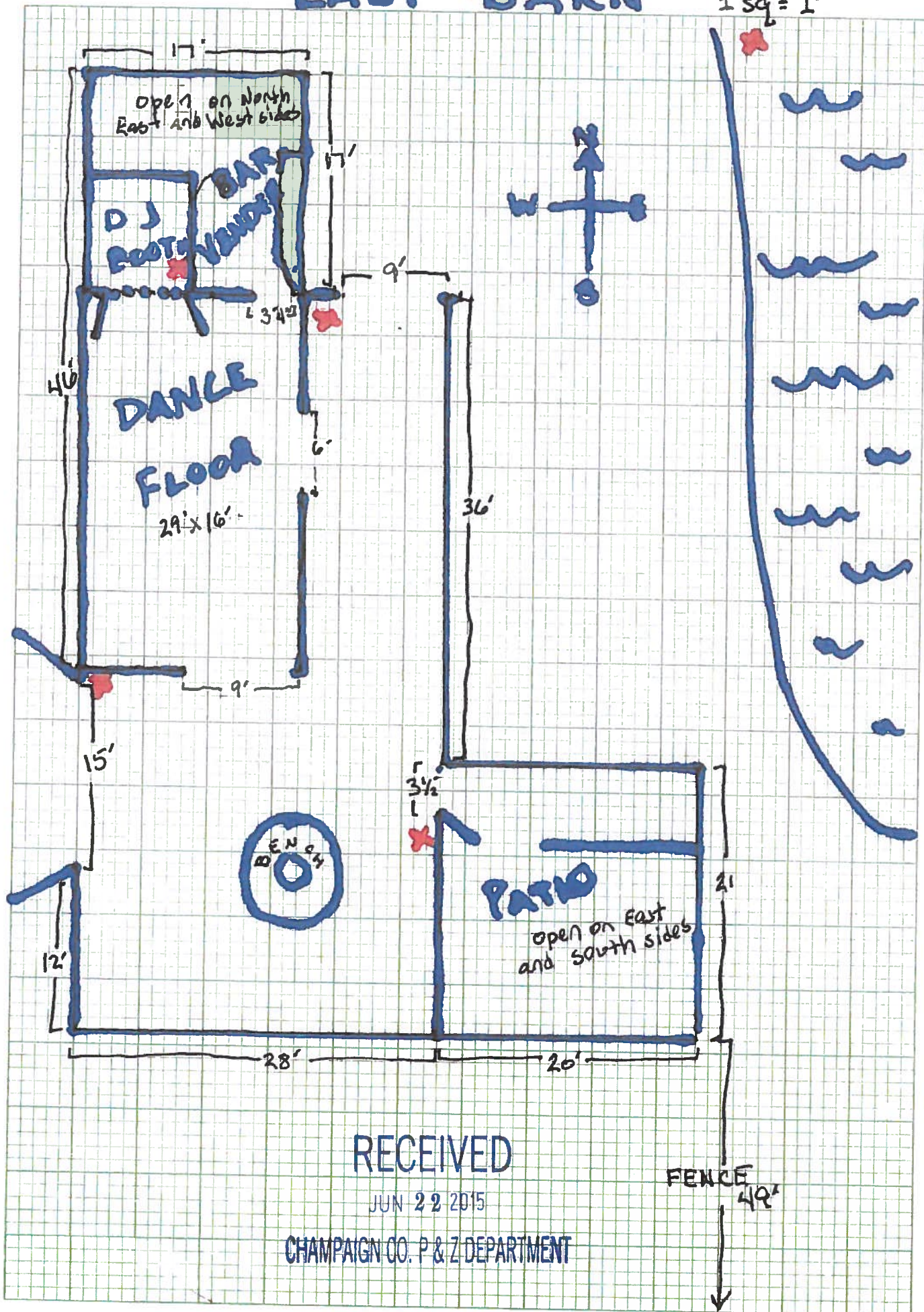
Urbana Municipal Boundary





# EAST BARN

1 sq = 1'



RECEIVED

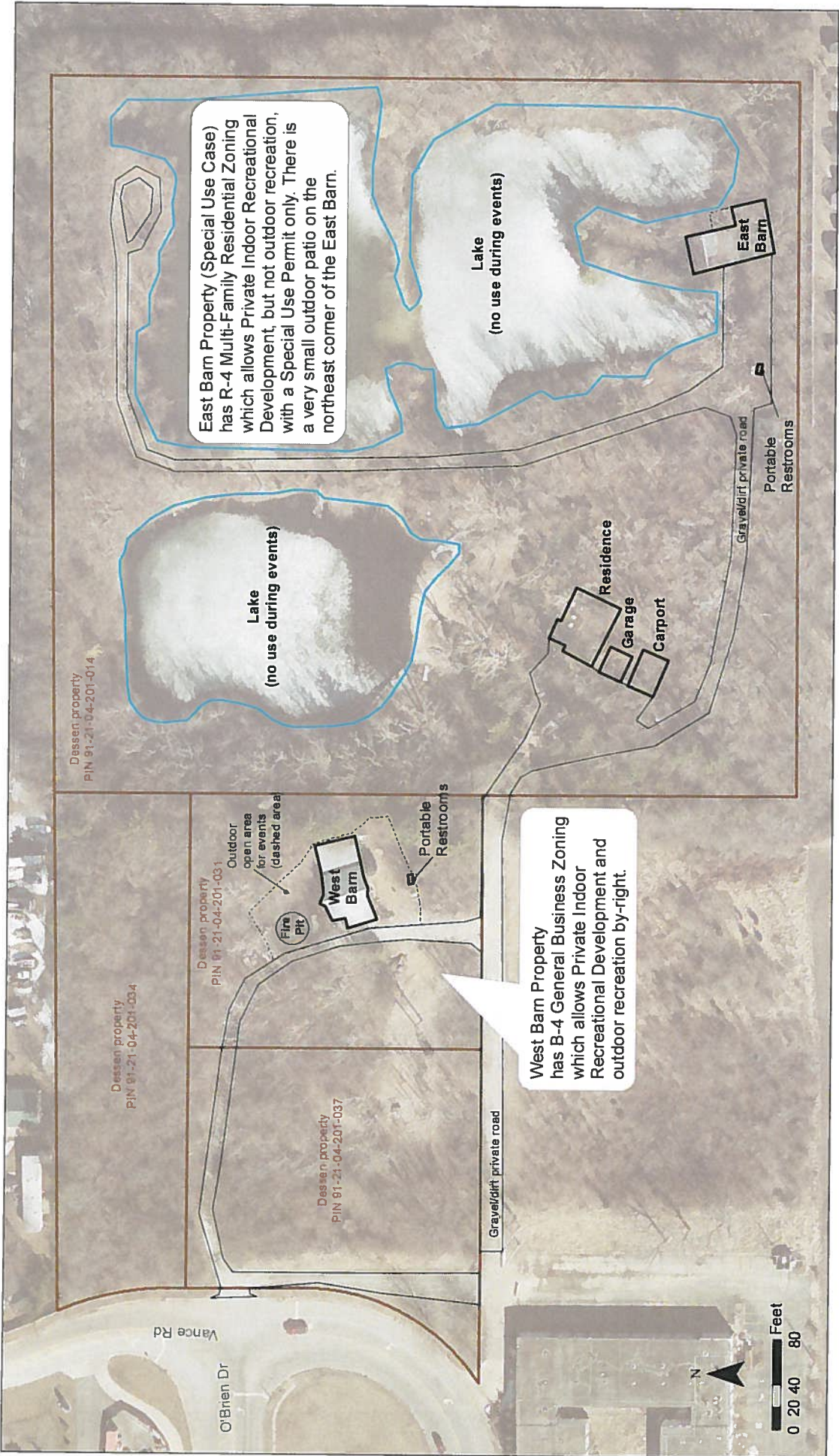
JUN 22 2015

CHAMPAIGN CO. P & Z DEPARTMENT



# Annotated Site Plan: Dessen Properties

Case 808-S-15  
July 30, 2015



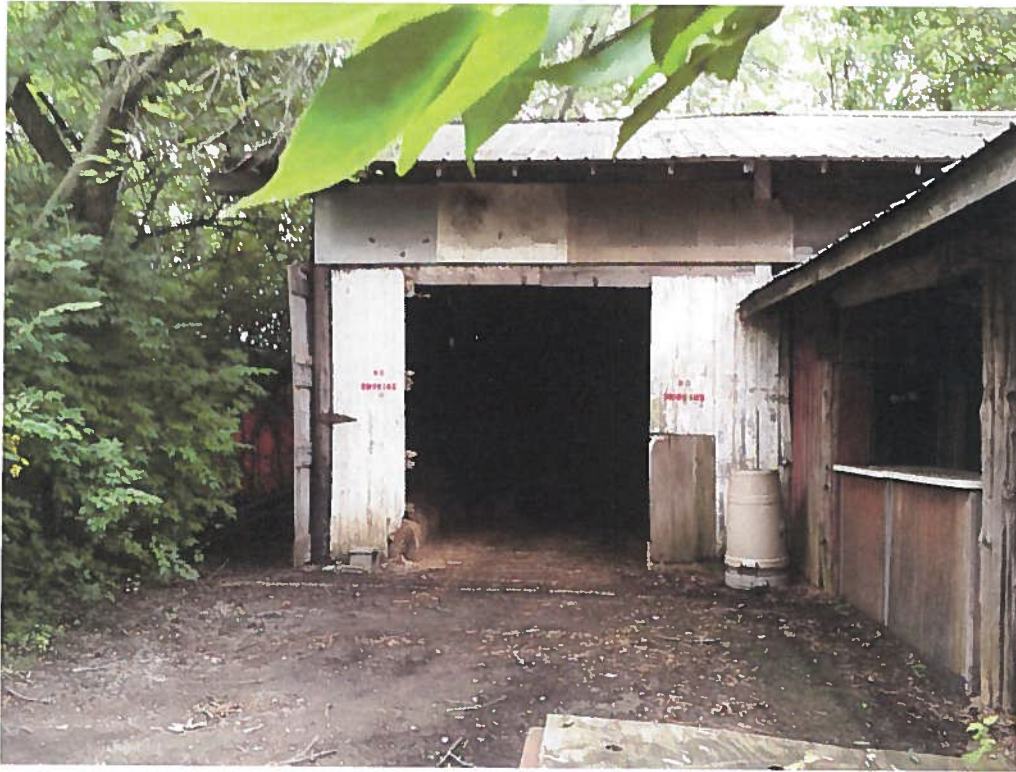




**Inside of East Barn front entry, facing west – door always open**



**East Barn interior**



**East Barn, north entry – doorway always open**





# Champaign County

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

## NATURAL RESOURCE REPORT

**Development Name: Farm Lake INC**

**Date Reviewed: July 1th, 2015**

**Requested By: Loretta Dessen**

**Address:** 2502 N. Cunningham Ave.  
Urbana, IL 61802

**Location of Property:** part of the NW  $\frac{1}{4}$  of sec. 4 in TWP.19N., R.9E., of the 3<sup>rd</sup>. P.M.



The Resource Conservationist of the Champaign County Soil and Water Conservation District inspected this tract on July 1<sup>st</sup>. 2015.

July 1, 2015

RECEIVED

JUL 08 2015

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 3 soil types (Orthents, Loamy, Undulating, Sunbury Silt Loam 234A, Dummer Silty Clay Loam 152A) and 5.5 acres of ponded water on the site that are severe wetness to ponding on Dwellings without a basement.

## SOIL RESOURCE

### a) Prime Farmland:

This tract is **not** considered best prime farmland for Champaign County.

This tract has an L.E. Factor of 50; see the attached worksheet for this calculation.

### b) Soil Characteristics:

There are Three (3) 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	Slope	Shallow Excavations	Basements	Roads	Septic Fields	Steel Corrosion	Concrete Corrosion
234A	Sunbury Silt Loam	0-2%	Severe wetness	Severe wetness	Severe low strength	Severe wetness	high	moderate
802B	Orthents, Loamy		Moderate wetness	Moderate wetness	Moderate low strength	Severe wetness	high	moderate
152A	Drummer Silty Clay Loam	0-2%	Severe ponding	Severe ponding	Severe ponding	Severe ponding	high	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 and sides of the property that falls into the ponds. 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.





# Champaign County

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

---

## 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 exceeding 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/>

## WATER RESOURCE

### a) Surface Drainage:

The site is the top of a hill, water now travels off the site to the North, South, and West. 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.



# Champaign County

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

## *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:**

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](http://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.ccswcd.com

## CULTURAL, PLANT, AND ANIMAL RESOURCE

### a) Cultural:

The Illinois Historic Preservation Agency may require a Phase 1 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

Handwritten signature of Steve Sherwell.

CCSWCD Board

Prepared by

Handwritten signature of Jonathon Manuel.  
Jonathon Manuel  
Resource Conservationist





# Farm Lake INC

Date: 7/1/2015

Aerial 2010

Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

Legal Description: Section 4, T.19N., R.9E.

State and County: IL, CHAMPAIGN



### Legend

 Farm Lake INC







# Farm Lake INC

Date: 7/1/2015

Areal 2010

Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

Legal Description: Section 4, T.19N., R.9E.

State and County: IL, CHAMPAIGN



### Legend

 Farm Lake INC







# Farm Lake INC

Date: 7/1/2015

Areal 2010

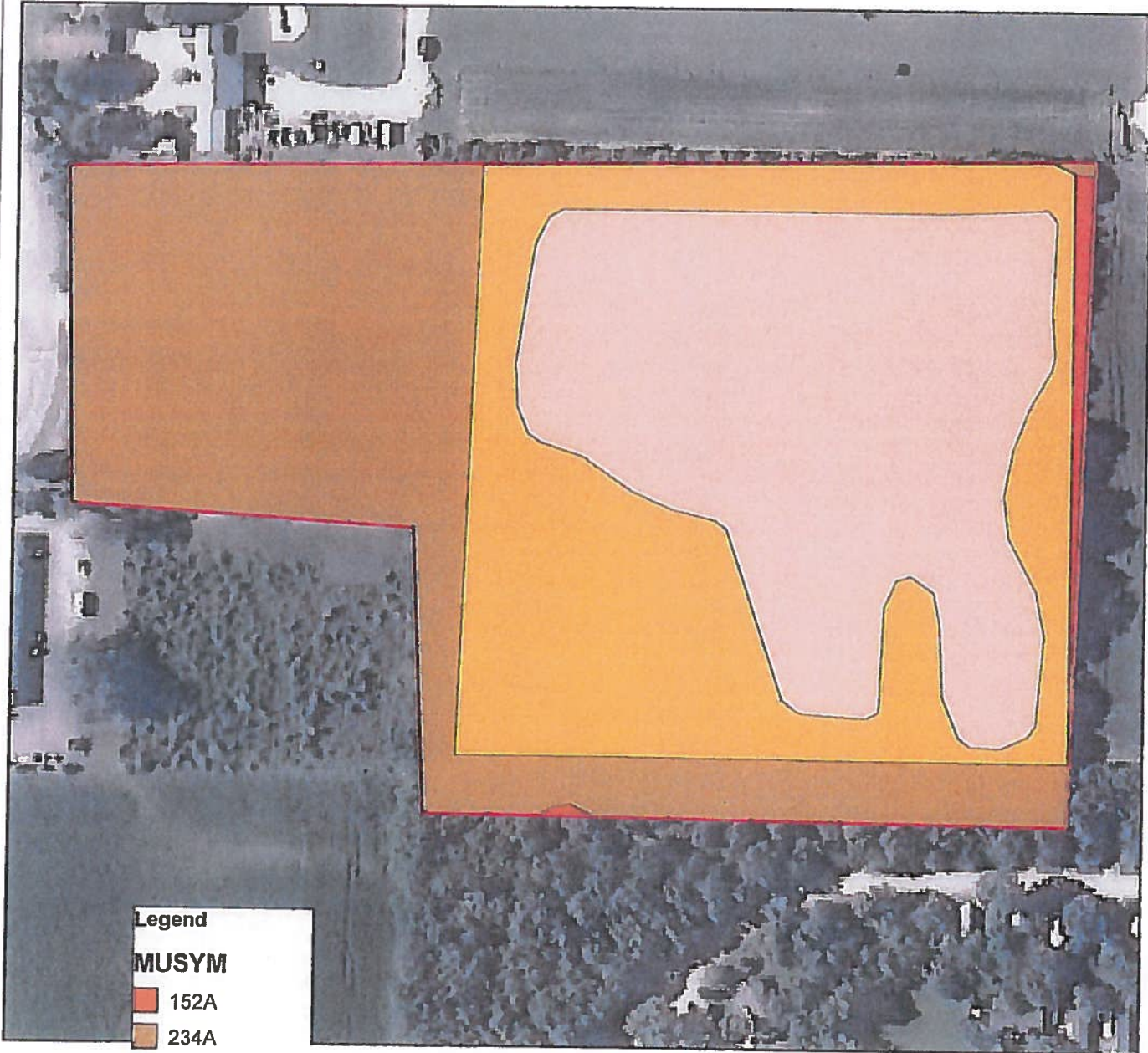
Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

Legal Description: Section 4, T.19N., R.9E.

State and County: IL, CHAMPAIGN



**Legend**

**MUSYM**

- 152A
- 234A
- 802B
- W
- Farm Lake INC





## LAND EVALUATION WORKSHEET

Soil Type	Soil Name	Ag Group	Relative Value	Acres	Land Evaluation Score
234A	Sunbury	4	91	5.2	473.2
802B	Orthents	18		4.4	0.0
152A	Drummer	2	98	0.2	19.6
					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= 492.8**

**Acreage= 9.8**

**Land Evaluation Factor For Site=**

<b>50</b>
-----------

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

Data Source: Champaign County Digital Soil Survey



# Farm Lake INC

Date: 7/1/2015

Aerial 2010

Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

Legal Description: Section 4, T.19N., R.9E.

State and County: IL, CHAMPAIGN



### Legend

— 3\_T19N\_R09E\_SEC04

□ Farm Lake INC





**Applicant:** Champaign County SWCD  
**Contact:** Jonathon Manuel  
**Address:** 2110 West Park Court, Suite C  
Champaign, IL 61821

**IDNR Project Number:** 1600006  
**Date:** 07/01/2015

**Project:** Farm Lake INC  
**Address:** 2110 West Park Court, Suite C, Champaign

**Description:** Special use Permit for use of the existing Barns

### 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:**  
19N, 9E, 4



#### **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**

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IDNR Project Number: 1600006

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.
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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.



NOT TO SCALE  
I10-2-90-60 ↑

1990

2893



T2895

29.7

2894

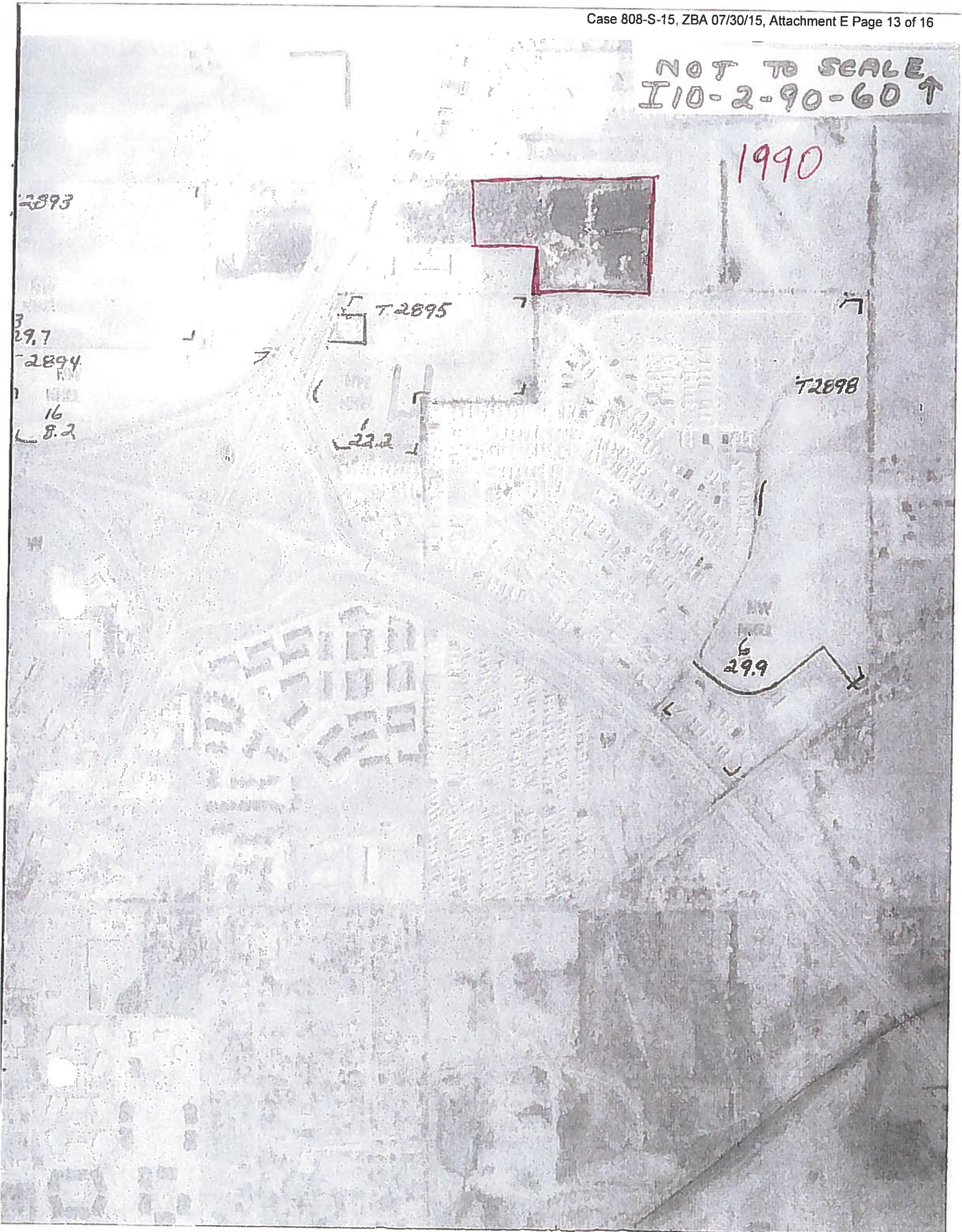
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8.2

22.2

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NOT TO SCALE

J8-2-76-7

1976

CC-329

CC-158

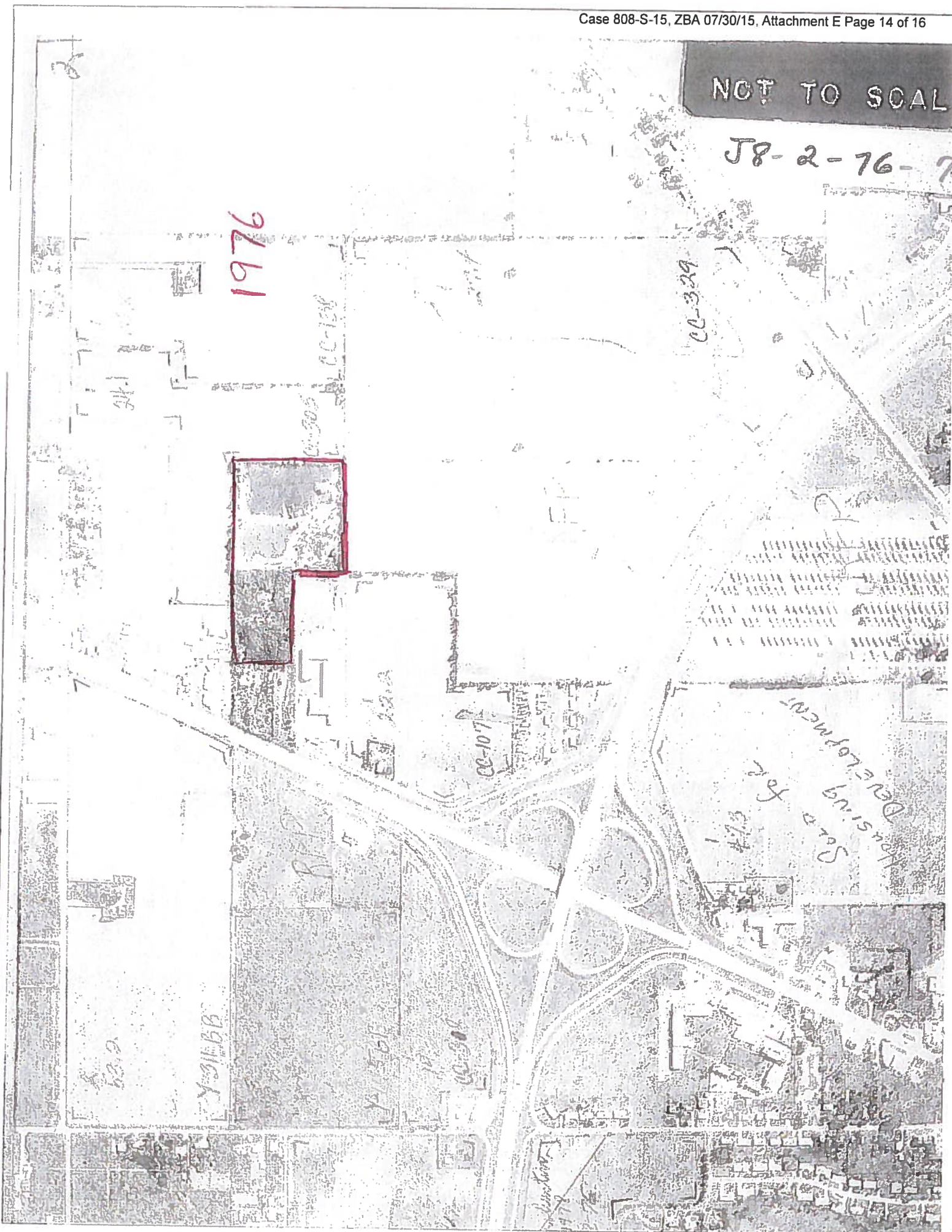
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CC-508

CC-316B

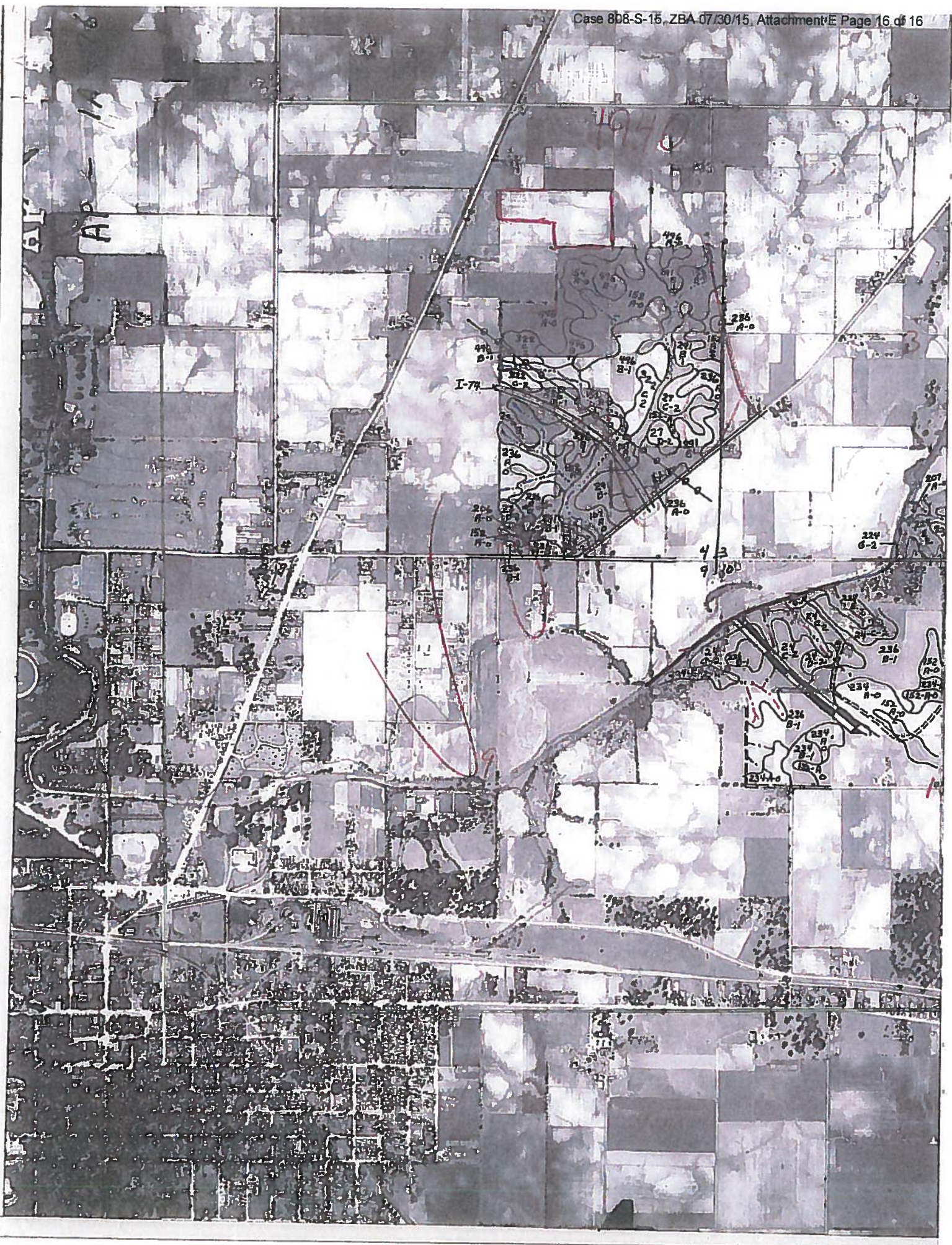
Developments  
Sara Park













**7/23/15 PRELIMINARY DRAFT**

**808-S-15**

**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: ***{July 30, 2015}***

Petitioner: Loretta Dessen, d.b.a. Farm Lake Inc.

Request: Authorize a Special Use Permit for a Private Indoor Recreational Development to allow existing and ongoing use of an existing barn as a rentable venue for entertainment and recreation in the R-4 Multiple Family Residence Zoning District.

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**Documents of Record ..... 15**  
**Case 808-S-15 Finding of Fact.....16 - 17**  
**Case 808-S-15 Final Determination ..... 18**

**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 30, 2015**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner Loretta Dessen, d.b.a. Farm Lake Inc., owns the subject property.
2. The subject property is a 10 acre tract of land in the West half of the Northeast Quarter of Section 4 Township 19 North Range 8 East in Urbana Township and commonly known as Farm Lake, with an address of 2502 North Cunningham Avenue, Urbana.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - A. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Urbana, a municipality with zoning. Municipalities with zoning do not have protest rights on Special Use Permits within their ETJ, however they do receive notice of such cases and they are invited to comment.
  - B. The subject property is located within Urbana 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 10 acre tract and is currently zoned R-4 Multi-Family Residential and is in use as a single-family residence and private events center.
  - B. Land on the north, south, east, and west of the subject property is zoned and is in use as follows:
    - (1) Land to the north and east is zoned R-5 Mobile Home Park, and is residential in use.
    - (2) Land to the south is zoned R-4 Multi-Family Residential and is residential in use.
    - (3) Land southwest of the subject property is within the City of Urbana corporate limits. It is zoned B-3 General Business and is currently a vacant lot that formerly housed a hotel and conference facility.
    - (4) Land northwest of the subject property is another Dessen property which is County zoned B-4 General Business. It is in use as a private events and outdoor recreation facility, which is allowed-by right in the B-4 District.

**GENERALLY REGARDING THE PROPOSED SPECIAL USE**

5. Regarding the site plan and operations of the proposed Special Use:
  - A. The Site Plan received June 22, 2015 is a floor plan of the East Barn, where private events are held that are the subject of this Special Use. The floor plan indicates:



**7/23/15 PRELIMINARY DRAFT****Case 808-S-15  
Page 3 of 18**

- (1) A large L-shaped main room that has one 15 foot entryway on the west side with doors that remain open at all times, and one 9 foot entryway on the north side that has no door.
  - (2) An adjacent 29 foot by 16 foot “dance floor” area that has one 6 foot doorway and one 9 foot doorway, neither of which have doors.
  - (3) A “DJ booth” and “bar/vender” area that is open on the north, east, and west sides.
  - (4) A “patio” that is open on the east and south sides adjacent to the main indoor area.
  - (5) All areas are covered by the barn roof.
- B. In addition to the East Barn, the Dessen properties at this location include:
- (1) Four parcels totaling approximately 14 acres – the westernmost two parcels do not have buildings.
  - (2) The two parcels with buildings include:
    - a. The 1.29 acre west parcel has the West Barn which holds private events like the East Barn.
    - b. The 10 acre east parcel has the residence, garage, and carport; the East Barn (the subject of this Special Use Permit application); two lakes, and a road that traverses all four parcels.
- C. Previous Zoning Use Permits on the subject property are as follows:
- (1) Zoning Use Permit # 280-80-02 approved on October 21, 1980 authorized remodeling of the single family structure and enclosing an attached patio to be used as a room addition.
  - (2) Zoning Use Permit # 163-81-01 approved on June 16, 1981 authorized construction of a new single family dwelling structure to replace the single family dwelling destroyed by fire.
  - (3) Zoning Use Permit # 152-00-02 approved on June 5, 2000 authorized construction of a residential accessory storage building.

**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS**

6. Regarding the proposed Special Use:
  - A. Section 5.2 authorizes a “Private Indoor Recreational Development” as a Special Use only in the AG-2, R-3, and R-4 Zoning Districts, and by-right in the B-2, B-3 and B-4 Zoning Districts.

**7/23/15 PRELIMINARY DRAFT**

- B. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
    - a. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
    - b. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
    - c. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
    - d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
    - e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
- C. There are no Standard Conditions in Section 6.1.3 of the *Zoning Ordinance* that are applicable to Private Indoor Recreational Developments authorized as a Special Use.

The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):

- (1) "ACCESS" is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
- (2) "ACCESSORY STRUCTURE" is a STRUCTURE on the same LOT within the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, subordinate to and USED for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE or the main or principal USE.
- (3) "ACCESSORY USE" is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
- (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.

**7/23/15 PRELIMINARY DRAFT****Case 808-S-15  
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- (5) "BUILDING, MAIN or PRINCIPAL" is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
  - (6) "COURT" is an OPEN SPACE, other than a YARD, on the same LOT with a BUILDING, which is bounded on two or more sides by, but is not enclosed by, the walls of such BUILDING.
  - (7) "PRIVATE ACCESSWAY" is a service way providing ACCESS to one or more LOTS which has not been dedicated to the public.
  - (8) "SPECIAL CONDITION" is a condition for the establishment of a SPECIAL USE.
  - (9) "SPECIAL USE" is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
  - (10) "STRUCURE, DETACHED" is a STRUCTURE connected to another STRUCTURE.
  - (11) "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.
  - (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.
- D. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
  - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
    - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
    - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
    - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.



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- (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
  - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
  - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- E. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

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

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioner has testified on the application, **“Private parties and organizations (churches, university organizations/clubs, weddings, charities, graduation ceremonies) have been scheduling their events here year after year because we provide a safe, beautiful location that keeps them coming back.”**
  - B. The property is located one-half mile from the I-74 interchange at Cunningham Avenue/US45.
  - C. According to the News Gazette article dated May 3, 2015, “For the past 25 years, fraternities, sororities, university departments, businesses and other organizations have rented the barns for special events and parties.”

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

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
- A. The Petitioner has testified on the application, **“The parties attending events are required to arrive by private transportation (bus). All events are supervised by trained staff at ratios of at least 1 staff member per 40 attendees. Our security coordinates with buses and CCSD (Champaign County Sheriff’s Department).”**

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- B. The Natural Resources Report completed by the Champaign County Soil and Water Conservation District and received July 8, 2015 indicates no concerns with soils, cultural, plant, or animal resources.
- C. Regarding surface drainage:
- (1) The subject property is located in the Saline Branch Drainage District.
  - (2) Drainage from the subject property travels off the site to the North, South, and West.
- D. The subject property can be accessed by a private drive via O'Brien Drive east of Cunningham Avenue/US 45 North. Regarding the general traffic conditions at this location and the level of existing traffic:
- (1) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). There is no ADT data for the area east of Cunningham Avenue/US 45 North.
  - (2) The Township Highway Commissioner has been notified of this case, but no comments have been received.
  - (3) The private access drive on the property is a one-lane hard packed surface covered in gravel. There is a circle drive near the main residence which is within short walking distance of the East Barn.
- E. Regarding fire protection on the subject property, the subject property is located within the Carroll Fire Protection District. The FPD Chief has been notified of this case but no comments have been received.
- F. No part of the subject property is located within the mapped floodplain.
- G. Regarding outdoor lighting on the subject property:
- (1) There is no outdoor lighting shown on the Site Plan received June 22, 2015.
  - (2) Visual inspection of the East Barn and its immediate outdoor area indicates several rustic floodlights with low wattage fluorescent bulbs mounted on the walls and rafters. They are plugged directly into electrical outlets which are also mounted on the walls and rafters. There are also decorative string lights in the trees and on the barn walls which are plugged directly into outlets.
  - (3) The lights do not appear to be cutoff in design. However, the amount of light capable of coming from these lamps is minimal and staff does not consider them to be a source of light glare or trespass for neighboring properties.
- H. Regarding wastewater treatment and disposal on the subject property:

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- (1) For special events, there are two portable restrooms located outside the East Barn. The Petitioner has them sanitized after events. No analysis has been completed to determine if two restrooms are sufficient for demand at the events.
- I. Regarding life safety considerations related to the proposed Special Use:
- (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
    - a. The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
    - b. The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
    - c. The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
    - d. Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
    - e. Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
    - f. The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required.
    - g. The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.



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- h. The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
  - i. When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.
  - j. Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked.
- (2) Illinois Public Act 96-704 requires that in a non-building code jurisdiction no person shall occupy a newly constructed commercial building until a qualified individual certifies that the building meets compliance with the building codes adopted by the Board for non-building code jurisdictions based on the following:
- a. The 2006 or later editions of the following codes developed by the International Code Council:
    - i. International Building Code;
    - ii. International Existing Building Code; and
    - iii. International Property Maintenance Code
  - b. The 2008 or later edition of the National Electrical Code NFPA 70.
  - c. The buildings in question are existing, older structures.
- (3) In a phone conversation with staff on June 2, 2015, the Petitioner indicated the following:
- a. The barn doors are open for every event, no exceptions;
  - b. There are four fire extinguishers in the East Barn that are checked yearly.
  - c. “No Smoking” and “Fire Exit” signs are posted in numerous locations in the East Barn.
  - d. The Fire Protection District has been to the site (date unknown) and they provided no comments.
  - e. No parties can use the nearby docks or lakes.

- J. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

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

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application: **“Yes, we have been hosting events since 1992.”**
- B. Regarding compliance with the *Zoning Ordinance*:
- (1) Section 5.2 authorizes a “Private Indoor Recreational Development” as a Special Use only in the AG-2, R-3, and R-4 Zoning Districts, and by-right in the B-2, B-3 and B-4 Zoning Districts.
  - (2) All existing and proposed structures meet setback and front, side and rear yard requirements.
  - (3) Regarding parking on the subject property:
    - a. Paragraph 7.4.1 C.1.e. requires one parking space for every 200 square feet of floor area or portion thereof.
    - b. The East Barn is approximately 2,277 square feet, which would require 12 parking spaces.
    - c. The Petitioner indicated on the application that most parties are dropped off and picked up by private bus, so there are generally few personal vehicles at events.
    - d. The property has a private drive running through it that could accommodate significantly more than the 12 required parking spaces.
    - e. There are no marked handicap accessible parking spaces on the property. The Petitioner spoke with Doug Gamble, Accessibility Specialist with the Illinois Capital Development Board, who had no comments.
- C. Regarding compliance with the *Stormwater Management Policy*:
- (1) The Petitioner plans no new construction so no land will be disturbed that would require a Stormwater Management Plan.

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- D. Regarding the Special Flood Hazard Areas Ordinance, no portion of the subject property is located within the mapped floodplain.
- E. Regarding the Subdivision Regulations, the subject property is located in the Champaign County subdivision jurisdiction and the subject property is in compliance.
- F. Regarding the requirement that the Special Use preserve the essential character of the R-4 Multi-Family Residential Zoning DISTRICT:
  - (1) The property's buildings and setting have been the same for decades.
  - (2) The proposed Special Use seems unlikely to create any significant traffic impacts but no Traffic Impact Assessment has been made.
  - (3) There will be no significant drainage impacts because the proposed Special Use will comply with the *Stormwater Management Policy*.
  - (4) No noise complaints have been received by staff.
- G. The proposed Special Use must comply with the Illinois Accessibility Code which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been ensured.
  - (1) The Petitioner indicated that she reserves a handicap accessible portable restroom if the party requests one in advance.

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

- 10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:
  - A. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
    - (1) Subsection 5.1.14 of the Ordinance states the general intent of the R-4 District and states as follows (capitalized words are defined in the Ordinance):

The R-4, Multi-Family Residential DISTRICT is intended to provide areas for SINGLE FAMILY, TWO FAMILY, and MULTIPLE FAMILY DWELLINGS set in a medium density housing environment.
    - (2) The types of uses authorized in the R-4 District are in fact the types of uses that have been determined to be acceptable in the R-4 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.



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- B. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:
- (1) Paragraph 2.0 (a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.
    - a. This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements.
  - (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the Ordinance is conserving the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY. In regards to the value of nearby properties:
    - a. The requested Special Use Permit should not decrease the value of nearby properties.
  - (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS. In regards to congestion in the public STREETS:
    - a. The proposed Special Use seems unlikely to create any significant traffic impacts but no Traffic Impact Assessment has been made.
  - (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding the hazards to persons and damage to PROPERTY resulting from the accumulation of runoff from storm or flood waters.
    - a. The proposed construction on the subject property does not trigger the need for stormwater management.
  - (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.
    - a. In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
    - b. In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
  - (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.
    - a. These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the

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Ordinance and the proposed site plan appears to be in compliance with those limits.

- (7) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the ordinance; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.
- a. Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate any problematic conditions.
- (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the Ordinance is preventing additions to and alteration or remodeling of existing BUILDINGS, STRUCTURES, or USES in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.
- a. The proposed Special Use will not remodel or alter existing structures.
- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the Ordinance is protecting the most productive AGRICULTURAL lands from haphazard and unplanned intrusions of urban USES.
- a. The property has had residential zoning for a long time.
- b. The property is not located on Best Prime Farmland.
- c. The proposed use will not remove any land from agricultural production.
- (10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the Ordinance is protecting natural features such as forested areas and watercourses.
- a. The subject property has three ponds and is generally forested land. The petitioner continues to preserve this rural, wooded environment and clients seek this same environment for their special events.
- (11) Paragraph 2.0 (p) of the Ordinance states that one purpose of the Ordinance is encouraging the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.
- a. The proposed use will not require the development of public utilities or transportation facilities.

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- (12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the Ordinance is encouraging the preservation of AGRICULTURAL belts surrounding urban areas, to retain the AGRICULTURAL nature of the COUNTY, and the individual character of existing communities.
- a. The property has had residential zoning for a long time.
  - b. The property is not located on Best Prime Farmland.
  - c. The proposed use will not remove any land from agricultural production.
- (13) Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.
- a. The proposed use will not hinder the development of renewable energy sources.

*GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE*

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

*GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL*

12. Regarding proposed special conditions of approval:
- A. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Private Indoor Recreational Development until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

**That the proposed Special Use meets applicable state requirements for accessibility.**

- B. **The only two principal uses authorized by Case 808-S-15 are a Single Family Residence and use of the East Barn as a Private Indoor Recreational Development.**

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

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



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**DOCUMENTS OF RECORD**

1. Special Use Permit application received June 22, 2015, with attachments:
  - A Site Plan comprised of East Barn floor plan
  - B Warranty Deed
  
2. Natural Resources Report by the Champaign County Soil and Water Conservation District, received July 8, 2015
  
3. Preliminary Memorandum for Case 808-S-15 dated July 23, 2015, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Site Plan received June 22, 2015
  - C Annotated Site Plan dated July 23, 2015
  - D Site Images taken July 2, 2015
  - E Natural Resources Report by the Champaign County Soil and Water Conservation District, received July 8, 2015
  - F Draft Summary of Evidence dated July 23, 2015

**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 808-S-15 held on July 30, 2015, the Zoning Board of Appeals of Champaign County finds that:

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

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

a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE / INADEQUATE}* visibility.  
b. Emergency services availability is *{ADEQUATE / INADEQUATE}* *{because\*}*:  
\_\_\_\_\_  
\_\_\_\_\_

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

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

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

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

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

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

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

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- 3b. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located because:
- The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes.
  - The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.
  - Public safety will be *{ADEQUATE / INADEQUATE}*.
4. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:
- The Special Use is authorized in the District.
  - The requested Special Use Permit *{IS/ IS NOT}* necessary for the public convenience at this location.
  - The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL / WILL NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
  - The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located.
5. The requested Special Use *{IS/ IS NOT}* an existing nonconforming use and the requested Special Use Permit *{WILL/ WILL NOT}* make the existing use more compatible with its surroundings *{because: \*}*
6. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:***
- The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Private Indoor Recreational Development until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**  
  
The special condition stated above is necessary to ensure the following:  
**That the proposed Special Use meets applicable state requirements for accessibility.**
  - The only two principal uses authorized by Case 808-S-15 are a Single Family Residence and use of the East Barn as a Private Indoor Recreational Development.**  
  
The special condition stated above is necessary to ensure the following:  
**That the petitioner and future landowners understand the requirements of the Zoning Ordinance.**

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



**FINAL DETERMINATION**

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

The Special Use requested in Case 808-S-15 is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED }* to the applicant **Loretta Dessen d.b.a. Farm Lake, Inc.**, to authorize **the following as a Special Use in the R-4 District:**

Authorize a Special Use Permit for a Private Indoor Recreational Development to allow existing and ongoing use of an existing barn as a rentable venue for entertainment and recreation.

***{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:}***

- A. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Private Indoor Recreational Development until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

- B. **The only two principal uses authorized by Case 808-S-15 are a Single Family Residence and use of the East Barn as a Private Indoor Recreational Development.**

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

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 Thorsland, Chair  
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

**CASE NO. 810-V-15**

PRELIMINARY MEMORANDUM

July 23, 2015

Petitioners: **Thomas E Burgin II and Randall Brown**

Request: **Authorize the following Variance in the CR Conservation Recreation Zoning District:**

**Authorize the proposed separate use of an existing nonconforming lot that was in common ownership with adjacent property and has an average width of 132 feet in lieu of the required minimum 200 feet as per Section 5.3 of the Zoning Ordinance.**

Subject Property: **The subject property is a 1 acre in Urbana Township in the Northeast Quarter of the Northeast Quarter of Section 3, Township 19 North, Range 9 East of the Third Principal Meridian and commonly known as 2901 Airport Road, Urbana.**

Site Area: **43,560 square feet (1 acre)**

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

Prepared by: **Susan Chavarria**  
Senior Planner

**John Hall**  
Zoning Administrator

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## BACKGROUND

The subject property is a nonconforming lot of record that has previously been in common ownership with the adjacent property as follows:

- The house was constructed prior to adoption of the Zoning Ordinance on October 10, 1973.
- On November 6, 1991, Kathleen Toomey inherited 2901 Airport Road and the adjacent land that included 8 rental houses and 4 rental trailers from George D. Briggs. This transaction brought the subject property and the adjacent property into common ownership, which triggered the applicability of Section 8.1.2 of the *Zoning Ordinance* for the subject property and prompts the request for the minimum lot width Variance in this case.
- Thomas E Burgin II purchased the subject property in August 2014.

Mr. Brown would like to demolish the existing house on the subject property in order to construct a new residence. The lot width is less than the minimum required in the Zoning Ordinance; approval of a variance for the reduced lot width is necessary for construction.

## **EXTRATERRITORIAL JURISDICTION**

The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Urbana, a municipality with zoning. Municipalities have no protest rights on variances and municipal review is not requested for variances.

## **EXISTING LAND USE AND ZONING**

**Table 1. Land Use and Zoning in the Vicinity**

Direction	Land Use	Zoning
Onsite	Single Family Residence	CR Conservation Recreation
North	Brownfield Woods (UIUC)	AG-1 Agriculture
East	Single Family Residence	CR Conservation Recreation
West	Single Family Residence	CR Conservation Recreation
South	Single Family Residence	CR Conservation Recreation

## **ATTACHMENTS**

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received July 7, 2015
- C Images of Subject Property taken July 10, 2015
- D Draft Summary of Evidence, Finding of Fact, and Final Determination dated July 23, 2015



# Location Map

Case 810-V-15  
July 30, 2015

Subject Property



**Legend**

-  Subject Property
-  Parcels

Property location in Champaign County

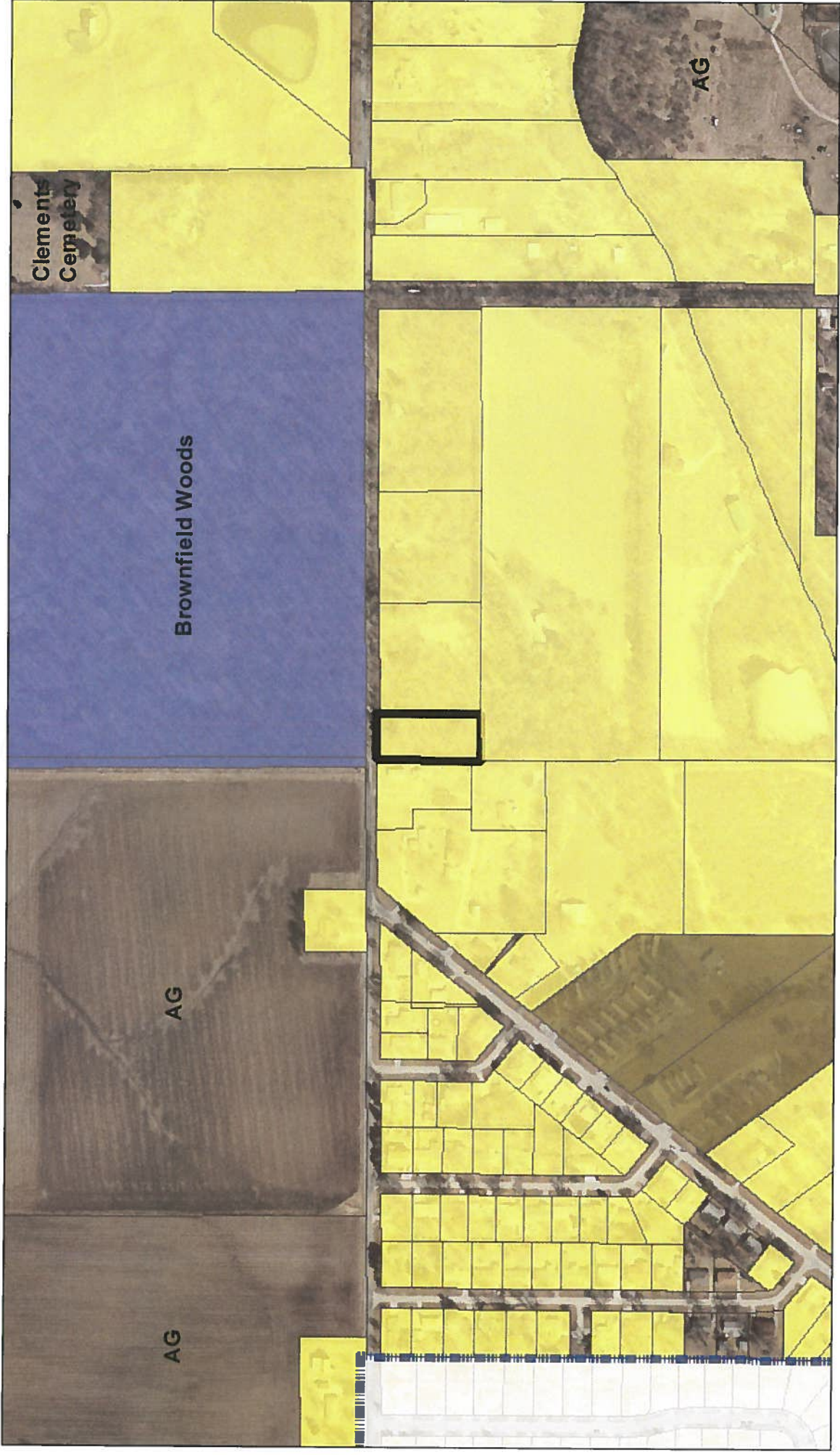


Champaign County  
Department of  
PLANNING &  
ZONING



# Land Use Map

Case 810-V-15  
July 30, 2015



**Legend**

- Subject Property (Black outline)
- SF Residential (Yellow)
- Urbana Corporate Limits (Blue)
- Mobile Home Park (Brown)
- Tax Exempt (Dark Blue)

0 100 200 400 Feet

North Arrow (N)

Cherokee County  
Department of  
PLANNING &  
ZONING



# Zoning Map

Case 810-V-15

July 30, 2015



## Legend

 Subject Property



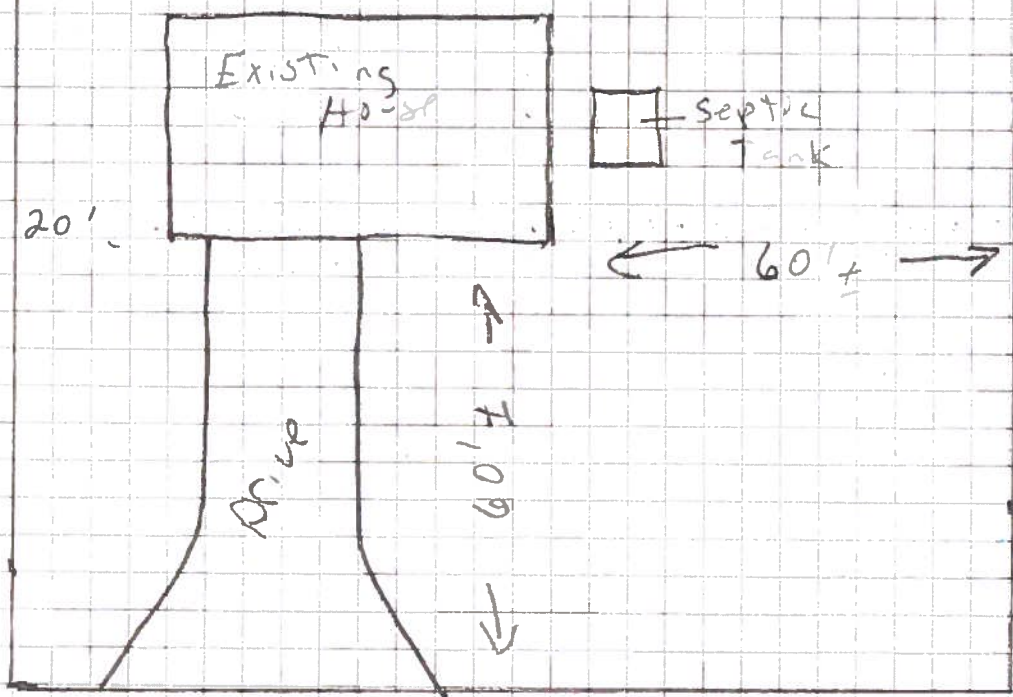
RECEIVED

JUL 07 2015

CHAMPAIGN CO. P & Z DEPARTMENT

330'

● - Old well



A.S. Post Road

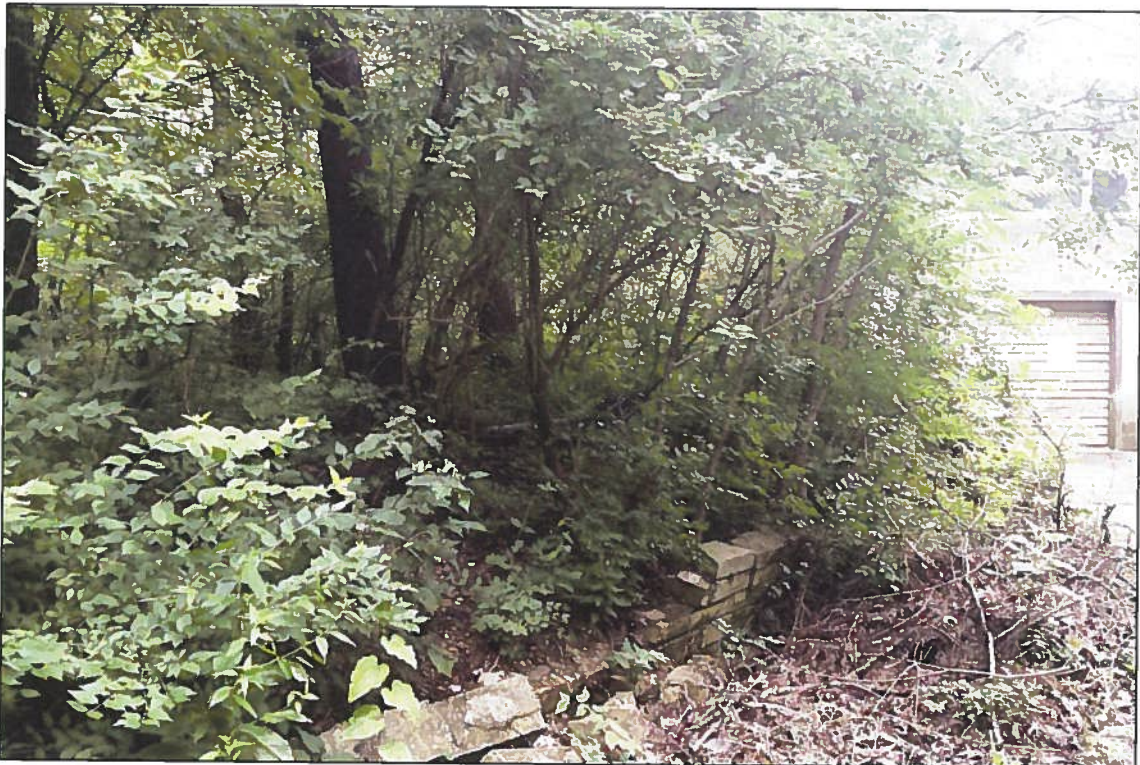
1/4" = 5'



## 810-V-15 Images



**House from Airport Road**



**Wooded area to east of house**



**PRELIMINARY DRAFT**

**810-V-15**

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

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

Date: ***{July 30, 2015}***

Petitioners: Thomas E Burgin II and Randall Brown

Request: Authorize the following Variance in the CR Conservation Recreation Zoning District:  
                  Authorize the proposed separate use of an existing nonconforming lot that was in common ownership with adjacent property and has an average width of 132 feet in lieu of the required minimum 200 feet as per Section 5.3 of the Zoning Ordinance.

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**PRELIMINARY DRAFT****SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 30, 2015**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioner Thomas E Burgin II owns the subject property.
2. The subject property is a 1 acre in Urbana Township in the Northeast Quarter of the Northeast Quarter of Section 3, Township 19 North, Range 9 East of the Third Principal Meridian and commonly known as 2901 Airport Road, Urbana.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - A. The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the City of Urbana, a municipality with zoning. Municipalities do not have protest rights on a variance and are not notified of such cases.
  - B. The subject property is located within Urbana 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 acre lot and is currently zoned CR Conservation Recreation and is residential in use.
  - B. Land to the north of the subject property is zoned AG-1 Agriculture and is in use as the University of Illinois Natural Area Brownfield Woods.
  - C. Land to the south, east, and west of the subject property is zoned CR Conservation Recreation and is residential in use.

**GENERALLY REGARDING THE PROPOSED SITE PLAN**

5. Regarding the site plan of the subject site:
  - A. The Petitioner's Site Plan, received July 7, 2015, indicates the following:
    - (1) An existing house with a driveway onto Airport Road.
    - (2) An "old well" and "septic tank" toward the center of the property.
    - (3) An average lot width of 132 feet and a lot area of one acre.
  - B. There are no previous Zoning Use Permits on the subject property; the house was constructed prior to the Zoning Ordinance adoption on October 10, 1973.
  - C. The required variance is as follows: The proposed separate use of an existing nonconforming lot that was in common ownership with adjacent property and has an average width of 132 feet in lieu of the required minimum 200 feet as per Section 5.3 of the Zoning Ordinance.

**PRELIMINARY DRAFT****GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES**

6. Regarding authorization for the proposed variance:
- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Variance (capitalized words are defined in the Ordinance):
- (1) "AREA, LOT" is the total area within the LOT LINES.
  - (2) "COVERAGE" is the percentage of the LOT AREA covered by the BUILDING AREA.
  - (3) "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.
  - (4) "LOT" is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
  - (5) "LOT LINES" are the lines bounding a LOT.
  - (6) "LOT WIDTH, AVERAGE" is the LOT AREA divided by the LOT DEPTH or, alternatively, the diameter of the largest circle that will fit entirely within the LOT LINES.
  - (7) "NONCONFORMING LOT, STRUCTURE, OR USE" is a LOT, SIGN, STRUCTURE, or USE which does not conform to the regulations and standards of the DISTRICT in which it is located.
  - (8) "NONCONFORMING PREMISES" is a NONCONFORMING LOT with a NONCONFORMING STRUCTURE located on it.
  - (9) "SPECIAL CONDITION" is a condition for the establishment of a SPECIAL USE.
  - (10) "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.
  - (11) "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.
  - (12) "VARIANCE" is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or the Zoning BOARD of Appeals are permitted to grant.



**PRELIMINARY DRAFT**

- B. The CR, Conservation-Recreation DISTRICT is intended to protect the public health by restricting development in areas subject to frequent or periodic floods and to conserve the natural and scenic areas generally along the major stream networks of the COUNTY.
- C. Section 8.1.2 of the *Zoning Ordinance* states “Once two or more contiguous LOTS or combination of LOTS and portions of LOTS which individually do not meet any dimensional, geometric, LOT ACCESS or other standards are brought into common ownership the LOTS involved shall be considered to be a single LOT for the purpose of this ordinance. No portion of said LOT shall be used separately or conveyed to another owner which does not meet all of the dimensional, geometric, LOT ACCESS and other standards established by this ordinance unless a VARIANCE is granted by the BOARD in accordance with Section 9.1.9”.
- D. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
    - a. That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
    - b. That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
    - c. That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
    - d. That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
    - e. That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
  - (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9 D.2.
- E. Minimum average lot width in the CR Conservation Recreation District is established in Section 5.3 of the *Zoning Ordinance* as 200 feet.

**PRELIMINARY DRAFT****GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT**

7. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
- A. The Petitioner has testified on the application, **“There was a subdivision approved by Urbana to the west of the property that left this lot without the required lot width.”**
- B. The subject property has the following ownership history relevant to this case:
- (1) The house was constructed prior to adoption of the Zoning Ordinance on October 10, 1973.
- (2) On November 6, 1991, Kathleen Toomey inherited 2901 Airport Road and the adjacent land that included 8 rental houses and 4 rental trailers from George D. Briggs. This transaction brought the subject property and the adjacent property into common ownership, which triggered the applicability of Section 8.1.2 of the *Zoning Ordinance* for the subject property and prompts the request for the minimum lot width Variance in this case.
- (3) Thomas E Burgin II purchased the subject property in August 2014.

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

8. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
- A. The Petitioner has testified on the application, **“If we were unable to get a variance it would leave a house that is in disrepair and prohibit me from improving the lot by building a new home on it.”**
- B. Without the proposed variance, the Petitioner would be unable to build a new house or other structure requiring a Zoning Use Permit if the existing structure is destroyed. The Petitioner intends to demolish the existing house and construct a new one if the variance is approved.

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

9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
- A. The Petitioner has testified on the application, **“No. It is a remainder lot from an approved subdivision.”**
- B. According to the Assessor’s property records, the Petitioner has owned the property since 2014.

**PRELIMINARY DRAFT****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, **“It will still be in perfect harmony because I can build a house and install septic, etc. with all other parameters.”**
  - B. Regarding the proposed Variance for an average lot width of 132 feet in lieu of the minimum required 200 feet: the requested variance is 60% of the minimum required, for a variance of 40%.
  - C. Regarding the minimum required average lot width:
    - (1) Since the adoption of the Zoning Ordinance on October 10, 1973, the CR District has always required a minimum lot area of one acre and a minimum average lot width of 200 feet.
    - (2) The County reviewed the minimum lot area and minimum average lot width requirements in Case 847-AT-93. That case established the importance of accommodating onsite wastewater treatment on lots without connection to a sanitary sewer system. As amended, following Case 847-AT-93, the Ordinance requires a minimum lot area of 30,000 square feet minimum lot area and a minimum average width of 150 feet for any new lot (in other than the CR and AG-1 Districts) if there is no sanitary sewer and no public water supply. Further, if a connected public water supply system is available, Paragraph 4.3.4.B. only requires a minimum lot area of 20,000 square feet and a minimum average lot width of 100 feet.
    - (3) Besides the importance of accommodating onsite wastewater treatment and disposal as part of the basis for the minimum lot area and average lot width requirement, other considerations are as follows:
      - a. Adequate light and air: The subject property has an existing single family home. There are residential uses to the west, east and south of the property and natural wooded areas to the north.
      - b. Separation of structures to prevent conflagration: Structures in the rural zoning districts are generally located farther from fire protection stations than structures in the urban districts and the level of fire protection service is generally somewhat lower given the slower response time. The subject property is within the Carroll Fire Protection District and the station is approximately 1.2 road miles from the subject property.
      - c. Aesthetics may also play a part in the minimum lot area requirement.
  - D. The requested variance is not prohibited by the *Zoning Ordinance*.



**PRELIMINARY DRAFT**

**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: **“Will not be building closer to lot lines than allowed and will be building a desirable new residence in which I will be living.”**
  - B. The Township Road Commissioner has been notified of this variance but no comments have been received.
  - C. The Carroll Fire Protection District has been notified of this variance but no comments have been received.
  - D. The nearest building on neighboring property is approximately 28 feet from the western property line.

**GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE**

12. Generally regarding and other circumstances which justify the Variance:
  - A. The Petitioner has testified on the application: **“I think it will be a great improvement to the neighborhood.”**

**GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL**

13. Regarding proposed special conditions of approval:

**No special conditions are proposed at this time.**

**DOCUMENTS OF RECORD**

1. Variance Application received on July 7, 2015, with attachments:
  - A Site Plan received July 7, 2015
  - B Warranty Deed
  
2. Preliminary Memorandum dated July 23, 2015 with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Site Plan received July 7, 2015
  - C Images of Subject Property taken July 10, 2015
  - D Draft Summary of Evidence, Finding of Fact, and Final Determination

**PRELIMINARY DRAFT**

**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **810-V-15** held on **July 30, 2015**, 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;}***



**PRELIMINARY DRAFT**

**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 810-V-15 is hereby *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* to the petitioners **Thomas E Burgin II and Randall Brown** to authorize the following variance in the CR Conservation Recreation Zoning District:

**A proposed separate use of an existing nonconforming lot that was in common ownership with adjacent property and has an average width of 132 feet in lieu of the required minimum 200 feet as per Section 5.3 of the Zoning Ordinance.**

*{SUBJECT TO THE FOLLOWING CONDITION(S):}*

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

SIGNED:

Eric Thorsland, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date