

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: August 27, 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 (June 25, 2015 and July 30, 2015)
5. Continued Public Hearings

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

Case 685-AT-11 Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance by revising Section 6.1 by adding standard conditions required for any County Board approved special use permit for a Rural Residential Development in the Rural Residential Overlay district as follows:

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

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6. New Public Hearings

***Case 811-S-15** Petitioner: **Casey Hug d.b.a. Rub 'n Chug, LLC**

Request: **Authorize a catering kitchen as a Contractor's Facility with or without outdoor storage and/or outdoor operations in the AG-1, Agriculture Zoning District.**

Location: **A 1.2 acre tract in the Southeast Quarter of the Southwest Quarter of the Northeast Quarter of Section 2 of Township 19 North, Range 10 East of the Third Principal Meridian in St. Joseph Township located at 1757 CR 2275 East, St. Joseph, Illinois.**

***Case 812-V-15** Petitioner: **Windsor Road Christian Church**

Request: **Authorize the following in the AG-2 Agriculture Zoning District:**
Part A. A Private Traffic Direction Sign that is 24 square feet in area in lieu of the required maximum of 5 square feet in area.
Part B. A Private Traffic Direction Sign that is 20 square feet in area and 80 inches in height in lieu of the required maximum of 5 square feet in area and 5 feet (60 inches) in height.
Part C. Four Private Traffic Direction Signs that are 80 inches in height in lieu of the required maximum height of 5 feet (60 inches).
Part D. Three Private Traffic Direction Signs that are 6.25 square feet in area and 72 inches in height in lieu of the required maximum of 5 square feet in area and 5 feet (60 inches) in height.

Location: **A ten acre tract of land in the Northeast Quarter of the Northeast Quarter of the Northwest Quarter of Section 27 of Champaign Township and commonly known as the Windsor Road Christian Church located at 2501 West Windsor Road, Champaign.**

7. Staff Report

8. Other Business

A. Review of the Docket

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**

4 1776 E. Washington Street
5 Urbana, IL 61802

7 **DATE:** June 25, 2015

PLACE: Lyle Shield's Meeting Room
1776 East Washington Street
Urbana, IL 61802

10 **TIME:** 6:30 p.m.

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

13 **MEMBERS ABSENT :** Debra Griest

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

17 **OTHERS PRESENT :** James Hrubik, Kimberly Young, Tom Drysdale, Joyce Hudson, Cecil
18 Hudson, Robert Sherman, Donald Wood, Lois Wood

21 **1. Call to Order**

23 The meeting was called to order at 6:30 p.m.

DRAFT

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

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

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

33 **3. Correspondence**

35 None

37 **4. Approval of Minutes**

39 None

41 Mr. Thorsland entertained a motion to rearrange the docket and hear Case 804-AM-15, Kimberly Young,
42 d.b.a. Quick Leasing Inc. prior to Case 799-AM-15 and 800-S-15, Joyce Hudson, d.b.a. Hudson Farm
43 Weddings and Events, LLC.

45 Ms. Capel moved, seconded by Ms. Passalacqua to rearrange the docket and hear Case 804-AM-15,
46 Kimberly Young, d.b.a. Quick Leasing Inc. prior to Case 799-AM-15 and 800-S-15, Joyce Hudson,
47 d.b.a. Hudson Farm Weddings and Events, LLC. The motion carried by voice vote.
48

5. Continued Public Hearing

Cases 799-AM-15, 800-S-15 Petitioner: Joyce Hudson d.b.a. Hudson Farm Weddings and Events, LLC Requests: Case 799-AM-15: Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to operate the proposed Special Use in related Zoning Case 800-S-15: Part A. Authorize the remodeling of existing farm buildings for the establishment and use of an Event Center as a combination "Private Indoor Recreational Development" and Outdoor Commercial Recreational Enterprise" as a Special Use on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current Ag-1 Agriculture Zoning District in related zoning case 799-AM-15; and Part B. Authorize the following waiver to the standard conditions of the "Outdoor Commercial Recreational Enterprise" special use as per Section 6.1.3 of the Zoning Ordinance: A separation distance of 50 feet in lieu of the required 200 feet between any Outdoor Commercial Recreational Enterprise and any adjacent residential structure and/or use; Note: Variance not needed due to revised site plan. Location: A 3.67 acre tract in Urbana Township in the Northeast Quarter of the Southeast Quarter of Section 25 of Township 19N, Range 9E of the Third Principal Meridian and commonly known as the farmstead located at 1341 CR 1800E, Urbana.

Mr. Thorsland called Cases 799-AM-15 and 800-S-15 concurrently.

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

Mr. Thorsland informed the audience that Case 800-S-15 is an Administrative Case and as such the County allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show of hands for those who would like to cross examine and each person will be called upon. He requested that anyone called to cross examine go to the cross-examination microphone to ask any questions. He said that those who desire to cross examine are not required to sign the witness register but are requested to clearly state their name before asking any questions. He noted that no new testimony is to be given during the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross examination.

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

Mr. Tom Drysdale, attorney for Joyce Hudson, stated that Ms. Hudson wants to rezone her property so that she may hold weddings and events at her farm property. He said that he and Ms. Hudson have been before

1 the Board a couple of times therefore the Board is familiar with what they are trying to do.

2
3 Mr. Thorsland requested that Mr. Drysdale provide his address.

4
5 Mr. Drysdale stated that he resides at 707 Lauterbur Lane, Champaign.

6
7 Mr. Thorsland asked Mr. Hall if he had any new information for the Board.

8
9 Mr. John Hall, Zoning Administrator, stated that there is only one policy where there is a decision point
10 although there are three or four other policies where the Board will see that it is suggested that there is no
11 decision and then the option is given but in those cases the intent was that staff was prepared to make a
12 recommendation in the affirmative for everything except for one policy and that was Policy 4.3.3. He said
13 that this case was intended to be as easy as the previous case but as the Board will recall, this set of
14 recommendations are far different than what the Board was first presented with and staff was not able to get
15 all of those tidied up before the mailing. He said that the staff memorandum points out there are no real
16 concerns about anything except for 20 or 30 years in the future if Ms. Hudson is no longer the owner, is the
17 Board comfortable without any conditions intended to ensure that the new owner takes as much care as Ms.
18 Hudson has taken with respecting and coordinating with neighboring farmers. He said that there may be
19 good reason for the Board to have such a concern but in 20 or 30 years things may look much different in
20 this area anyway. He said that staff wanted to bring this matter to the Board's attention so at least the Board
21 could say aye or nay on those conditions and of course any conditions would need to be accepted by Ms.
22 Hudson as well.

23
24 Mr. Thorsland stated that the special conditions that Mr. Hall is referring to are on page 3 of the
25 Supplemental Memorandum dated June 17, 2015. He said that the special conditions have not been before
26 the Board before tonight and are intended for Case 800-S-15 and not Case 799-AM-15.

27
28 Ms. Lee stated that the proposed special conditions are good to be included.

29
30 Mr. Thorsland stated that it is not unusual for the Board to have some sort of a provision regarding a change
31 in ownership included with a Special Use Permit. He said that this is a fairly compact special use and as
32 rural as it is currently there is always potential that the area could change 10 or 15 years down the road.

33
34 Mr. Hall stated that it occurred to him that the proposed special conditions could be grouped under one
35 special condition and could read as follows: The following special conditions shall apply should the Special
36 Use Permit ever be under different ownership. He said that the three conditions would come under the one
37 condition and in that version they would not apply as long as Ms. Hudson owns the property. He said that
38 the Board could take the approach that these are so reasonable that they should apply from day one.

1 Mr. Passalacqua asked Mr. Hall if the special conditions were grouped together under a change of ownership
2 could the last line on page 3, (particularly under different ownership) be eliminated.
3

4 Mr. Randol stated that if there is change in ownership the case should be revisited so that the new owner
5 would have no questions regarding the allowed use. He said that it is not uncommon for things to get lost in
6 translation over time.
7

8 Mr. Hall asked Mr. Randol if the Special Use Permit should expire upon new ownership.
9

10 Mr. Randol stated that the special use should be revisited to assure continued compliance.
11

12 Mr. Thorsland asked Mr. Hall what mechanism the Board would have to make sure that a new owner is
13 aware of the special use and its restrictions.
14

15 Ms. Lee stated that a special condition could be created indicating that if the property is sold the seller has
16 the obligation to inform the new buyer.
17

18 Mr. Thorsland stated that Ms. Lee's suggestion is one option.
19

20 Mr. Thorsland asked Mr. Hall if Ms. Lee's suggestion could be grouped into this one special condition. He
21 said that the Board has seen previous cases where the new buyer either does not know or care that the land
22 carries a special use permit. He said that the Board cannot change every real estate transaction that occurs
23 but this use is a fairly unique use for this location.
24

25 Mr. Hall asked Mr. Thorsland to restate Ms. Lee's suggestion.
26

27 Mr. Thorsland stated that Ms. Lee suggested that the seller be required to inform a potential buyer about the
28 provision regarding new ownership of the subject property.
29

30 Mr. Hall stated that it is good to have that concern but someone is probably not going to purchase the
31 property with the Special Use Permit without looking at the original approval. He said that the Board could
32 require that a document be filed with the Recorder of Deeds stating that the special use permit was approved
33 with certain conditions therefore anyone conducting a title search would see that document. He said that he
34 does not see the need for such a requirement because this is such a prominent thing but if the Board wants to
35 make sure that a future buyer is absolutely informed then recording a miscellaneous document with the
36 Recorder of Deeds is always the best way to do that. He noted that it does not impose any restrictions but
37 does make everyone absolutely aware that there was a Special Use Permit with certain limiting conditions.
38 He said that normally the Board would recommend that the limiting special conditions be included on the
39 miscellaneous document so that anyone doing a title search would be able to see what Ms. Hudson was

1 actually approved for.

2
3 Mr. Thorsland stated that the Board has done this before and he likes this procedure because at some point
4 someone may not know to ask about any limiting conditions. He said that Ms. Hudson may decide to retire
5 at some point and when she sells the business she may forget to inform the new owners about the special
6 conditions of the approval. He said that the new owners may want to operate the business during all of the
7 months of the year and without knowing the restrictions they would be in violation and would endure
8 enforcement action. He recommended that the information is filed as a miscellaneous document at the
9 Recorder of Deeds office.

10
11 Mr. Hall stated that requiring that the miscellaneous document be filed with the Recorder of Deeds will be a
12 separate special condition and must be accepted by Ms. Hudson.

13
14 Mr. Thorsland asked Mr. Drysdale if he had any questions regarding the Board's discussion regarding the
15 miscellaneous document.

16
17 Mr. Drysdale stated that he had no questions related to the required miscellaneous document and it is a
18 procedure that he has done before and it is not difficult. He said that he and Ms. Hudson have no problem
19 with this requirement.

20
21 Mr. Thorsland read Policy 4.3.5 as follows: "On best prime farmland, the County will authorize a business
22 or other non-residential use only if: a) It also serves surrounding agricultural uses or an important public
23 need; and cannot be located in an urban area or on a less productive site; or b) the use is otherwise
24 appropriate in a rural area and the site is very well suited to it." He said that the question posed to the Board
25 is if the proposed rezoning WILL/WILL NOT HELP ACHIEVE Policy 4.3.5. He said that #13.C(4)b)a.
26 states that the proposed use in related Case 800-S-15 DOES NOT serve surrounding agricultural land uses or
27 an important public need. He asked Mr. Hall if the decision included in #13.C(4)b)a. is a typo.

28
29 Mr. Hall stated that the decision included in #13.C(4)b)a. is not a typo because it hasn't happened yet
30 therefore it is staff's recommendation.

31
32 Mr. Thorsland stated that staff's recommendation is that the proposed use in related Case 800-S-15 DOES
33 NOT serve surrounding agricultural land uses or an important need therefore the proposed rezoning WILL
34 NOT HELP ACHIEVE Policy 4.3.5. but the Board must decide whether it agrees with staff's
35 recommendation.

36
37 Mr. Hall stated that Policy 4.3.5 has two parts and #13.C(4)b)a. only goes with the first part and the
38 alternative is that it is a use that is otherwise appropriate in a rural area and the site is very well suited to it.
39 He said that staff's recommendation for #13.C(4)b)b. is that the proposed development in related Case 800-

1 S-15 IS appropriate in a rural area.

2

3 Ms. Lee stated that at the last meeting Ms. Griest commented that the use will promote agricultural tourism.

4

5 Mr. Passalacqua stated that during a similar case on the north side of Champaign there was testimony and
6 argument that the use did serve agriculture because it was a facility that neighboring agricultural neighbors
7 appreciated and used.

8

9 Mr. Hall stated that this is only a staff recommendation and if the Board would like to add evidence like this
10 then that is the Board's prerogative but staff is never going to say that an event center supports agriculture.

11

12 Mr. Passalacqua stated that he does not remember the commentary from staff during the previous case for a
13 similar use.

14

15 Mr. Thorsland stated that during the previous case there was testimony from members of the Farm Bureau
16 and other agricultural groups indicated that they would hold events at the facility.

17

18 Mr. Passalacqua stated that the testimony in the previous case is only significant to that case and is not
19 parallel to this case therefore he agrees with staff's recommendation.

20

21 Mr. Thorsland stated that he also agrees with staff's recommendation because it is not a use that could not be
22 done somewhere else but there is a lot of testimony which indicates that the whole theme of this facility is
23 that it is in a rural setting in a farm environment.

24

25 Mr. Passalacqua stated that the farm environment benefits the event center and the event center does not
26 benefit the farm environment.

27

28 Mr. Thorsland proposed that #13.C(4)b)a. DOES NOT serve surrounding agricultural land uses or an
29 important need and #13.C(4)b)b. IS otherwise appropriate in a rural area therefore the proposed rezoning
30 WILL HELP ACHIEVE Policy 4.3.5. He said that the Board is not indicating that the facility is not a viable
31 use but is indicating that it is clear that the facility is there as a rural venue to hold events with a rural theme
32 and is not there to serve coffee during harvest season.

33

34 Mr. Drysdale stated that #13.C(4)b)a. discusses serving surrounding agricultural land uses or an important
35 public need. He asked how the Board generally defines an important public need.

36

37 Mr. Thorsland stated that it is subjective and whether or not the Board receives witness testimony indicating
38 that the use is in big demand. He said that Ms. Hudson is not the first person to request a use like this but
39 there are not that many and clearly Ms. Hudson has been conducting this use on her property and hopefully

1 people are paying her for her services thus indicating some level of demand. He said that public need is
2 always a difficult thing to define and sometimes it is a hurdle for the Board to define exactly what the public
3 need is for the use and thankfully there is a #13.C(4)b)b.
4

5 Mr. Drysdale stated that he assumed that there was no concrete definition. He said that when they submitted
6 the initial applications they mentioned that the Champaign County Department of Agri-tourism is using the
7 event center and they do want to add it as part of their tour route.
8

9 Mr. Thorsland stated that he would be upset if they didn't indicate that they welcomed the facility at its
10 location.
11

12 Mr. Hall stated that staff only makes recommendations to the Board but from a staff perspective an
13 important public need would be something like a new sewer plant or water plant or fire station as opposed to
14 a demand for a certain type of business.
15

16 Ms. Lee stated that she is glad that staff is keeping the provision regarding off-street parking. She said that
17 last Saturday she drove down their road and a car was attempting to get out of its parking space along the
18 side of the road and while she was waiting guests were being taken back and forth from their cars to the
19 event. She said that she feels strongly that #13.C(4)b)(d) needs to be included for future owners of the
20 property.
21

22 Mr. Thorsland stated that parking is always a big issue with any use. He said that the Board is very
23 consistent in prohibiting on-street parking. He said that the consensus of the Board for #13.C(4) is as
24 follows: The proposed rezoning WILL HELP ACHIEVE Policy 4.3.5 although it DOES NOT serve
25 surrounding agricultural land uses or an important need it IS otherwise appropriate in the rural area.
26

27 Mr. Thorsland read Goal 5 included in item #14 as follows: Champaign County will encourage urban
28 development that is compact and contiguous to existing cities, villages, and existing unincorporated
29 settlements. He said that a decision point for the Board is #14.A.(2) and reads as follows: Policy 5.1.1 states,
30 "The County will encourage new urban development to occur within the boundaries of incorporated
31 municipalities." The proposed rezoning CONFORMS/DOES NOT CONFORM to Policy 5.1.1.
32

33 Mr. Thorsland called for a five minute recess.
34

35 The Board recessed at 7:20 p.m.

36 The Board resumed at 7:28 p.m.
37

38 Mr. Hall stated that staff intended to indicate that the proposed rezoning CONFORMS to Policy 5.1.1.
39 because evidence indicates that this use can be served by a septic system and does not need to be on sanitary

1 sewer. He said that the use will not be a big jobs generator and there will not be a lot of employees even
2 though there will be a sizable number of users.

3
4 Mr. Thorsland asked the Board if they agreed that the proposed rezoning CONFORMS to Policy 5.1.1 and
5 that the proposed amendment CONFORMS to Goal 5 and the Board agreed.

6
7 Mr. Thorsland read item #16 as follows: LRMP Goal 7 is entitled "Transportation" and states as follows:
8 Champaign County will coordinate land use decisions in the unincorporated area with the existing and
9 planned transportation infrastructure and services." He said that Policy 7.1.1 states, "The County will
10 include traffic impact analyses in discretionary review development proposals with significant traffic
11 generation." The proposed rezoning WILL/WILL NOT CONFORM to Policy 7.1.1.

12
13 Mr. Thorsland stated that an ADT was completed and discussion occurred regarding on-street parking and
14 the issue was resolved.

15
16 Mr. Passalacqua stated that the proposed rezoning WILL CONFORM to Policy 7.1.1. and the Board agreed.

17
18 Mr. Thorsland stated that he agrees with staff's recommendation regarding Goals 8, 9 and 10 and the *LaSalle*
19 and *Sinclair* factors. He read the proposed special condition of approval for Case 799-AM-15 as follows:

20
21 **A. The owners of the subject property hereby recognize and provide for the right**
22 **of agricultural activities to continue on adjacent land consistent with the Right**
23 **to Farm Resolution 3425.**

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

25 **Conformance with Policy 4.2.3 of the Land Resource Management Plan.**
26

27 Mr. Thorsland asked Mr. Drysdale if he and Ms. Hudson agreed with proposed Special Condition A.

28
29 Mr. Drysdale stated that he and Ms. Hudson agreed with proposed Special Condition A.

30
31 Mr. Thorsland noted that the Board has one additional decision point which is included under Policy 4.2.2.
32 He read #13.B(2)b)b. as follows: Regarding whether the proposed development in related Case 800-S-15
33 WILL/WILL NOT interfere with agricultural activities or damage or negatively affect the operation of
34 agricultural drainage systems, rural roads, or other agriculture-related infrastructure. He said that there is
35 new evidence that the proposed 66 parking spaces will take less than half of an acre out of crop production.
36 He recommended that the proposed development in related Case 800-S-15 WILL NOT interfere with
37 agricultural activities or damage or negatively affect the operation of agricultural drainage systems, rural
38 roads, or other agriculture-related infrastructure.
39

1 Mr. Passalacqua asked Mr. Hall if the Board had any reason to require a hard surface for the on-site parking.
2 He said if we had another wet year like this year a hard surface area would probably be something that Ms.
3 Hudson will install herself.
4

5 Mr. Hall stated that it is up to the Board whether to require a hard surface for the on-site parking. He said
6 that for the last event center the Board spent a lot of time on the amount of area that was required to be a
7 hard surface.
8

9 Mr. Passalacqua stated that the only thing that he sees as a problem is if a four-inch rain event occurred and
10 floods the on-site parking area on a Friday night and an event was scheduled for Saturday night therefore
11 requiring parking along the road.
12

13 Ms. Lee asked Mr. Hall what is considered as an “all weather” surface.
14

15 Mr., Hall stated that it could be nothing more than gravel. He said that it must be something that will carry
16 the traffic during all-weather events. He said that 0.4 acres will not trigger the Stormwater Management
17 Policy and will not be a compounding thing where if the Board requires some amount of paving that there
18 has to be a detention facility. He said that later in the Special Use Permit there is a condition that is
19 proposed to not allow any parking on the street but in a couple of years if there is a wet year like this year
20 and the on-site parking is not all-weather there will be parking in the street or they will not be having events.
21

22 Mr. Passalacqua asked Ms. Hudson if she has considered an all-weather parking area or will it just be a grass
23 area.
24

25 Ms. Hudson stated that she is trying to decide whether the on-site parking area will just be grass or an all-
26 weather surface. She said that if it does rain she already has approval from an area business to have parking
27 on their lot and shuttle guests to the property for the event.
28

29 Mr. Passalacqua stated that it would be an inconvenience to have to use a tractor to remove every car from
30 the property.
31

32 Ms. Lee stated that even the on-street parking is hindered by a heavy rain.
33

34 Mr. Thorsland stated that there will be no parking on the street so the Board does not have to worry about
35 that but the Board could consider a condition regarding the type of surface for the on-site parking.
36

37 Mr. Passalacqua stated that the Board already has a proposed special condition regarding no parking on the
38 street. He said that Ms. Hudson has a farm background and fully understands the effects of saturated soils
39 therefore he would rather leave it up to her to do what is right for her guests and not park them in a mud

1 hole.

2
3 Mr. Hall stated that he would like to have Ms. Hudson's comments regarding off-site parking added as
4 evidence for Case 800-S-15. He said that this will make it clear that the ZBA did not require a hard surface
5 area for on-site parking but there was a plan to either do that or arrange for parking elsewhere.
6

7 Mr. Thorsland stated that during the previous hearing Mr. Moser offered his property for off-street parking
8 although he did not want to be part of the Special Use Permit. He asked if Ms. Hudson has made
9 arrangements for off-site parking at another hard-surface parking lot and is providing a shuttle to the event
10 should the location of the off-site parking be part of this special use.
11

12 Mr. Hall stated no.
13

14 Mr. Passalacqua stated that the minutes will indicate that the Board was concerned about the type of surface
15 that will be utilized for the on-site parking during any time of the year. He informed Ms. Hudson that there
16 are many products available for the hard surface which may be cost prohibitive.
17

18 Mr. Thorsland stated that the type of event center and the amount of guests are a lot different than the
19 previous zoning case regarding an event center.
20

21 Mr. Passalacqua stated that the previous event center had a different traffic pattern and was located on a
22 highly traveled road.
23

24 Mr. Hall stated that the building for the previous event center was so big and if the Board based it on the
25 maximum occupancy and divided it by two there would have been a huge amount of cars. He said that the
26 petitioners did not anticipate the huge amount of cars so the Board compromised in that instance.
27

28 Mr. Thorsland stated that there was no testimony during the previous event center's public hearing regarding
29 any off-site parking and shuttle arrangements.
30

31 Mr. Thorsland stated that Mr. Drysdale and Ms. Hudson previously indicated that they agreed to Special
32 Condition A therefore he entertained a motion to approve Special Condition A.
33

34 **Ms. Capel moved, seconded by Mr. Passalacqua to approve Special Condition A. The motion carried**
35 **by voice vote.**
36

37 Mr. Thorsland noted that there is one more decision point for the Board which relates to Policy 4.3.3. He
38 read Policy 4.3.3 as follows: "The County may authorize a discretionary review development provided that
39 existing public services are adequate to support the proposed development effectively and safely without

1 undue public expense.” The proposed rezoning **WILL/WILL NOT HELP ACHIEVE** Policy 4.3.3.

2
3 Mr. Thorsland stated that no comments were received from the fire protection district and the evidence for
4 the map amendment provides enough evidence to recommend that the proposed rezoning **WILL HELP**
5 **ACHIEVE** Policy 4.3.3 and the Board agreed.

6
7 Mr. Thorsland asked staff if there were any new Documents of Record.

8
9 Ms. Chavarria stated that a new item #22 should read as follows: #22: Copy of Right to Farm Resolution
10 3425.

11
12 **Finding of Fact for Case 799-AM-15:**

13
14 From the documents of record and the testimony and exhibits received at the public hearing conducted on
15 April 16,2015, May 28, 2015, and June 25, 2015, the Zoning Board of Appeals of Champaign County finds
16 that:

- 17
18 1. The proposed Zoning Ordinance map amendment **WILL HELP ACHIEVE** the Land Resource
19 Management Plan because:
- 20 A. Regarding Goal 3:
- 21 (1) Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of the
22 Goal 3 objectives, the proposed rezoning will allow the petitioner to utilize the
23 property somewhat more intensively and continue business operations in Champaign
24 County.
- 25
26 (2) Based on achievement of the above and because it will either not impede or is not
27 relevant to the other Objectives and Policies under this goal, the proposed map
28 amendment **WILL HELP ACHIEVE** Goal 3 Prosperity.
- 29
30 B. Regarding Goal 4:
- 31 (1) It **WILL HELP ACHIEVE** Objective 4.3 requiring any discretionary development
32 to be on a suitable site because it **WILL HELP ACHIEVE the following:**
- 33 a. Policy 4.3.5 requiring that a business or non-residential use established on
34 best prime farmland only if it serves surrounding agriculture and is
35 appropriate in a rural area (See Item 13.C.(4)).
- 36 b. Policy 4.3.4 requiring existing public infrastructure be adequate to support the
37 proposed development effectively and safely without undue public expense
38 (See Item 13.c.(3)).
- 39 c. Policy 4.3.3 requiring existing public services be adequate to support the

- 1 proposed development effectively and safely without undue public expense
2 (See Item 13.C.(2)).
- 3 d. Policy 4.3.2 requiring a discretionary development on best prime farmland to
4 be well-suited overall (See Item 13.C.(1)).
- 5
- 6 (2) It **WILL HELP ACHIEVE** Objective 4.2 requiring discretionary development to
7 not interfere with agriculture because it **WILL HELP ACHIEVE** the following:
- 8 a. Policy 4.2.4 requiring that all discretionary review consider whether a
9 Buffer between existing agricultural operations and the proposed
10 development is necessary (See Item 13.B.(4)).
- 11 b. Policy 4.2.3 requiring that each proposed *discretionary development* explicitly
12 recognize and provide for the right of agricultural activities to continue on
13 adjacent land (See Item 13.B.(3)).
- 14 c. Policy 4.2.2 requiring discretionary development in a rural area to not
15 interfere with agriculture or negatively affect rural infrastructure (See Item
16 13.b.(2)).
- 17 d. Policy 4.2.1 requiring a proposed business in a rural area to support
18 agriculture or provide a service that is better provided in the rural area (Item
19 13.B.(1)).
- 20
- 21 (3) It **WILL HELP ACHIEVE** Objective 4.1 requiring minimization of the
22 fragmentation of farmland, conservation of farmland, and stringent development
23 standards on best prime farmland because it **WILL HELP ACHIEVE** the following:
- 24 a. Policy 4.1.6 requiring that the use, design, site and location are consistent
25 with policies regarding suitability, adequacy of infrastructure and public
26 services, conflict with agriculture, conversion of farmland, and disturbance of
27 natural areas (See Item 13.A.(3)).
- 28 b. Policy 4.1.1, which states that commercial agriculture is the highest and best
29 use of the land in the areas of Champaign County that are by virtue of
30 topography, soil and drainage, suited to its pursuit. The County will not
31 accommodate other land uses except under very restricted conditions or in
32 areas of less productive soils (See Item 13.A.(2)).
- 33
- 34 (4) Based on achievement of the above Objectives and Policies, the proposed map
35 amendment **WILL HELP ACHIEVE** Goal 4 Agriculture.
- 36
- 37 C. Regarding Goal 5:
- 38 (1) The proposed amendment **CONFORMS** to Goal 5 because it **WILL HELP ACHIEVE**
39 the following:

- 1 a. Policy 5.1.1 requiring that the County will encourage new urban development
 2 to occur within the boundaries of incorporated municipalities (See Item
 3 14.A.(2)).
 4 (2) Based on achievement of the above Objective and Policy, the proposed map
 5 amendment **WILL HELP ACHIEVE** Goal 5 Urban Land Use.
 6
 7 D. Regarding Goal 6:
 8 (1) The proposed amendment **CONFORMS** to Goal 6 because it **WILL HELP**
 9 **ACHIEVE** the following:
 10 a. Policy 6.1.2 requiring that the County will ensure that the proposed
 11 wastewater disposal and treatment systems of discretionary development will
 12 not endanger public health, create nuisance conditions for adjacent uses, or
 13 negatively impact surface or groundwater quality (See Item 15.A.(2)).
 14 (2) Based on achievement of the above Objective and Policy, the proposed map
 15 amendment **WILL HELP ACHIEVE** Goal 6 Public Health and Safety.
 16
 17 E. Regarding Goal 7:
 18 (1) The proposed amendment **CONFORMS** to Goal 7 because it **WILL HELP**
 19 **ACHIEVE** the following:
 20 a. Policy 7.1.1 requiring traffic impact analyses for projects with significant
 21 traffic generation.
 22 (2) Based on achievement of the above Objective and Policy, the propose map
 23 amendment **WILL HELP ACHIEVE** Goal 7 Transportation.
 24
 25 F. The proposed amendment **WILL NOT IMPEDE** the following LRMP goal(s):
 26 • Goal 1 Planning and Public Involvement
 27 • Goal 2 Governmental Coordination
 28 • Goal 8 Natural Resources
 29 • Goal 9 Energy Conservation
 30 • Goal 10 Cultural Amenities
 31
 32 G. Overall, the proposed amendment **WILL HELP ACHIEVE** the Land Resource
 33 Management Plan.
 34
 35 2. The proposed Zoning Ordinance map amendment **IS** consistent with the *LaSalle* and *Sinclair* factors
 36 because of the following:
 37 A. This area is primarily an agricultural area and the subject property has been a farmstead for
 38 decades.
 39 B. It is impossible to establish property values without a formal real estate appraisal which has

- 1 not been requested nor provided and so any discussion of values is necessarily general.
2 C. There has been no evidence submitted regarding property values. This area is primarily an
3 agricultural area and the subject property has been a farmstead for decades.
4 D. The gain to the public of the proposed rezoning could be positive because the proposed
5 amendment would allow the Petitioner to provide a service to the community while
6 preserving agricultural land uses and activities.
7 E. The subject property is occupied and in agricultural use as zoned AG-1.
8 F. The ZBA has recommended that the proposed rezoning **WILL HELP ACHIEVE** Policy
9 4.2.1 regarding whether the proposed use **IS** a service better provided in a rural area.
10 G. The ZBA has recommended that the proposed rezoning **WILL HELP ACHIEVE** the
11 Champaign County Land Resource Management Plan.
12
- 13 3. The proposed Zoning Ordinance map amendment **WILL HELP ACHIEVE** the purpose of the
14 Zoning Ordinance because:
15 A. Establishing the special use proposed by the Petitioner, which requires rezoning to AG-2
16 **WILL** lessen and avoid congestion in the public streets (Purpose 2.0(c) see Item 21.C).
17 B. Establishing the AG-2 District at this location will help classify, regulate, and restrict the
18 location of the uses authorized in the AG-2 District (Purpose 2.0 (i) see Item 21.G.).
19 C. Establishing the AG-2 District in this location **WILL** help protect the most productive
20 agricultural lands from haphazard and unplanned intrusions of urban uses (Purpose 2.0(n)
21 Item 21.I).
22 D. Establishing the AG-2 District at this location will maintain the rural character of the site
23 (Purpose 2.0 (q) Item 21.L).
24 E. The proposed rezoning and proposed Special Use will not hinder the development of
25 renewable energy sources (Purpose 2.0 (r) Item 21.M).
26

27 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings
28 of Fact as amended for Case 799-AM-15.
29

30 **Mr. Passalacqua moved, seconded by Mr. Randol to adopt the Summary of Evidence, Documents of**
31 **Record and Findings of Fact as amended for Case 799-AM-15. The motion carried by voice vote.**
32

33 Mr. Thorsland entertained a motion to move the Final Determination for Case 799-AM-15.
34

35 **Ms. Capel moved, seconded by Ms. Lee to move to the Final Determination for Case 799-AM-15. The**
36 **motion carried by voice vote.**
37

38 Mr. Thorsland informed Mr. Drysdale and Ms. Hudson that currently the Board has one vacant Board seat
39 and one absent Board member therefore it is at their discretion to either continue Case 799-AM-15 until a

1 full Board is present or request that the present Board move to the Final Determination. He informed Mr.
2 Drysdale and Ms. Hudson that four affirmative votes are required for approval.

3
4 Mr. Drysdale and Ms. Hudson requested that the present Board move to the Final Determination.

5
6 **Final Determination for Case 799-AM-15:**

7
8 **Mr. Passalacqua moved, seconded by Ms. Capel that pursuant to the authority granted by Section 9.2**
9 **of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**
10 **determines that the Zoning Ordinance Amendment requested in Case 799-AM-15 should BE**
11 **ENACTED by the County Board in the form attached hereto with the following special condition:**

- 12
13 **A. The owners of the subject property hereby recognize and provide for the right**
14 **of agricultural activities to continue on adjacent land consistent with the Right**
15 **to Farm Resolution 3425.**

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

17 **Conformance with Policy 4.2.3 of the Land Resource Management Plan.**

18
19 Mr. Thorsland requested a roll call vote:

20
21 The roll was called as follows:

22
23 **Randol-yes** **Capel-yes** **Griest-absent**
24 **Lee-yes** **Passalacqua-yes** **Thorsland-yes**

25
26 Mr. Hall informed Mr. Drysdale and Ms. Hudson that they have received a recommendation of approval for
27 their request in Case 799-AM-15. He said that there is no ELUC meeting in July therefore Case 799-AM-15
28 could be directly forwarded to the County Board for their July 23rd meeting. He said that with the
29 recommendation that was received tonight he would not anticipate any problems but the County Board can
30 sometimes be a complete surprise. He noted that Case 799-AM-15 could wait until the August 6th meeting
31 before ELUC and then to the County Board on August 20th. He informed Mr. Drysdale and Ms. Hudson that
32 it is their call and staff does not need an answer tonight.

33
34 Mr. Drysdale stated that he and Ms. Hudson would like to take a couple of days to think about it and they
35 will get back to staff as soon as possible.

36
37 Mr. Thorsland stated that the Board will now hear Case 800-S-15.

38
39 Mr. Thorsland asked Ms. Hudson if she has a decision regarding installing a septic system versus using

1 portable toilets.

2
3 Mr. Drysdale stated that it isn't really a decision regarding what Ms. Hudson wants to do but what she is
4 allowed to do. He said that he has tried to talk to the Champaign County Health Department and Larry Luka,
5 Plumbing Inspector for the State of Illinois Public Health Department but both offices have proven to be
6 uncooperative and unresponsive. He said that one office will say one thing and the other office will say
7 another therefore conflicting with each other's determinations. He said that there is something that Ms.
8 Hudson would like to do but what she is being told that she has to do is still yet to be seen.

9
10 Mr. Thorsland asked Mr. Drysdale if the facility is still leaning towards using portable toilets.

11
12 Mr. Drysdale stated that portable toilets are preferred.

13
14 Mr. Thorsland stated that the facility has been using portable toilets with no problems.

15
16 Mr. Drysdale stated yes.

17
18 Mr. Thorsland asked Mr. Drysdale if the Health Department is requiring that Ms. Hudson install full
19 bathrooms with a septic system which will be able to service 225 guests.

20
21 Mr. Drysdale stated that it is not actually the Health Department that is requiring this and the Illinois State
22 Private Disposal Code does authorize the use of portable toilets. He said that the Illinois State Plumbing
23 Code requires a septic system to accommodate 225 guests.

24
25 Mr. Thorsland asked Mr. Drysdale if some construction for the bathrooms has already taken place.

26
27 Mr. Drysdale stated yes. He said that Ms. Hudson was informed that there were problems with some of the
28 construction that had been started and pursuant to the Illinois State Plumbing Code those problems were
29 fixed and approved by the folks that enforce the Illinois State Plumbing Code. He said that the plumbing
30 that has been installed has been approved and it is just now a matter of either installing a very large septic
31 system or whether or not the portable toilets can continue to be used for the guests.

32
33 Mr. Thorsland asked Mr. Drysdale where the approved plumbing fixtures go right now if used.

34
35 Mr. Drysdale stated that currently they go nowhere.

36
37 Mr. Thorsland asked Mr. Drysdale what will happen with the installed plumbing if the use of portable toilets
38 is approved. He asked if the doors will be closed.

39

1 Mr. Drysdale stated that if the portable toilets are going to be used then the base plumbing will just exist for
2 the future and it is not tied in to anything.

3
4 Mr. Passalacqua asked Mr. Drysdale if the plumbing is just roughed in.

5
6 Mr. Drysdale stated yes and the plumbing could easily be cut off at any given time.

7
8 Mr. Thorsland stated that even though the minutes of the previous hearings regarding this case are very
9 informative they do not fully reflect the Board's feelings about the septic issue. He said that this Board has
10 to inform the petitioners about the Board of Health and they have to approve something but it is up to this
11 Board to decide whether or not they like the idea of using portable toilets for the facility.

12
13 Mr. Passalacqua asked if more than one department has jurisdiction as to whether or not Ms. Hudson can use
14 portable toilets at her facility.

15
16 Mr. Hall stated that it is his view that it is up to the Champaign County Health Department but he doubts that
17 the Champaign County Health Department has the legal budget the IDPH has.

18
19 Mr. Passalacqua asked Mr. Hall if Ms. Hudson's facility does not have plumbing then how does the Illinois
20 State Plumbing Code apply.

21
22 Mr. Hall stated that he does not believe that the plumbing has been removed yet.

23
24 Mr. Passalacqua stated that it is his understanding through testimony that the State Plumbing Inspector
25 contends that the Illinois Plumbing Code is what has the problem with the portable toilets. He said that there
26 are two entities which are trying to decide whether the use of portable toilets will work or not at this facility.

27
28 Mr. Hall stated that he believes that IDPH is misreading the Illinois State Plumbing Code.

29
30 Mr. Drysdale stated that he also believes that IDPH is misreading the Illinois State Plumbing Code which is
31 currently the direction that he will be taking with this situation.

32
33 Mr. Passalacqua asked if the ZBA can legitimately move forward with this issue being unresolved.

34
35 Mr. Hall stated that if the ZBA is comfortable with making the necessary findings knowing that any new
36 septic system has to meet the same standard as any other new septic system and knowing that if they can use
37 portable toilets then they are going to use them. He said that he does not know why the Board couldn't make
38 affirmative findings.

39

1 Mr. Passalacqua stated that more than 15,000 people use portable toilets at the football games.

2
3 Mr. Hall stated correct and part of the football stadium facilities are fully enclosed with a roof and walls but
4 that is also the University of Illinois and they can do anything that they want because they are a state
5 institution and are under different standards.

6
7 Ms. Lee asked Mr. Hall if he believes that the IDPH is wrong in their interpretation of the statutes. She said
8 that during a prior meeting Ms. Griest noted that cost was not a factor that could be considered therefore
9 where does that leave us.

10
11 Mr. Hall stated that Ms. Griest's comment was in regards to the claim that the Illinois Private Sewage
12 Disposal Code allows a holding tank under some very limited conditions but none of those conditions are
13 related to cost.

14
15 Ms. Lee stated that the holding tank was the main criteria for Ms. Griest's comments and a holding tank is
16 not part currently part of the plan thus is not applicable any more.

17
18 Mr. Hall stated yes.

19
20 Mr. Thorsland stated that the Board needs to remember that they must decide whether or not the use is
21 injurious to the public health, safety and welfare. He said that 225 guests with no restroom facility of any
22 sort would be injurious to the public health, safety and welfare. He said that there are a lot of special
23 conditions for this case for the Board's consideration. He said that the Hindu Temple and L.A. Gourmet
24 installed large septic systems they had to meet the codes of Champaign County Public Health Department.
25 He said that the CCPHD gave the petitioners for the Hindu Temple and L.A. Gourmet a certain size of the
26 system and they met their requirements. He said that the Hindu Temple installed multiple systems and L.A.
27 Gourmet installed a large system.

28
29 Mr. Hall stated that both of the facilities were proposed for year-around use and Ms. Hudson has not
30 proposed such.

31
32 Ms. Lee stated that the conditions that were discussed tonight indicate that the facility can operate all year
33 long.

34
35 Mr. Hall stated that there are no time limits in the conditions that apply to Ms. Hudson and she has testified
36 that she only plans to hold events during the months of April through November. He said that on page 24 of
37 the Draft Summary of Evidence staff has included a new special condition F. for the Board's review. He read
38 proposed special condition F. as follows:

39 **F. All disposal of human wastes from the proposed special use permit shall be in**

1 **compliance with the Illinois Private Sewage Disposal Code (77IAC905) and the**
2 **Champaign County Health Ordinance.**

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

4 **To protect public health.**
5

6 Mr. Hall stated that his reading of both of those documents is that someone could do this by the use of
7 portable toilets and that condition requires it to be in full compliance.
8

9 Mr. Randol stated that the ZBA is working for the County, and the local health department is under the
10 County's jurisdiction as well, therefore if the Board indicates that they have to satisfy the Public Health
11 Department that should be good enough.
12

13 Mr. Thorsland asked Mr. Hall if there was a State's Attorney Opinion on this matter.
14

15 Mr. Hall stated that he did ask the State's Attorney to weigh in on this matter but they thought that it was not
16 proper to question IDPH. He noted that he was very disappointed with the SAO's response.
17

18 Mr. Randol stated that the Board is not questioning the IDPH but the Board is stating that the petitioner has
19 to conform to the requirements of the Champaign County Public Health Department.
20

21 Ms. Capel stated that she is satisfied that Mr. Drysdale will resolve this issue in the way that he has chosen
22 to resolve it.
23

24 Mr. Passalacqua stated that it speaks highly of Ms. Hudson's facility in that she can sell a venue to a bride
25 that will use the restroom in a plastic box because his wife would not do so.
26

27 Mr. Thorsland asked Ms. Hudson if the house on the site is utilized for the bride to prepare for the wedding.
28

29 Ms. Hudson stated yes.
30

31 Mr. Thorsland stated that he too wondered about the wedding preparation for the bride and is thankful to Mr.
32 Passalacqua for bluntly asking the appropriate question.
33

34 Mr. Passalacqua stated that he is sure that the brides fall in love with the location and for some it is not
35 something that they would enjoy. He said that he is sure that it is a wonderful location and the use of
36 portable toilets does not seem to hold back Ms. Hudson's clientele.
37

38 Mr. Thorsland stated that there has been testimony and evidence presented indicating that the events have
39 occurred on the property therefore the operation is thriving because the public desires it to continue.

1

2 Ms. Hudson stated that the portable toilets do have mirrors and running water for hand washing and are not
3 your typical port-a-potty.

4

5 Mr. Thorsland asked the Board if there were additional questions regarding the parking. He said that the
6 Board has removed the parking on the street and Ms. Hudson has indicated that she has a paved lot available
7 for parking at a local business and the use of shuttle to and from the subject property. He asked Ms. Hudson
8 to indicate the location of the paved lot which is available for her use.

9

10 Ms. Hudson stated that the owner of T.K. Wendl's has offered the lot for her use anytime it is necessary.

11

12 Mr. Thorsland asked Ms. Hudson if she had a document indicating the arrangement.

13

14 Ms. Hudson stated that the document was submitted to staff.

15

16 Mr. Passalacqua stated that the T.K. Wendl's property is currently for sale.

17

18 Ms. Hudson stated that their church parking lot is also available for her use if needed.

19

20 Ms. Capel stated that she remembers discussing this during a previous meeting and the Board was satisfied
21 that Ms. Hudson would make the appropriate arrangements regarding parking.

22

23 Mr. Hall recommended that the Board add a new item 8.C(4) on page 11 of the Summary of Evidence as
24 follows: Petitioner, Joyce Hudson, testified at the public hearing held on June 25, 2015, that she is
25 considering either adding an all-weather surface to the parking area to assure all-weather use or arranging for
26 off-site parking at another business.

27

28 Ms. Lee stated that the term "business" does not appropriate apply to the church.

29

30 Mr. Thorsland stated that the term business could be replaced by the term "facility."

31

32 Mr. Drysdale stated that he also submitted a letter from Comfort Inn and Suites who have offered use of their
33 parking lot along with use of their shuttle service as well.

34

35 Mr. Hall stated that the evidence could be revised as follows: Petitioner, Joyce Hudson, testified at the public
36 hearing held on June 25, 2015, that she is considering either adding an all-weather surface to the parking
37 area to assure weather use or arranging for off-site parking at a suitable off-site location.

38

39 Ms. Lee stated that she read text regarding use of the facility during any time of the year.

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Ms. Chavarria stated that proposed special condition H. reads as follows:

H. There are no limits to the number of events that may be held at the proposed special use and no limit as to when events may occur during the calendar year.

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

A clear understanding that there are no limits on the number of events or limits on when events may occur.

Mr. Hall stated that the special condition is not as limited as what Ms. Hudson described in her written materials about when she plans to have activities. He asked the Board if they would like to see special condition H. changed and if so they need to discuss this with Ms. Hudson.

Mr. Thorsland asked Ms. Hudson to indicate her preference regarding this issue.

Ms. Hudson stated that she does not have a problem with the special condition although she would prefer to not have limits.

Mr. Passalacqua stated that the Board should not tell Ms. Hudson when she can and cannot hold events because if she wants to install heat in the barn then why not. He said that as long as Ms. Hudson follows all of the conditions of approval she should be able to use her property whenever she wants.

Mr. Hall stated that when the Board reviews the special conditions the Board may want to reconsider the condition regarding new ownership.

Mr. Passalacqua stated that the special condition regarding new ownership should remain so that the new owner is aware of all of the special conditions. He said that there is another special condition regarding arrangement with agricultural operations during planting and harvest.

Mr. Thorsland stated that perhaps all of the special conditions should be recorded as miscellaneous document to assure that the new owner is aware of them. He said that it is good that staff has complete optimism in people who make real estate transactions and that they do their homework before they purchase something but the Board has had many cases where people had no clue what they were buying when they purchased the property.

Ms. Lee stated that the special conditions should remain because the Hudson family farms and they understand agriculture but a new owner may not have that background and may not be as respectful for when the farmers use the road in coordination with an event being held on the property.

Mr. Thorsland read the special conditions as follows:

1
2 **A. The Petitioner may continue ongoing operations on the subject property provided the**
3 **Petitioner complies with the following:**

- 4 (1) **The Petitioner shall apply to the Department of Planning and Zoning for a**
5 **Change of Use Permit within four weeks of receiving a final determination by**
6 **the County Board in related Case 799-AM-15; and**
7 (2) **A Zoning Compliance Certificate certifying compliance with all special**
8 **conditions in this zoning case shall be received within 12 months of a final**
9 **determination by the County Board in related Case 799-AM-15 except that a**
10 **septic system may be constructed at a later time provided that a new Change of**
11 **Use Permit is applied for at that time; and**
12 (3) **Failure to meet any of the above deadlines shall be a violation of the Zoning**
13 **Ordinance and subject to normal enforcement procedures including**
14 **appropriate legal action.**

15
16 The special condition stated above is required to ensure the following:

17 **The ongoing operations may continue but will comply with all special conditions by a**
18 **date certain.**

19
20 Mr. Thorsland asked Mr. Drysdale and Ms. Hudson if they agreed to Special Condition A.

21
22 Mr. Drysdale and Ms. Hudson indicated that they agreed to Special Condition A.

23
24 Mr. Thorsland read proposed Special Condition B. as follows:

25
26 **B. The following condition will ensure that any new septic system is built as approved**
27 **by the Champaign County Health Department and documented with a Change of Use**
28 **Permit:**

- 29 (1) **The area proposed for any new septic system shall be identified, marked off,**
30 **and protected from compaction prior to any construction on the subject**
31 **property.**
32 (2) **The Zoning Administrator shall verify that the area proposed for any new septic**
33 **system is identified, marked off, and protected from compaction prior to**
34 **approval of the Change of Use Permit documenting any new septic system.**
35 (3) **The Change of Use Permit Application documenting the construction and**
36 **establishment of any new septic system shall include the following:**
37 a. **A true and correct copy of any approved COUNTY Health Department**
38 **PERMIT for construction of the private sewage disposal system.**
39 b. **The site plan for the Change of Use Permit Application shall indicate the**

1 identical area for the private sewage disposal system as approved in the
2 COUNTY Health Department PERMIT and only the private sewage
3 disposal system approved by the COUNTY Health Department may
4 occupy that portion of the LOT.

5 (4) A true and correct copy of the COUNTY Health Department Certificate of
6 Approval for the private sewage disposal system shall be submitted to the
7 Zoning Administrator prior to the use of any new septic system.
8

9 The special condition stated above is required to ensure the following:
10 Any changes to the septic system are in compliance with the Champaign County Health
11 Department.
12

13 Ms. Lee asked Mr. Hall if the Board is addressing the portable toilets in the conditions.
14

15 Mr. Hall stated that the portable toilets are addressed in special condition F.
16

17 Ms. Capel asked if the final sentence should be revised to indicate that any septic system that is constructed
18 shall be in compliance with the Champaign County Zoning Ordinance.
19

20 Mr. Hall stated that the Zoning Ordinance is only relevant to new septic systems and it does not address
21 existing septic systems at all therefore the correct way to state that would be as follows:
22

23 The special condition stated above is required to ensure the following:
24 Any new septic system is in compliance with the Champaign County Zoning
25 Ordinance.
26

27 Mr. Thorsland asked Mr. Drysdale and Ms. Hudson if they agreed to Special Condition B.
28

29 Mr. Drysdale and Ms. Hudson indicated that they agreed to Special Condition B. and any new septic system
30 that is to be built will be in compliance with everything stated in Special Condition B.
31

32 Mr. Thorsland read proposed Special Condition C. as follows:
33

34 C. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the
35 proposed Private Indoor Recreational Development/Outdoor Commercial Recreational
36 Enterprise until the petitioner has demonstrated that the proposed Special Use
37 complies with the Illinois Accessibility Code.
38

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

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

2
3 Mr. Drysdale requested a clarification of what they would need to demonstrate to show that they have met
4 the requirements for accessibility.

5
6 Mr. Hall stated that it amounts to staff completing an inspection to verify that the things that Mr. Doug
7 Gamble indicated were required have been installed. He said that staff's reading of the Illinois Accessibility
8 Code is that it is very clear that there are three accessible spaces but if Mr. Gamble is going to approve two
9 spaces then that is up to Mr. Gamble but staff would want that determination documented. He said that staff
10 can sort that out during permitting because he will never require more than what Mr. Gamble requires but
11 when he looks at the printed Illinois Accessibility Code and it indicates three spaces then the only way that
12 there will not be three is if Mr. Gamble indicates that he will approve two spaces.

13
14 Mr. Drysdale stated that his conversation with Mr. Gamble mainly pertained to the hard surface between the
15 buildings so if for some reason Ms. Hudson decides that three accessible spaces is not the route that they
16 want to take they will contact Mr. Gamble to gain approval from Mr. Gamble.

17
18 Mr. Thorsland asked Mr. Drysdale and Ms. Hudson if they agreed to Special Condition C.

19
20 Mr. Drysdale and Ms. Hudson indicated that they agreed to Special Condition C.

21
22 Mr. Thorsland read proposed Special Condition D. as follows:

23
24 **D. All onsite Special Use activities shall be in compliance at all times with the**
25 **Champaign County Health Ordinance, the Champaign County Liquor Ordinance, and**
26 **the Champaign County Recreation and Entertainment Ordinance.**

27
28 The special condition stated above is necessary to ensure the following:

29 **That the proposed Special Use is in ongoing compliance with all applicable County**
30 **requirements.**

31
32 Mr. Thorsland asked Mr. Drysdale and Ms. Hudson if they agreed to Special Condition D.

33
34 Mr. Drysdale and Ms. Hudson indicated that they agreed to Special Condition D.

35
36 Mr. Thorsland read proposed Special Condition E. as follows:

37
38 **E. No parking shall occur in the public right of way.**
39

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

2
3 **That the proposed Special Use is not injurious to the neighborhood.**

4
5 Mr. Thorsland asked Mr. Drysdale and Ms. Hudson if they agreed to Special Condition E.

6
7 Mr. Drysdale and Ms. Hudson indicated that they agreed to Special Condition E.

8
9 Mr. Thorsland read proposed Special Condition F. as follows:

10
11 **F. All disposal of human wastes from the proposed special use permit shall be in**
12 **compliance with the Illinois Private Sewage Disposal Code (77 IAC 905) and the**
13 **Champaign County Health Ordinance.**

14
15 The special condition stated above is required to ensure the following:

16 **To protect public health.**

17
18 Mr. Thorsland asked Mr. Drysdale and Ms. Hudson if they agreed to Special Condition F.

19
20 Mr. Drysdale and Ms. Hudson indicated that they agreed to Special Condition F and will comply with the
21 Illinois Private Sewage Disposal Code and the Champaign County Health Ordinance.

22
23 Mr. Thorsland read proposed Special Condition G. as follows:

24
25 **G. The special use permit does not authorize onsite food preparation or the construction of**
26 **any food preparation area or kitchen.**

27
28 The special condition stated above is required to ensure the following:

29 **To protect public health.**

30
31 Mr. Thorsland asked Mr. Drysdale and Ms. Hudson if they agreed to Special Condition G.

32
33 Mr. Drysdale and Ms. Hudson indicated that they agreed to Special Condition G.

34
35 Mr. Thorsland read proposed special condition H. as follows:

36
37 **H. There are no limits to the number of events that may be held at the proposed special**
38 **use and no limit as to when events may occur during the calendar year.**

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

2 **A clear understanding that there are no limits on the number of events or limits on the**
3 **when events may occur.**

4
5 Mr. Thorsland asked Mr. Drysdale and Ms. Hudson if they agreed to Special Condition H.

6
7 Mr. Drysdale and Ms. Hudson indicated that they agreed to Special Condition H.

8
9 Mr. Thorsland stated that there was a suggestion from staff to combine the text included as the first bullet
10 under Possible Special Condition Related to Change of Ownership indicated on page 3 of the Supplemental
11 Memorandum #4 dated June 17, 2015, with special condition H. He said that revised special condition H
12 could read as follows:

- 13
14
- 15 • **There are no limits to the number of events that may be held at the proposed**
16 **special use and no limit as to when events may occur during the calendar year**
17 **with the exception that events at the subject property shall not be held daily**
18 **during any week (i.e. on each day of the week) during the planting season**
19 **(generally mid-April to end of May) or during the harvest season (generally**
20 **mid-September through November) and all events during these agriculturally**
21 **important periods shall be coordinated with nearby farmers.**

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

23 **To ensure that the proposed Special Use (particularly under different ownership**
24 **continues to respect the needs of nearby farmers.**

- 25
26
- 27 • **The Special Use Permit shall be void upon the receipt by the Zoning**
28 **Administrator of written complaints about interruption of farming activities**
29 **from the farmers and/or landowners of more than 50% of the farmland**
30 **frontage on CR 1800E between Windsor Road (CR1400N) and CR1250N,**
31 **during any one planting season (generally mid-April to the end of May) or**
32 **during any one harvest season (generally mid-September through November).**

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

34 **To provide a means of enforcement and accountability if the proposed special use**
35 **(particularly under different ownership) does not adequately respect the needs of**
36 **nearby farmers.**

- 37
38
- 39 • **No events shall be held at the Special Use Permit during months other than the**
months of April, May, June, July, August, September, October, and November.

1
2 The special condition stated above is required to ensure the following:
3 **To ensure that operation of the proposed special use (particularly under different**
4 **ownership) is consistent with the testimony given in the public hearing.**
5

6 Mr. Thorsland stated that Mr. Hall's idea of bracketing all of this would let the Board get rid of "particularly
7 under different ownership" in all of the different parts but the first question is whether the Board wants to
8 include these special conditions and if so, does the Board want the special conditions combined into one
9 special condition under H.
10

11 Ms. Capel stated that combining the text under the second bullet with special condition H. would be no
12 problem but creating restrictions on the operation in the event of a new owner does not seem to be consistent
13 with how the Board normally does things.
14

15 Mr. Thorsland agreed. He said that the alternative would be that the new owner would have to come back
16 before the Board.
17

18 Ms. Capel stated that the Board also discussed the possibility of filing a miscellaneous document with the
19 Record of Deeds to make a new owner aware of all of the special conditions. She said that there is a
20 possibility that it may actually be a farmer who purchases the property.
21

22 Mr. Thorsland asked the Board if they wanted to make the filing of a miscellaneous document be a special
23 condition and require that all of the special conditions be included upon that miscellaneous document.
24

25 Ms. Capel stated yes.
26

27 Ms. Lee stated that she agrees with Ms. Capel regarding the text in the second bulleted items on page 3 but
28 she also would like to include the text under the first bullet. She said that the first bullet informs the owner
29 that they need to consider the farmers and the second bullet is an enforcement issue.
30

31 Mr. Thorsland stated that perhaps a hybrid special condition could include all of the text from the first and
32 second bulleted items on page 3.
33

34 Ms. Capel stated that there is no reason why these should be combined. She said that the original text from
35 special condition H. could be combined with the first bulleted item on page 3 and make the second bulleted
36 item a new condition.
37

38 Mr. Drysdale asked if Ms. Hudson has to contact all of the nearby farmers before she holds any event.
39

1 Mr. Hall stated that staff has received no complaints regarding the facility so obviously what Ms. Hudson is
2 doing currently is working. He said that the special condition would not require Ms. Hudson to do anything
3 that she is not already doing and the important thing is that a new owner needs to be aware of the fact that
4 they need to be careful when they are scheduling an event and contact the nearby farmers.
5

6 Mr. Thorsland asked Ms. Hudson if she has had events during planting or harvest season.
7

8 Ms. Hudson stated yes. She said that generally her neighbors will call her to see if she is having any events
9 on that weekend and if so they will work in their adjacent fields on another day and move to another field.
10

11 Mr. Hall stated that this arrangement is under those ownerships but if the agricultural land ownership
12 changes then Ms. Hudson will need to contact the new owners regarding her events. He said that the special
13 condition under the second bullet indicates that if a sufficient amount of complaints are received within a
14 significantly short amount of time then that is a problem.
15

16 Mr. Thorsland asked Ms. Hudson if the neighbors are landowners or are they tenant farmers.
17

18 Ms. Hudson stated that they are both but she knows all of the farmers that farm up and down the road and
19 they all indicate that they enjoy watching the events when they are in the fields.
20

21 Ms. Capel asked Ms. Hudson when she hangs the sign for the event.
22

23 Ms. Hudson stated that the sign is put out on the day of the event.
24

25 Ms. Lee stated that a good change would be indicating that no event shall be held daily during any week
26 during planting and harvest season is better than months.
27

28 Mr. Hall stated that just calling it planting and harvest season is not good enough to him. He said that
29 generally planting season is during the months of mid-April to the end of May and generally harvest season
30 is during the months of September through November. He said that if everyone agrees with the text
31 "generally" then it is understood that in some years those months may not capture the planting and harvest
32 seasons.
33

34 Mr. Thorsland stated that if we are just talking corn and soybeans then the months are generally correct but
35 for someone who plants wheat and then plants soybeans after the wheat is harvested in July.
36

37 Mr. Hall stated that with all due respect to wheat farmers that is a very small percentage of the crop in
38 Champaign County.
39

1 Ms. Capel stated that she would like to include the word “generally” before the months.

2
3 Mr. Hall stated that the special condition indicates that between the end of May and mid-September there
4 could be an event every day of every week and it is not a problem but come harvest there cannot be an event
5 held every day of the week. He said that there could be no more than one event every other day between
6 harvest and planting.

7
8 Mr. Thorsland stated that he would like the special condition to be stated as simply as possible so that Ms.
9 Hudson will continue to coordinate with area farmers.

10
11 Ms. Capel stated that the two bullets could be combined with insertion of the word “generally” in front of the
12 stated limited months.

13
14 Mr. Passalacqua asked if the text in the first bullet is even needed since the second bullet is for enforcement.

15
16 Mr. Thorsland stated that we need to tell people what they can do to avoid the complaint.

17
18 Ms. Capel stated that the condition could indicate that a certain number of received complaints in any given
19 time will result in enforcement action.

20
21 Mr. Thorsland suggested that special condition H. could read as follows: Events at the Special Use Permit
22 shall not be held daily during any week (i.e., on each day of the week) during the planting season (generally
23 mid-April to the end of May) or during the harvest season (generally mid-September through November) and
24 all events during these agriculturally important periods shall be coordinated with nearby farmers. The
25 Special Use Permit shall be void upon receipt by the Zoning Administrator of written complaints about the
26 interruption of farming activities from the farmers and/or landowners of more than 50% of the farmland
27 frontage on CR 1800E between Windsor Road (CR 1400N) and CR 1250N, during any one planting season
28 (generally mid-April to the end of May) or during any one harvest season (generally mid-September through
29 November). The special condition stated above is required to ensure the following: To provide a means of
30 enforcement and accountability if the proposed special use (under different ownership) does not adequately
31 respect the needs of nearby farmers.

32
33 Mr. Randol stated that if Mr. Thorsland is concerned about the time frame then the Board should extend it
34 instead of saying mid-April indicate mid-March.

35
36 Mr. Thorsland stated that the word “generally” assists with that occasional farmer who would plant early.

37
38 Mr. Randol stated that he has planted beans in June before.

39

1 Mr. Thorsland stated that he has planted beans in July after the wheat was harvested.

2

3 Mr. Thorsland asked Mr. Hall if he agrees with the proposed special condition.

4

5 Mr. Hall stated that the text for special condition H. is up to the Board.

6

7 Mr. Drysdale asked if this special condition will apply instead of the previously agreed to special condition
8 H. which indicates that there are no limits as to when events can occur during the calendar year. He said that
9 it was discussed that the revised special condition H. will apply to Ms. Hudson but it now seems to limit
10 when events can be held during the calendar year.

11

12 Mr. Thorsland stated that Mr. Drysdale is correct. He said that the Board has special condition H. which
13 indicates that Ms. Hudson can do whatever she wants whenever she wants but then there is revised special
14 condition H. which applies to everyone indicating that they cannot do something every day during planting
15 and harvest season.

16

17 Mr. Randol stated that the text under the first bullet is the exception to the previously agreed to special
18 condition H.

19

20 Mr. Thorsland stated that the revised condition will not affect Ms. Hudson because it is unlikely that Ms.
21 Hudson will have an event every day of the week during planting season.

22

23 Mr. Drysdale stated that he does not believe that this will affect Ms. Hudson either and he is just trying to
24 iron out things that may pop up in the future.

25

26 Mr. Thorsland stated that he does not believe that the revisions will scare any perspective purchaser from the
27 property.

28

29 Ms. Capel stated that “with the exception of” could be included in the text for revised special condition H.
30 She said that the ensure statement could indicate that the proposed Special Use (particularly under different
31 ownership) continues to respect the needs of nearby farmers.

32

33 Mr. Thorsland stated that the first two bullets on page 3 will be combined and the word “generally” will be
34 placed before any mention of months and under the ensure portion of the special condition will read as Ms.
35 Capel previously stated.

36

37 Mr. Drysdale stated that it is pretty clear that if complaints are received staff will be knocking on Ms.
38 Hudson’s door.

39

1 Mr. Thorsland asked Mr. Drysdale if he agreed to revisions for special condition H.

2
3 Mr. Drysdale stated that he and Mrs. Hudson agree to the condition.

4
5 Mr. Thorsland directed discussion to Special Condition H: "There are no limits to the number of events that
6 may be held at the proposed special use and no limit as to when events may occur during the calendar year
7 except for those referred to in Special Condition I".

8
9 Mr. Hall recommended that the first Special Condition on page 3 be merged with Special Condition H just as
10 Ms. Capel had recommended, such that the second condition becomes the new Condition I. He added that
11 the clause beginning with "To ensure" on page 3 should be what is used below Special Condition H.

12
13 Mr. Thorsland continued by clarifying Condition I, which would read as follows:

- 14
15 **I. "The Special Use Permit shall be void upon the receipt by the Zoning Administrator of**
16 **written complaints about interruption of farming activities from the farmers and/or**
17 **landowners of more than 50% of the farmland frontage on CR1800E between Windsor**
18 **Road (CR1400N) and CR1250N, during any one planting season (generally mid-April**
19 **to the end of May) or during any one harvest season (generally mid-September through**
20 **November).**

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

23 **To ensure that the Special Use respects the needs of nearby farmers.**

24
25 Ms. Capel suggested that if you are going to combine those two conditions, it would be appropriate to use
26 the original language about enforcement and accountability.

27
28 Mr. Thorsland asked if Mrs. Hudson and Mr. Drysdale agreed with the condition.

29
30 Mr. Drysdale responded that they agreed.

31
32 Mr. Thorsland stated that he believed the Board had covered all Special Conditions and revisions.

33
34 Mr. Hall recommended a new Special Condition J.

- 35
36 **J. Within 30 days of the County Board decision to approve Case 799-AM-15, the**
37 **Petitioner shall file a miscellaneous document with the Champaign County Recorder of**
38 **Deeds that includes all of the Special Conditions of this Special Use Permit Case 800-S-**
39 **15.**

1
2 The special condition stated above is required to ensure the following:
3 **To ensure that any prospective or new owner is aware of the limits in the Special Use**
4 **Permit approval.**
5

6 Ms. Lee asked Mr. Hall to indicate what the document is called.
7

8 Mr. Hall stated that it is called a miscellaneous document, and a fee is charged for recording that document.
9

10 Mr. Drysdale stated that he and Ms. Hudson agree to Special Condition J.
11

12 Mr. Thorsland entertain a motion to approve the special conditions as amended.
13

14 **Mr. Passalacqua moved, seconded by Ms. Lee to approve the Special Conditions as amended. The**
15 **motion carried by voice vote.**
16

17 Mr. Thorsland asked if there were any new Documents of Record.
18

19 Ms. Chavarria added the Right to Farm Resolution as Item 22 in the Documents of Record.
20

21 Mr. Thorsland stated that the Board will now review the Findings of Fact for Case 800-S-15.
22

23 **Findings of Fact for Case 800-S-15:**
24

25 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
26 800-S-15 held on April 16, 2015, May 28, 2015 and June 25, 2015 the Zoning Board of Appeals of
27 Champaign County finds that:
28

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

31 Ms. Capel stated that the requested Special Use Permit IS necessary for the public convenience at this
32 location because for the demand for an agricultural setting for weddings, there is no way to do it other than
33 on a farm.
34

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

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

1 **visibility.**

2
3 Mr. Passalacqua stated that the street has ADEQUATE traffic capacity and the entrance location has
4 ADEQUATE visibility.

5
6 **b. Emergency services availability is ADEQUATE.**

7
8 Ms. Capel stated that emergency services availability is ADEQUATE.

9
10 **c. The Special Use WILL be compatible with adjacent uses.**

11
12 Mr. Passalacqua stated that the Special Use WILL be compatible with adjacent uses.

13
14 **d. Surface and subsurface drainage will be ADEQUATE.**

15
16 Ms. Capel stated that surface and subsurface drainage will be ADEQUATE.

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

18
19 Mr. Passalacqua stated that public safety will be ADEQUATE.

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

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

24
25 **g. The property IS well suited overall for the proposed improvements.**

26
27 Ms. Capel stated that the property IS well suited overall for the proposed improvements.

28
29 **h. Existing public services ARE available to support the proposed special use without
30 undue public expense.**

31
32 Ms. Capel stated that existing public services ARE available to support the proposed special use without
33 undue public expense.

34
35 **i. Existing public infrastructure together with the proposed development IS adequate
36 to support the proposed development effectively and safely without undue public
37 expense.**

38
39 Mr. Passalacqua stated that the existing public infrastructure together with the proposed development IS

1 adequate to support the proposed development effectively and safely without undue public expense.

2
3 Mr. Thorsland stated that the requested Special Use Permit, subject to the special conditions imposed
4 herein, is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the
5 district in which it shall be located or otherwise detrimental to the public health, safety and welfare.
6

7 **3a. The requested Special Use Permit SUBJECT TO THE SPECIAL CONDITIONS**
8 **IMPOSED HEREIN DOES conform to the applicable regulations and standards of the**
9 **DISTRICT in which it is located.**

10
11 Ms. Capel stated that the requested Special Use Permit, subject to special conditions imposed herein, DOES
12 conform to the applicable regulations and standards of the DISTRICT in which it is located.
13

14 **3b. The requested Special Use Permit SUBJECT TO THE SPECIAL CONDITIONS**
15 **IMPOSED HEREIN DOES preserve the essential character of the DISTRICT in which**
16 **it is located because:**

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

19
20 Mr. Randol stated that the Special Use will be designed to CONFORM to all relevant County ordinances
21 and codes.
22

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

24
25 Mr. Passalacqua stated that the Special Use WILL be compatible with adjacent uses.
26

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

28
29 Mr. Passalacqua stated that public safety will be ADEQUATE.
30

31 Mr. Thorsland stated that the requested Special Use Permit, subject to the special condition imposed
32 herein, DOES preserve the essential character of the DISTRICT in which it is located.
33

34 **4. The requested Special Use Permit SUBJECT TO THE SPECIAL CONDITIONS**
35 **IMPOSED HEREIN IS in harmony with the general purpose and intent of the Ordinance**
36 **because:**

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

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

1
2 Ms. Capel stated that the requested Special Use Permit IS necessary for the public convenience at this
3 location.

- 4 **c. The requested Special Use Permit SUBJECT TO THE SPECIAL CONDITIONS**
5 **IMPOSED HEREIN is so designed, located, and proposed to be operated so that it**
6 **WILL NOT be injurious to the district in which it shall be located or otherwise**
7 **detrimental to the public health, safety, and welfare.**
8

9 Mr. Thorsland stated that the requested Special Use Permit, subject to the special conditions imposed herein,
10 is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in
11 which it shall be located or otherwise detrimental to the public health, safety, and welfare.
12

- 13 **d. The requested Special Use Permit SUBJECT TO THE SPECIAL CONDITIONS**
14 **IMPOSED HEREIN DOES preserve the essential character of the DISTRICT in which**
15 **it is located.**
16

17 Ms. Capel stated that the requested Special Use Permit, subject to the special conditions imposed herein,
18 DOES preserve the essential character of the DISTRICT in which it is located.
19

20 Mr. Thorsland stated that the Special Use Permit, subject to the special conditions imposed herein IS in
21 harmony with the purpose and intent of the Ordinance.
22

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

- 25 **6. SUBJECT TO THE FOLLOWING WAIVER OF STANDARD CONDITIONS:**

- 26 **A. Regarding the waiver of the standard condition in Section 6.1.3 of the Zoning**
27 **Ordinance: that requires a separation distance of 50 feet in lieu of the required 200**
28 **feet between any Outdoor Commercial Recreational Enterprise and any adjacent**
29 **residential structure and/or use:**

- 30 **(1) The waiver IS in accordance with the general purpose and intent of the**
31 **Zoning Ordinance and WILL NOT be injurious to the neighborhood or to**
32 **the public health, safety, and welfare.**
33

34 Mr. Passalacqua stated that the waiver IS in accordance with the general purposed and intent of the Zoning
35 Ordinance and WILL NOT be injurious to the neighborhood or to the public health, safety, and welfare
36 because the nearby residents because the nearby residents are all supportive of the Special Use.
37

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

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

2
3 Ms. Capel 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 the special use makes use of existing buildings rather than requiring construction of
6 new buildings.

7
8 **(3) Practical difficulties or hardships created by carrying out the strict letter of**
9 **the regulations sought to be varied WILL prevent reasonable or otherwise**
10 **permitted use of the land or structure or construction.**

11
12 Ms. Capel stated that practical difficulties or hardships created by carrying out the strict letter of the
13 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure
14 or construction because the petitioner would not be able to use the existing buildings.

15
16 **(4) The special conditions, circumstances, hardships, or practical difficulties DO**
17 **NOT result from actions of the applicant.**

18
19 Mr. Passalacqua stated that the special conditions, circumstances, hardships, or practical difficulties DO
20 NOT result from actions of the applicant because they are repurposing existing agricultural buildings.

21
22 **(5) The requested waiver SUBJECT TO THE PROPOSED SPECIAL**
23 **CONDITIONS IS the minimum variation that will make possible the**
24 **reasonable use of the land/structure.**

25
26 Mr. Thorsland stated that the requested waiver, subject to the proposed special condition IS the minimum
27 variation that will make possible the reasonable use of the land/structure.

28
29 **7. THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE**
30 **COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE**
31 **PARTICULAR PURPOSES DESCRIBED BELOW:**

32
33 **A. The Petitioner may continue ongoing operations on the subject property provided the**
34 **Petitioner complies with the following:**

35 **(1) The Petitioner shall apply to the Department of Planning and Zoning for a**
36 **Change of Use Permit within four weeks of receiving a final determination by**
37 **the County Board in related Case 799-AM-15; and**

38
39 **(2) A Zoning Compliance Certificate certifying compliance with all special**

1 conditions in this zoning case shall be received within 12 months of a final
2 determination by the County Board in related Case 799-AM-15 except that a
3 septic system may be constructed at a later time provided that a new Change of
4 Use Permit is applied for at that time; and
5

- 6 (3) Failure to meet any of the above deadlines shall be a violation of the Zoning
7 Ordinance and subject to normal enforcement procedures including appropriate
8 legal action.
9

10 The special condition stated above is required to ensure the following:
11 The ongoing operations may continue but will comply with all special
12 conditions by a date certain.
13

- 14 B. The following condition will ensure that any new septic system is built as approved
15 by the Champaign County Health Department and documented with a Change of
16 Use Permit:

17 (1) The area proposed for any new septic system shall be identified, marked
18 off, and protected from compaction prior to any construction on the subject
19 property.
20

- 21 (2) The Zoning Administrator shall verify that the area proposed for any new septic
22 system is identified, marked off, and protected from compaction prior to approval
23 of the Change of Use Permit documenting the new septic system.
24

- 25 (3) The Change of Use Permit Application documenting the construction and
26 establishment of any new septic system shall include the following:

27 a. A true and correct copy of an approved COUNTY Health Department
28 PERMIT for construction of the private sewage disposal system.
29

30 b. The site plan for the Change of Use Permit Application shall indicate the
31 identical area for the private sewage disposal system as approved in the
32 COUNTY Health Department PERMIT and only the private sewage
33 disposal system approved by the COUNTY Health Department may occupy
34 that portion of the LOT.
35

- 36 (4) A true and correct copy of the COUNTY Health Department Certificate of
37 Approval for the private sewage disposal system shall be submitted to the Zoning
38 Administrator prior to the use of any new septic system.
39

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The special condition stated above is required to ensure the following:
Any new septic system is in compliance with the Champaign County Zoning Ordinance.

- C. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Private Indoor Recreational Development/Outdoor Commercial Recreational Enterprise 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.

- D. All onsite Special Use activities shall be in compliance at all times with the Champaign County Health Ordinance, the Champaign County Liquor Ordinance, and the Champaign County Recreation and Entertainment Ordinance.**

The special condition stated above is required to ensure the following:
That the proposed Special Use is in ongoing compliance with all applicable County requirements.

- E. No parking shall occur in the public street right of way.**

The special condition state above is required to ensure the following:
That the proposed Special Use is not injurious to the neighborhood.

- F. All disposal of human wastes from the proposed special use permit shall be in compliance with the Illinois Private Sewage Disposal Code (77 IAC 905) and the Champaign County Health Ordinance.**

The special condition stated above is required to ensure the following:
To protect public health.

- G. This special use permit does not authorize onsite food preparation or the construction of any food preparation area or kitchen.**

The special condition stated above is required to ensure the following:
To protect public health.

- H. There are no limits to the number of events that may be held at the proposed special**

1 use and no limit as to when events may occur during the calendar year with the
2 exception that events at the subject property shall not be held daily during any week
3 (i.e. on each day of the week) during the planting season (generally mid-April to end of
4 May) or during the harvest season (generally mid-September through November) and
5 all events during these agriculturally important periods shall be coordinated with
6 nearby farmers.
7

8 The special condition stated above is required to ensure the following:
9 To ensure that the proposed Special Use (particularly under different ownership)
10 continues to respect the needs of nearby farmers.
11

- 12 I. The Special Use Permit shall be void upon the receipt by the Zoning Administrator
13 of written complaints about interruption of farming activities from the farmers
14 and/or landowners of more than 50% of the farmland frontage on CR1800E
15 between Windsor Road (CR1400N) and CR1250N, during any one planting season
16 (generally mid-April to the end of May) or during any one harvest season (generally
17 mid-September through November).
18

19 The special condition stated above is required to ensure the following:
20 To provide a means of enforcement and accountability if the proposed special use
21 (particularly under different ownership) does not adequately respect the needs
22 of nearby farmers.
23

- 24 J. The Petitioner shall file a list of the approved special conditions in Case 800-S-15 as a
25 Miscellaneous Document at the Champaign County Recorder's Office within 30 days
26 of the approval of Case 799-AM-15 by the County Board.
27

28 The special condition stated above is required to ensure the following:
29 That potential future owners of the subject property are aware of the special conditions
30 of the special use permit.
31

32 Ms. Capel moved, seconded by Mr. Passalacqua to adopt the Summary of Evidence, Documents of
33 Record, and Finding of Fact as amended. The motion carried by voice vote.
34

35 Mr. Randol moved, seconded by Ms. Capel to move to Final Determination. The motion carried by
36 voice vote.
37

38 Mr. Thorsland informed Mr. Drysdale and Ms. Hudson that currently the Board has one vacant Board seat
39 and one absent Board member therefore it is at their discretion to either continue Case 800-S-15 until a full

1 Board is present or request that the present Board move to the Final Determination. He informed Mr.
2 Drysdale and Ms. Hudson that four affirmative votes are required for approval.

3
4 Mr. Drysdale and Ms. Hudson requested that the present Board move to the Final Determination.
5

6 **Final Determination for Case 800-S-15:**
7

8 Ms. Capel moved, seconded by Mr. Passalacqua that pursuant to the authority granted by Section
9 9.1.11 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign
10 County determines that the Special Use requested in Case 800-S-15 is hereby GRANTED WITH
11 SPECIAL CONDITIONS to the applicant Joyce Hudson d.b.a. Hudson Farm Wedding and Events
12 LLC, to authorize the following as a Special Use on land that is to be rezoned to the AG-2 Agriculture
13 Zoning District from the current AG-1 Agriculture Zoning District in related Zoning Case 799-AM-
14 15:

15
16 Authorize the remodeling of existing farm buildings for the establishment and use of an Event Center
17 as a combination “Private Indoor Recreational Development” and “Outdoor Commercial
18 Recreational Enterprise”
19

20 **SUBJECT TO THE FOLLOWING WAIVER OF STANDARD CONDITIONS:**
21

- 22 A. Waiver of the standard condition in Section 6.1.3 that requires a separation distance of
23 50 feet in lieu of the required 200 feet between any Outdoor Commercial Recreational
24 Enterprise and any adjacent residential structure and/or use.
25

26 **SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:**
27

- 28 A. The Petitioner may continue ongoing operations on the subject property provided
29 the Petitioner complies with the following:
30 (1) The Petitioner shall apply to the Department of Planning and Zoning for a
31 Change of Use Permit within four weeks of receiving a final determination by
32 the County Board in related Case 799-AM-15; and
33
34 (2) A Zoning Compliance Certificate certifying compliance with all special
35 conditions in this zoning case shall be received within 12 months of a final
36 determination by the County Board in related Case 799-AM-15 except that a
37 septic system may be constructed at a later time provided that a new Change of
38 Use Permit is applied for at that time; and
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(3) Failure to meet any of the above deadlines shall be a violation of the Zoning Ordinance and subject to normal enforcement procedures including appropriate legal action.

The special condition stated above is required to ensure the following:
The ongoing operations may continue but will comply with all special conditions by a date certain.

B. The following condition will ensure that any new septic system is built as approved by the Champaign County Health Department and documented with a Change of Use Permit:

(1) The area proposed for any new septic system shall be identified, marked off, and protected from compaction prior to any construction on the subject property.

(2) The Zoning Administrator shall verify that the area proposed for any new septic system is identified, marked off, and protected from compaction prior to approval of the Change of Use Permit documenting the new septic system.

(3) The Change of Use Permit Application documenting the construction and establishment of any new septic system shall include the following:

a. A true and correct copy of an approved COUNTY Health Department PERMIT for construction of the private sewage disposal system.

b. The site plan for the Change of Use Permit Application shall indicate the identical area for the private sewage disposal system as approved in the COUNTY Health Department PERMIT and only the private sewage disposal system approved by the COUNTY Health Department may occupy that portion of the LOT.

(4) A true and correct copy of the COUNTY Health Department Certificate of Approval for the private sewage disposal system shall be submitted to the Zoning Administrator prior to the use of any new septic system.

The special condition stated above is required to ensure the following:
Any new septic system is in compliance with the Champaign County Zoning Ordinance.

C. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Private Indoor Recreational Development/Outdoor Commercial Recreational

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Enterprise 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.

D. All onsite Special Use activities shall be in compliance at all times with the Champaign County Health Ordinance, the Champaign County Liquor Ordinance, and the Champaign County Recreation and Entertainment Ordinance.

The special condition stated above is required to ensure the following:
That the proposed Special Use is in ongoing compliance with all applicable County requirements.

E. No parking shall occur in the public street right of way.

The special condition state above is required to ensure the following:
That the proposed Special Use is not injurious to the neighborhood.

F. All disposal of human wastes from the proposed special use permit shall be in compliance with the Illinois Private Sewage Disposal Code (77 IAC 905) and the Champaign County Health Ordinance.

The special condition stated above is required to ensure the following:
To protect public health.

G. This special use permit does not authorize onsite food preparation or the construction of any food preparation area or kitchen.

The special condition stated above is required to ensure the following:
To protect public health.

H. There are no limits to the number of events that may be held at the proposed special use and no limit as to when events may occur during the calendar year with the exception that events at the subject property shall not be held daily during any week (i.e. on each day of the week) during the planting season (generally mid-April to end of May) or during the harvest season (generally mid-September through November) and all events during these agriculturally important periods shall be coordinated with nearby farmers.

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The special condition stated above is required to ensure the following:
To ensure that the proposed Special Use (particularly under different ownership) continues to respect the needs of nearby farmers.

- I. The Special Use Permit shall be void upon the receipt by the Zoning Administrator of written complaints about interruption of farming activities from the farmers and/or landowners of more than 50% of the farmland frontage on CR1800E between Windsor Road (CR1400N) and CR1250N, during any one planting season (generally mid-April to the end of May) or during any one harvest season (generally mid-September through November).**

The special condition stated above is required to ensure the following:
To provide a means of enforcement and accountability if the proposed special use (particularly under different ownership) does not adequately respect the needs of nearby farmers.

- J. The Petitioner shall file a list of the approved special conditions in Case 800-S-15 as a Miscellaneous Document at the Champaign County Recorder’s Office within 30 days of the approval of Case 799-AM-15 by the County Board.**

The special condition stated above is required to ensure the following:
That potential future owners of the subject property are aware of the special conditions of the special use permit.

Mr. Thorsland requested a roll call vote:

The roll was called as follows:

Randol-yes	Capel-yes	Griest-absent
Lee-yes	Passalacqua-yes	Thorsland-yes

Mr. Hall congratulated the Petitioner and thanked her for getting all the materials needed for the Board to consider the case and for her patience.

6. New Public Hearings

Case 804-AM-15 Petitioner: Kimberly Young, DBA Quick Leasing Inc. Request to amend the Zoning Map to change the zoning district designation from the I-1 Light Industry Zoning District to the B-4 General Business Zoning District in order to operate a diesel truck maintenance facility with truck

1 **sales. Location: A 6 acre tract in part of the Northeast Quarter of the Northwest Quarter of Section**
2 **24, Township 20N, Range 8E in Hensley Township and commonly known as 309 West Hensley Road,**
3 **Champaign.**
4

5 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign
6 the witness register for that public hearing. He reminded the audience that when they sign the witness
7 register they are signing an oath. He asked the audience if anyone desired to sign the witness register at this
8 time.
9

10 Mr. Thorsland asked the petitioner if she would like to make a brief statement regarding the request.
11

12 Mr. James Hrubik, whose address is 10020 Orville Hudson Road, Streetsboro, Ohio, stated that he is the
13 architect for Rush Trucking, who is the potential purchaser of the subject property. He said that he is also
14 representing Kimberly Young, owner of the subject property, at tonight's public hearing. He said that there
15 is an existing building zoned industrial that is currently being used by a roofing contracting company and the
16 proposed use for the building is for a truck sales and repair facility. He said that the repair facility is
17 permitted in the industrial zoning but the truck sales is not permitted therefore they are requesting that the
18 subject property be rezoned to permit the truck sales.
19

20 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Hrubik and there were none.
21

22 Mr. Thorsland stated that the packet was very informative regarding this straight forward request. He said
23 that the Board is fairly familiar with the property.
24

25 Mr. Passalacqua asked Mr. Hall if the truck sales center that is across the highway is only for sales or does
26 the facility also provide service.
27

28 Mr. Hall stated that on the east side of I-57 there is a truck sales and service facility.
29

30 Mr. Passalacqua stated that this facility would mirror the same kind of use as the facility across the highway.
31

32 Mr. Hall stated yes, it is the same kind of use.
33

34 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Hrubik or Ms. Young and there
35 was no one.
36

37 Mr. Thorsland asked the audience if anyone desired to present testimony regarding this case and there was
38 no one.
39

1 Mr. Thorsland asked Ms. Young if there was any information that she would like to add at this time and Ms.
2 Young indicated no.

3
4 Mr. Thorsland stated that staff will now review the Summary Finding of Fact for Case 804-AM-15.

5
6 Mr. Thorsland stated that the Summary Finding of Fact includes staff recommendations which mesh well
7 with previous cases regarding the Land Resource Management Plan. He asked the Board if there were any
8 questions regarding the staff recommendations and there were none.

9
10 **Summary Finding of Fact For Case 804-AM-15:**

11
12 From the documents of record and the testimony and exhibits received at the public hearing conducted
13 on **June 25, 2015**, the Zoning Board of Appeals of Champaign County finds that:

- 14
15 1. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the Land Resource
16 Management Plan because:
- 17 A. Regarding Goal 3:
- 18 (1) The proposed rezoning will allow the Petitioner to sell the property and permit the
19 new owners to conduct their business under proper zoning and therefore the
20 proposed rezoning can be said to **HELP ACHIEVE** Goal 3.
21
- 22 (2) Based on achievement of the above and because it will either not impede or is not
23 relevant to the other Objectives and Policies under this goal, the proposed map
24 amendment will **HELP ACHIEVE** Goal 3 Prosperity.
25
- 26 B. Regarding Goal 4:
- 27 (1) It will **HELP ACHIEVE** Objective 4.1 requiring minimization of the
28 fragmentation of farmland, conservation of farmland, and stringent development
29 standards on best prime farmland because it will **HELP ACHIEVE** the
30 following:
- 31 a. Policy 4.1.1, which states that commercial agriculture is the highest and
32 best use of land in the areas of Champaign County that are by virtue of
33 topography, soil and drainage, suited to its pursuit. The County will not
34 accommodate other land uses except under very restricted conditions or in
35 areas of less productive soils (see Item 14.A.(2)).
36
- 37 b. Policy 4.1.6 requiring that the use, design, site and location are consistent
38 with policies regarding suitability, adequacy of infrastructure and public

- 1 services, conflict with agriculture, conversion of farmland, and disturbance
2 of natural areas (see Item 14.A.(3)).
3
- 4 (2) It will **HELP ACHIEVE** Objective 4.2 requiring discretionary development to
5 not interfere with agriculture because it will **HELP ACHIEVE** the following:
6 a. Policy 4.2.1 requiring a proposed business in a rural area to support
7 agriculture or provide a service that is better provided in the rural area (see
8 Item 14.B.(1)).
9
10 b. Policy 4.2.2 requiring discretionary development in a rural area to not
11 interfere with agriculture or negatively affect rural infrastructure (see Item
12 14.B.(2)).
13
14 c. Policy 4.2.3 requiring that each proposed *discretionary development*
15 explicitly recognize and provide for the right of agricultural activities to
16 continue on adjacent land (see Item 14.B.(3)).
17
18 d. Policy 4.2.4 requiring that all discretionary review consider whether a
19 buffer between existing agricultural operations and the proposed
20 development is necessary (see Item 14.B.(4)).
- 21 (3) It will **HELP ACHIEVE** Objective 4.3 requiring any discretionary development
22 to be on a suitable site because it will **HELP ACHIEVE** the following:
23 a. Policy 4.3.2 requiring a discretionary development on best prime farmland
24 to be well-suited overall (see Item 14.C.(1)).
25
26 b. Policy 4.3.3 requiring existing public services be adequate to support the
27 proposed development effectively and safely without undue public
28 expense (see Item 14.C.(2)).
29
30 c. Policy 4.3.4 requiring existing public infrastructure be adequate to support
31 the proposed development effectively and safely without undue public
32 expense (see Item 14.C.(3)).
33
34 d. Policy 4.3.5 requiring that a business or non-residential use establish on
35 best prime farmland only if it serves surrounding agriculture or is
36 appropriate in a rural area (see Item 14.C.(4)).
37
- 38 (4) Based on achievement of the above Objectives and Policies, the proposed map
39 amendment will **NOT IMPEDE** Goal 4 Agriculture.

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- C. Regarding Goal 5:
- (1) It will **HELP ACHIEVE** Objective 5.1 regarding contiguous urban growth areas because it will **HELP ACHIEVE** the following:
- a. Policy 5.1.3 requiring conformance with municipal comprehensive plans for developments propped with a municipality's 1.5 mile extraterritorial jurisdiction.
 - b. Policy 5.1.4 requiring additional considerations for discretionary development proposed within municipal extra-territorial jurisdictions.
 - c. Policy 5.1.5 requiring the County to encourage urban development to explicitly recognize and provide for the right of agricultural activities on adjacent land.
 - d. Policy 5.1.6 requiring consideration of a buffer between existing agricultural operations and the proposed urban development.
- (2) It will **HELP ACHIEVE** Objective 5.3 regarding sufficient infrastructure and services for proposed new urban development because it will **HELP ACHIEVE** the following:
- a. Policy 5.3.1 requiring sufficiently available public services for new urban development.
 - b. Policy 5.3.2 requiring proposed new urban development, with proposed improvements, to be adequately served by public infrastructure.
- (3) Based on achievement of the above Objectives and Policies, the proposed map amendment will **HELP ACHIEVE** Goal 5 Urban Land Use.
- D. Regarding Goal 7:
- (1) Objective 7.1 consider traffic impact in land use decisions because it will **HELP ACHIEVE** the following:
- a. Policy 7.1.1 requiring traffic impact analyses for projects with significant traffic generation.
- (2) Based on achievement of the above Objectives and Policies and because it will either not impede or is not relevant to the other Objectives and Policies under this

1 goal, the proposed map amendment will **HELP ACHIEVE** Goal 7
2 Transportation.

3
4 E. The proposed amendment will **NOT IMPEDE** the following LRMP goal(s):

- 5 • Goal 1 Planning and Public Involvement
- 6 • Goal 2 Governmental Coordination
- 7 • Goal 6 Public Health and Public Safety
- 8 • Goal 8 Natural Resources
- 9 • Goal 9 Energy Conservation
- 10 • Goal 10 Cultural Amenities

11
12 F. Overall, the proposed map amendment will **HELP ACHIEVE** the Land Resource
13 Management Plan.

14
15 2. The proposed Zoning Ordinance map amendment **IS** consistent with the *LaSalle* and *Sinclair*
16 factors because of the following:

17 A. The amendment will allow the petitioner to immediately sell the property to be converted
18 to a use that will benefit both urban and rural residents and businesses as well as interstate
19 travelers.

20 B. The subject property is suitable for the zoned purposes. The subject property cannot be
21 converted back to agricultural production. There are similar businesses nearby that have
22 been deemed appropriate for the area.

23
24 3. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the purpose of the
25 Zoning Ordinance because the B-4 District is proposed at this location to replace the existing I-1
26 District to take advantage of interstate visibility and easy access.

27
28 Mr. Thorsland asked Mr. Hrubik and Ms. Young if they had any questions regarding the Summary Finding
29 of Fact and there were none.

30
31 Mr. Thorsland stated that the Land Resource Management Plan gives the Board goals that are to be met or
32 not impeded when a map amendment or special use permit is proposed. He said that a lot of the material has
33 to do with agriculture but this is an existing building which will have very little impact therefor a lot of the
34 findings indicate **HELP ACHIEVE**.

35
36 Mr. Hrubik stated that property has an existing septic system and there was a condition indicating that the
37 septic system will be adequate for the health and safety of the people at the property. He asked if
38 information is received that an upgraded septic system is required, would it stop the zoning process or would
39 it be contingent upon the upgrade occurring. He said that the does not anticipate an upgraded system being

1 needed but he thought that he had better ask the question should something come up.

2
3 Mr. Hall stated that if the map amendment is granted the petitioner will apply for a Zoning Use Permit and if
4 there is an increase in building area, now or in the future, the applicant would need to check with the
5 Champaign County Health Department to see if any improvements are needed to the septic system. He said
6 that this would all occur after the map amendment is approved and would only be required if necessary.
7

8 Mr. Hrubik stated that it would not kill the deal.

9
10 Mr. Hall stated no.

11
12 Mr. Hrubik stated that his question was whether the upgrade could be made as opposed to not being
13 permitted at all.

14
15 Mr. Thorsland noted that the ZBA is not the Board of Health therefore it is up to them to determine whether
16 the current septic system is approved or not and the ZBA only needs to make sure that the petitioner is aware
17 of that information.

18
19 Ms. Capel noted that Finding 1.C.(3) should be revised to indicate Goal 5 Urban Land Use.

20
21 Mr. Thorsland thanked Ms. Capel for the edit.

22
23 Mr. Thorsland stated that he will now read the proposed special conditions of approval and informed the
24 petitioner that they must indicate their agreement or opposition to each condition.

25
26 Mr. Thorsland read proposed special condition A. as follows:

27
28 **A. No Zoning Use Permit for expansion of building area or parking area and no Change of**
29 **Use Permit authorizing a different use with a greater wastewater load shall be**
30 **approved without documentation that the Champaign County Health Department has**
31 **determined the existing or proposed septic system will be adequate for that proposed**
32 **use.**

33
34 The above special condition is required to ensure:

35
36 **That the existing septic system is adequate and to prevent wastewater runoff onto**
37 **neighboring properties.**

38
39 Mr. Thorsland asked Mr. Hrubik if he agreed to proposed special condition A.

1
2 Mr. Hrubik agreed to proposed special condition A.

- 3
4 **B. A Change of Use Permit shall be applied for within 30 days of the approval of Case 804-AM-15 by the County Board.**

5
6
7 The above special condition is required to ensure the following:

8
9 **The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.**

10
11
12 Mr. Thorsland asked Mr. Hrubik if he agreed to proposed special condition B.

13
14 Mr. Hrubik agreed to proposed special condition B.

- 15
16 **C. The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425 (see attached).**

17
18
19 The above special condition is necessary to ensure the following:

20
21
22 **Conformance with policies 4.2.3 and 5.1.5.**

23
24 Mr. Thorsland asked Mr. Hrubik if he agreed to proposed special condition C.

25
26 Mr. Hrubik agreed to proposed special condition C.

27
28 Mr. Thorsland entertained a motion to approve the special conditions as read.

29
30 **Mr. Passalacqua moved, seconded by Ms. Lee to approve the special conditions as read. The motion carried by voice vote.**

31
32
33 Mr. Thorsland asked staff if there were any new Documents of Record and there were none.

34
35 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Summary Finding of Fact as amended.

36
37
38 **Ms. Capel moved, seconded by Mr. Randol to adopt the Summary of Evidence, Documents of Record and Summary Finding of Fact as amended. The motion carried by voice vote.**

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Mr. Thorsland entertained a motion to move to the Final Determination for Case 804-AM-15.

Mr. Passalacqua moved, seconded by Mr. Randol to move to the Final Determination for Case 804-AM-15. The motion carried by voice vote.

Mr. Thorsland informed Mr. Hrubik and Ms. Young that currently the Board has one vacant Board seat and one absent Board member therefore it is at their discretion to either continue Case 804-AM-15 until a full Board is present or request that the present Board move to the Final Determination. He informed Mr. Hrubik and Ms. Young that four affirmative votes are required for approval.

Mr. Hrubik and Ms. Young requested that the present Board move to the Final Determination.

Final Determination for Case 804-AM-15:

Mr. Passalacqua moved, seconded by Ms. Lee that pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Zoning Ordinance Amendment requested in Case 804-AM-15 should BE ENACTED By the County Board in the form attached hereto with the following special conditions:

- A. No Zoning Use Permit for expansion of building area or parking area and no Change of Use Permit authorizing a different use with a greater wastewater load shall be approved without documentation that the Champaign County Health Department has determined the existing or proposed septic system will be adequate for that proposed use.**

The above special condition is required to ensure:

That the existing septic system is adequate and to prevent wastewater runoff onto neighboring properties.

- B. A Change of Use Permit shall be applied for within 30 days of the approval of Case 804-AM-15 by the County Board.**

The above special condition is required to ensure the following:

The establishment of the proposed use shall be properly documented as required by the

Zoning Ordinance.

C. The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425 (see attached).

The above special condition is necessary to ensure the following:

Conformance with policies 4.2.3 and 5.1.5.

Mr. Thorsland requested a roll call vote:

The roll was called as follows:

Randol-yes	Capel-yes	Griest-absent
Passalacqua-yes	Lee-yes	Thorsland-yes

Mr. Hall informed Mr. Hrubik and Ms. Young that they have received a recommendation for approval. He said that normally a map amendment would be forwarded to the Environment and Land Use Committee of the Champaign County Board but July is the one month when they do not have a meeting therefore Mr. Hrubik and Ms. Young have the option of going straight to the County Board on July 23rd, which he would only recommend with a map amendment that had a quick and unanimous decision like this, or they could wait until August 6th for the ELUC meeting at which they will make a recommendation to the County Board for their August 20th meeting. He noted that the ZBA recommendation was the best outcome that the petitioner could have hoped for and if the County Board recommends anything different than what the ZBA recommends they normally remand the case back to the ZBA for a new hearing. He informed Mr. Hrubik and Ms. Young that they do not have to make a decision tonight and they could contact staff within the next few days but staff will need to know soon whether or not to place this case on the July 23rd County Board agenda.

Mr. Hrubik stated that he and Ms. Young would appreciate having a couple of days to check calendars with the new client and then they will contact staff regarding their decision.

Mr. Thorsland stated that the Board will now hear continued cases 799-AM-15 and 800-S-15, Joyce Hudson d.b.a. Hudson Farm Wedding & Events LLC.

7. Staff Report

Mr. Hall stated that Cases 769-AT-13 and 773-AT-14 were approved unanimously by the County Board on June 18, 2015.

1 **8. Other Business**

2 A. Mr. Thorsland stated that it was brought to his attention that after we quickly dispatched the
3 first case (Case 804-V-15) that postcards go out indicating the time of the meeting and then we changed the
4 time of the meeting and there was no follow-up. He realizes that postcard follow-up is probably difficult
5 because of the time involved.

6
7 Mr. Hall clarified that what happened is that the Board reversed the order of the cases and the new case,
8 which was the only one that people were getting here for at 7:00, was decided before 7:00. He recognized
9 this as a staff error and added that it was good to find out that the local Highway Commissioner was only
10 here in support.

11
12 Mr. Thorsland stated that he knew that staff sent out information to people but tonight was the first time that
13 he has actually seen the postcard mailing that indicates the time of the meeting. He said that people are
14 being informed of the time of the meeting and are not being notified when the meeting time is changed.

15
16 Mr. Hall stated that every time we change a meeting time staff will generally post a notice at the doors.

17
18 Mr. Thorsland asked Mr. Hall who is going to come to door to make sure that the meeting is still being held
19 at 7:00. He said that either the Board should stop changing the time of the meetings or find a better way to
20 notify people when the meeting time has been changed.

21
22 Mr. Passalacqua stated that the meeting time is posted on the County website.

23
24 Mr. Hall stated that the error occurred when staff allowed the Board to rearrange the agenda and placed the
25 new case at the beginning of the meeting when the meeting was already beginning one-half hour earlier than
26 normal. He said that this was a staff error in allowing this and staff will not let that error happen again.

27
28 Mr. Thorsland stated that not allowing such a change would be a good policy to follow even though the
29 rearrangement made perfect sense at the time. He said that Mr. Hall told those who signed the attendance
30 and witness registers and did not get a chance to speak that it would be appropriate for them to attend the
31 County Board meeting and state their comments for the case or they could send a letter with their comments.

32
33 **B. Review of Docket**

34
35 Mr. Hall stated that Case 792-V-14, Robert Frazier, has been reactivated.

36
37 Ms. Lee asked Mr. Hall if the Board will have to hear all of the previous testimony for the Frazier case again.

38
39 Mr. Passalacqua noted that Mr. Frazier should be informed that he should be prompt in his attendance or the

1 Board will take no hesitation in dismissing the case again.

2

3 Mr. Thorsland stated that there will be no potential reprieve as this may be the last public hearing that he
4 ever rearranges the docket in placing an easy case in the beginning thus giving Mr. Frazier additional time to
5 attend.

6

7 Mr. Passalacqua stated that he does not care what time the case is on the docket but the meeting begins when
8 the meeting begins and you should be in attendance. He said that if you are the last of ten cases in the
9 courtroom and the session begins at 8:00 you had better be in that courtroom at 8:00. He noted that
10 sometimes it is tough being a grown-up and being responsible.

11

12 Ms. Capel stated that even when the entire previous hearing for Case 792-V-14 was over Mr. Frazier still
13 had not arrived.

14

15 Mr. Thorsland stated no, Mr. Frazier never attended the meeting. He said that he is one that feels as though
16 if he is not ten minutes early for meeting then he is probably late therefore he has a low tolerance for people
17 who are not punctual and agrees with Mr. Passalacqua in that it is tough to be a grown-up.

18

19 Mr. Thorsland informed the Board that he will not be in attendance for the September 10, 2015 meeting.

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 Mr. Thorsland entertained a motion to adjourn the meeting.

28

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

30

31 The meeting adjourned at 9:05 p.m.

32

33

34 Respectfully submitted

35

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

7 **DATE:** July 30, 2015

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

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

Urbana, IL 61802

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

14 **MEMBERS ABSENT :** None

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

18 **OTHERS PRESENT :** Randall Brown, Richard McCormick, Christine McCormick, Jon Dessen,
19 Loretta Dessen, Albert Willms

22 **1. Call to Order**

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

DRAFT

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

28 The roll was called and a quorum declared present with one vacant Board seat.

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. He reminded the audience that when they sign the witness
32 register they are signing an oath.

34 **3. Correspondence**

36 None

38 **4. Approval of Minutes (May 14, 2015, May 28, 2015, and June 11, 2015)**

40 Mr. Thorsland entertained a motion to approve the May 14, 2015, May 28, 2015, and June 11, 2015,
41 minutes.

43 **Mr. Randol moved, seconded by Ms. Griest to approve the May 14, 2015, May 28, 2015, and June 11,**
44 **2015, minutes.**

46 Mr. Thorsland stated that Ms. Lee provided staff with two minor edits. She said that line 14-16 on page 8 of
47 the May 14, 2015, minutes should include the following: "Mr. Johnson stated that he has another part-time
48 job." Ms. Lee stated that line 8 on page 3 of the May 28, 2015, minutes should be revised to indicate .40

1 acres and not .04 acres.

2

3 **The motion carried.**

4

5 **5. Continued Public Hearing**

6

7 None

8

9 **6. New Public Hearings**

10

11 **Case 808-S-15 Petitioner: Loretta Dessen Request: Authorize a Special Use Permit for a Private**
12 **Indoor Recreational Development to allow existing and ongoing use of the existing barn as a rentable**
13 **venue for entertainment and recreation in the R-4 Multiple Family Residence Zoning District.**
14 **Location: A 10 acre tract in the West half of the Northeast Quarter of Section 4, Township 19 North,**
15 **Range 8 East in Urbana Township and commonly known as Farm Lake, with an address of 2502**
16 **North Cunningham Avenue, Urbana.**

17

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

22

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

24

25 Ms. Loretta Dessen, who resides at 2502 N. Cunningham Avenue, Urbana, stated that she hosts parties in
26 barns that are located on her property. She said that generally the parties are very large and there could be as
27 many as 200 people in attendance. She said that most of the parties are held in the evening, sometimes in the
28 afternoon, and mostly consist of younger, college age, guests although some parties are for older guests. She
29 said that she has also hosted weddings, children’s birthday parties and other happy events at the barns which
30 are located on what she considers as a very nice property.

31

32 Mr. Thorsland asked Ms. Dessen to indicate the days of the week the events are typically held.

33

34 Ms. Dessen stated that most of the time the events are held on the weekends but sometimes there are events
35 on Tuesday, Wednesday and Thursday. She said that there are never events held on Sunday in the east barn.
36 She said that she hosts the events on a seasonal basis which only consist of four months out of the year.

37

38 Mr. Thorsland thanked Ms. Dessen for her comments and asked the Board if there were any questions for
39 Ms. Dessen and there were none.

1
2 Mr. Thorsland called John Hall to testify.
3

4 Mr. John Hall, Zoning Administrator, distributed a Supplemental Memorandum dated July 30, 2015, to the
5 Board for review. He said that the new memorandum explains the background of the subject property and
6 the rezonings that have occurred. He said that the eastern portion of the property was originally zoned AG-2
7 and the western portion of the property was originally zoned B-3. He said that there were two zoning cases
8 before the ZBA and the eastern portion was rezoned to R-4 in 1993 and the western portion was rezoned
9 from B-3 to B-4 in 1998. He said that the western portion of the property is where the latest structure was
10 constructed in 2005.
11

12 Mr. Hall stated that the Preliminary Memorandum dated July 23, 2015, included two especially good
13 paragraphs that staff would like to add to the Summary of Evidence at new items 5.B. and 5.E. He said that
14 new item 5.B. summarizes the operations of Ms. Dessen's business. He said that new item 5.E. summarizes
15 the approved zoning cases for the subject property. He said that new item 7.D. discusses the history of the
16 property. He said that the Dessen family has owned the property since 1959 and they operated the Farm
17 Lake Day Camp for 16 years and began holding private events on the property in 1992. He said that the
18 barns are rented out separately and are approximately 275 yards apart on opposite sides of the residence. He
19 noted that in 1992 the property was actually zoned AG-2 and shortly after the eastern portion of the property
20 was rezoned to R-4. He said that during both of the two previous zoning cases there was no mention of
21 holding events and at this point with the rezoning to R-4 there is no opportunity to have outdoor events on
22 the eastern property therefore this Special Use is only for indoor events.
23

24 Mr. Hall stated that there are new special conditions proposed in the Supplemental Memorandum dated July
25 30, 2015, and the important thing about special conditions is that the owner has to agree to the special
26 conditions or they do not apply and the Board would have to take action without the special conditions. He
27 said that in addition to the two special conditions that were included in the Preliminary Memorandum dated
28 July 23, 2015, staff is proposing the following:
29

30 **C. The Special Use Permit shall expire when the current resident Loretta Dessen no longer**
31 **resides on the property.**

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

33 **That life safety concerns and public welfare are adequately considered in management**
34 **of the proposed Special Use.**
35

36 Mr. Hall stated that Special Condition C. only applies to the eastern barn which is the oldest and smallest
37 barn and the barn which is closer to the greatest number of neighbors. He said that staff assumes that the
38 barn will no longer be used after Ms. Dessen retires from the business or leaves the property.
39

1 **D. Music playing at events must be turned off by 10:00 p.m.**

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

3 **That events held on the subject property adequately consider prior noise complaints**
4 **and current neighbors.**

5
6 Mr. Hall stated that the eastern barn does not have ventilation and the doors are open when it is being used
7 and Ms. Dessen testified that the typical use for the barn is for younger generation, college age, parties. He
8 said that the floor plan showed a Disc Jockey booth and a dance floor and it would be unusual to have quiet
9 music in a setting such as this and the County's Nuisance Ordinance states that noise is a concern after 10:00
10 p.m. He said that staff has received noise complaints against this property in the past and if the Board sees
11 fit to approve the special use he cannot imagine it being approved without a condition like proposed Special
12 Condition D.

13
14 **E. No outdoor activities can be held at events other than use of the portable restrooms on**
15 **the east parcel.**

16
17 The special condition stated above is necessary to ensure the following:

18 **That events at the Private Indoor Recreational Facility on the east parcel suit the**
19 **purpose and intent of allowing the proposed Special Use provided uniquely through**
20 **this land use classification.**

21
22 Mr. Hall stated that neighbors may wonder how portable restrooms can be utilized for a use that is only
23 supposed to be operated indoors. He said that there should be no events occurring outside other than the use
24 of the portable restroom.

25
26 **F. Prior to the spring of 2016, the Petitioner shall install <ZBA determines height and type>**
27 **fencing to keep activities in the West Barn from spilling onto the east Parcel, and also to**
28 **keep East Barn activities from spreading onto areas adjacent to the lakes.**

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

30 **That events and activities will not extend to areas adjacent to the lakes, which can pose**
31 **a health and safety concern for event attendees.**

32
33 Mr. Hall stated that Special Condition F. applies to the property in question but does not relate to the east
34 barn and relates to the fact that Ms. Dessen's west barn, which can hold events indoor and outdoor by-right,
35 and those activities cannot spill over onto the eastern portion of the property. He said that staff recommends
36 fencing around the east barn to prevent activities from spilling over to the areas adjacent to the lakes. He
37 said that guests are coming to the subject property to have a party but an outdoor party cannot be held on the
38 areas adjacent to Farm Lake because it does not have proper zoning.

1 **G. The Petitioner shall bi-annually provide a Certificate of Insurance issued by an**
2 **insurance carrier authorized to do business in the State of Illinois for general liability**
3 **insurance coverage limits, with minimum acceptable coverage for bodily injury of**
4 **\$1,000,000 per occurrence and \$2,000,000 per aggregate.**

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

6 **That the property owner is in compliance with the Illinois Liquor Control Act (235**
7 **ILCS 5/6-21).**

8
9 Mr. Hall stated that this is a level of insurance recommended by the County's insurance agency and would
10 apply to Ms. Dessen's business in case someone is injured while on the property.

11
12 Mr. Hall noted that this is the first time that Ms. Dessen has had a chance to review the proposed conditions.

13
14 Ms. Griest stated that she is certain that Ms. Dessen would need to provide the Certificate of Insurance to the
15 Zoning Administrator. Ms. Griest asked Mr. Hall if providing the Certificate of Insurance to the Zoning
16 Administrator could be clarified in Special Condition G.

17
18 Mr. Hall stated yes.

19
20 Mr. Randol asked Mr. Hall if it is a common practice that the ZBA requires a Certificate of Insurance.

21
22 Mr. Hall stated that it is not common yet but such a requirement will be proposed to the updated Recreation
23 and Entertainment (R&E) Ordinance. He said that it has been hoped that the requirement could be added to
24 the R/E Ordinance this year but it has been discovered that there are more difficult issues with the Ordinance
25 than originally thought. He said that the Board recently took action on the Hudson Farm case and the Board
26 did not recommend that a Certificate of Insurance be provided to the Zoning Administrator but maybe it
27 should have. He said that staff did not believe that the nature of activities that Ms. Hudson planned to do on
28 the property justified this requirement but in this instance staff feels that it is advisable but the Board may
29 feel otherwise. He said that the only other time such a condition was proposed was during a case involving
30 an unauthorized music venue operating in the rural area. He said that the question was whether they should
31 be allowed to continue until they receive the appropriate zoning approval or not and the Environment and
32 Land Use Committee made it clear that they had a concern about insurance and until the venue was
33 authorized staff needed to make sure that they had the proper insurance.

34
35 Mr. Thorsland stated that the previous venue was held indoors only.

36
37 Mr. Hall stated yes, theoretically it was held indoors only.

38
39 Mr. Thorsland stated that before the case moves any further he must announce the following: Case 808-S-15

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

9 Ms. Dessen stated that she did not bring her insurance policy with her but she does carry a \$1,000,000
10 minimum insurance certificate.
11

12 Mr. Thorsland stated that the Board has not approved that special condition as of yet but it is good
13 information for the Board.
14

15 Mr. Thorsland called Jon Dessen to testify.
16

17 Mr. Jon Dessen, 2502 N. Cunningham Avenue, Urbana, stated that during the last year and one-half they
18 have invested a substantial amount of money, the sum of \$16,000⁺, in placing fencing between the south part
19 of the property and the existing trailer park. He said that one of the reasons for the fencing was to keep the
20 residents and younger children off of Ms. Dessen's property as well as keeping their guests out of the trailer
21 park's property. He said that staff is more than welcome to come visit the property to view the fence. He
22 said that the fence is cedar fencing that spans all of the way from the west side of the property to the east side
23 of the property and is eight feet tall.
24

25 Mr. Thorsland stated that information in the mailing indicates that a security guard is hired for every 25
26 guests. He asked Ms. Dessen if the guards are given any instruction regarding keeping the guests out of the
27 lake and not having separate parties mingle.
28

29 Ms. Dessen stated yes. She said that if a guest places a toe in the lake they are placed back on the bus that
30 they arrived in and they are sent home.
31

32 Mr. Thorsland asked Ms. Dessen if there is some sort of instruction given to the security personnel before
33 the event.
34

35 Ms. Dessen stated yes.
36

37 Mr. Jon Dessen stated that both parties are aware that they are not encroaching on either side and if they do
38 they are escorted to the bus or vehicle. He said that guests are not allowed to drive to the property by
39 personal vehicle and are only to arrive at the property by an authorized vehicle and if they violate the rules

1 they are escorted back to that vehicle and asked to leave in that authorized vehicle.
2
3 Mr. Thorsland asked Mr. Jon Dessen if they enforce the authorized vehicle and if so where do the guests
4 meet to board the authorized vehicle.
5
6 Ms. Dessen stated that one authorized person is allowed one vehicle but no one is allowed to drive
7 individually. She said that the college guests meet at the sorority or fraternity office to board the bus.
8
9 Mr. Thorsland asked Ms. Dessen if it is up to the guests to organize their transportation to the subject
10 property.
11
12 Ms. Dessen stated yes.
13
14 Mr. Thorsland asked Ms. Dessen if the guests are to arrive and leave in the same vehicle.
15
16 Ms. Dessen stated yes. She said that only one authorized vehicle is allowed with a designated driver from
17 the organization.
18
19 Mr. Thorsland asked Ms. Dessen if that was for parking reasons or because she does not want wear and tear
20 on her property.
21
22 Ms. Dessen stated that it is a control system and she does not want people on the road after the party.
23
24 Mr. Thorsland stated that he assumes that alcohol is consumed at the events. He asked Ms. Dessen if an
25 outside source provides the alcohol for the events.
26
27 Ms. Dessen stated yes.
28
29 Mr. Thorsland stated that Ms. Dessen's property is only rented for the space to hold the venue.
30
31 Ms. Dessen stated yes, she is just the venue and she provides security at that venue.
32
33 Mr. Thorsland informed Ms. Dessen that later during the meeting the Board will discuss the special
34 conditions and she will have the opportunity to agree or disagree with the conditions. He requested that Ms.
35 Dessen review those conditions and if she is uncomfortable with any of the conditions or if she wants her
36 attorney to review the conditions then she has that right and the Board can continue her case to a later date.
37
38 Mr. Thorsland asked Mr. Hall if he had any additional information to present to the Board.
39

1 Mr. Hall stated no.

2

3 Mr. Thorsland asked the Board if there were any questions for Ms. Dessen.

4

5 Mr. Passalacqua asked if anyone had spoken with Mr. Doug Gamble, Accessibility Specialist with the
6 Illinois Capital Development Board, regarding the venue.

7

8 Mr. Thorsland stated that the Preliminary Memorandum indicated Ms. Dessen spoke with Mr. Gamble.

9

10 Mr. Passalacqua asked what bearing that has since the guests arrive to the property in a common bus.

11

12 Ms. Chavarria stated that when she originally spoke with Ms. Dessen on the phone and Ms. Dessen was
13 answering questions that Ms. Chavarria had provided to her, Ms. Dessen indicated that she spoke with Mr.
14 Gamble about the venue. Ms. Chavarria stated that she does not have any documentation about what was
15 discussed between Ms. Dessen and Mr. Gamble therefore accessibility requirements are yet to be determined
16 in the future.

17

18 Mr. Thorsland asked Ms. Dessen if she remembers what Mr. Gamble told her.

19

20 Ms. Dessen stated that she does not recall.

21

22 Ms. Chavarria explained to Ms. Dessen that Mr. Gamble is the gentleman that she spoke to about
23 accessibility requirements for the facility.

24

25 Ms. Dessen stated that handicap access is not a problem for the barns because a wheelchair can get into them
26 easily. She said that if she is made aware that there is someone in a wheelchair that will be attending the
27 party she will accommodate them by obtaining an accessible portable restroom.

28

29 Mr. Thorsland stated that the mailing indicated that information.

30

31 Ms. Dessen stated that when the party is booked she inquires whether there will be anyone who requires
32 special accommodations.

33

34 Mr. Thorsland asked Ms. Dessen if she has any correspondence with Mr. Gamble regarding the conversation
35 that they had regarding the venue.

36

37 Ms. Dessen stated no. She said that she spoke to Mr. Gamble on the phone.

38

39 Mr. Thorsland asked Ms. Dessen if it is possible for her to call Mr. Gamble again so that he could send

1 something to staff in writing regarding the accessibility requirements for the property.

2
3 Ms. Dessen stated yes. She noted that the barns are no problem because there are no stairs in them.

4
5 Mr. Thorsland stated that normally Mr. Gamble will indicate the number of accessible parking spaces
6 required for the property. He asked Ms. Dessen if she and Mr. Gamble discussed accessibility requirements.

7
8 Ms. Dessen stated that she has not been asking about it but they let her know. She said that she has had
9 someone indicate that they have a guest who has broken their leg that has special needs.

10
11 Mr. Thorsland stated that he is not talking about the customers but is speaking about her conversation with
12 Mr. Gamble and whether or not he indicated that an accessible parking space was required.

13
14 Ms. Dessen stated that she believes that Mr. Gamble was out.

15
16 Mr. Thorsland asked Ms. Dessen if Mr. Gamble came to the property.

17
18 Ms. Dessen stated that there is no problem getting in and out of the barn.

19
20 Mr. Thorsland asked Ms. Dessen if Mr. Gamble said anything about an accessible parking space.

21
22 Ms. Dessen stated that Mr. Gamble didn't say anything to her about it.

23
24 Mr. Thorsland informed Ms. Dessen that the Board would like to see something in writing from Mr.
25 Gamble.

26
27 Ms. Griest stated that with respect to Special Condition A., it is evident that this case will be substantially
28 different in regards to having accessible parking indicated on the site plan and a specific number of parking
29 spaces on the site plan. She said that she would like to see a letter or email from Mr. Gamble to satisfy
30 proposed Special Condition A. as currently everything is hearsay and she is not comfortable with that.

31
32 Mr. Thorsland stated that he specifically requested that a letter or email from Mr. Gamble be submitted to
33 the Board regarding accessibility requirements for the property.

34
35 Mr. Thorsland stated that if the ZBA had known about this in 1993 we would not be here today because the
36 uses would have been made part of that case. He said that the Board must find that the proposed use is
37 necessary for the public convenience. He asked Ms. Dessen why it would be necessary for the Board to
38 approve this Special Use Permit.

39

1 Ms. Dessen stated that people like the east barn because it is old, romantic, and picturesque and it has a
2 feeling of being around for a long time. She said that they really enjoy the east barn a lot.

3
4 Mr. Thorsland asked Ms. Dessen if the east barn is one of the original structures and was it part of the day
5 camp.

6
7 Ms. Dessen stated that they built the barn in the 60's and it is only historic to her.

8
9 Mr. Jon Dessen stated that the barn was part of the day camp.

10
11 Mr. Thorsland stated that the east barn is sort of a public resource facility that has been used for the day
12 camp and other events for a very long time.

13
14 Mr. Jon Dessen stated yes.

15
16 Mr. Thorsland asked Ms. Dessen why the use of the east barn was not discussed in 1993. He asked if the
17 current use was new or was it being rented out at that time.

18
19 Ms. Dessen stated that she does not know if it was mentioned at that time or not.

20
21 Mr. Thorsland asked the Board if there were any additional questions.

22
23 Ms. Griest stated that the site plan indicates a small patio on the east barn. She asked if the request precludes
24 them from having activities extended out onto the patio.

25
26 Mr. Hall stated that this is the Board's call. He said that this is supposed to be an indoor recreational
27 development and if he was there he would go out onto the patio and stay there all night. He said that it is up
28 to the Board but he would recommend that the patio not be part of the approval. He said that the Board
29 should also note that behind the disc jockey booth and bar and vending there is an area that is an area that is
30 open to the north, east and west sides with a roof overhang. He said that a lot of people will want to hang
31 out in these areas.

32
33 Ms. Dessen asked why this is being considered an indoor recreational facility. She asked if there are rules
34 which restrict people from being outdoors.

35
36 Mr. Hall stated that on the east property the venue can only be indoors and cannot be outdoors.

37
38 Ms. Dessen asked why.

39

1 Mr. Hall stated that it is how the Zoning Ordinance is written. He said that he believes that it goes back to
2 the fact that R-4 is a residential zoning district and there is a presumption that commercial outdoor recreation
3 is generally incompatible with nearby residences. He said that this is why staff will stress that anything that
4 has to do with the outdoors is incompatible in this zoning district. He said that the Board does have some
5 discretion regarding the patios that are partially covered.
6

7 Mr. Randol asked Ms. Dessen if the patios are used extensively.
8

9 Ms. Dessen stated yes. She said that people enjoy the outdoor environment as much as they do the indoor.
10 She said that the east barn is not completely enclosed because there are no doors to shut and is open to the
11 outdoors. She said that she is not clear as to why the activity is prohibited when there is a place that has a
12 beautiful outdoor setting. She said that not allowing its full use would change the nature of the east barn.
13

14 Mr. Thorsland stated that the only recreational use allowed in the R-4 District is indoors and there are
15 probably historical reasons for that restriction. He said that the R-4 District is a residential zoning district as
16 compared to an agricultural or commercial zoning district. He said that the reason why the west barn is not
17 before the Board tonight is because it is zoned differently and Ms. Dessen's property has a couple of
18 different zoning districts on it. He said that due to the Zoning Ordinance the Board can only allow indoor
19 recreational activities and the patio with a roof is a gray area as to whether it is really indoor or outdoor use.
20 He said that how beautiful and open the property is cannot be a factor. He said that a building being as open
21 as this puts the whole barn into a gray area in being used for such a venue in the R-4 district as the east barn
22 can only be operated totally indoors with a special use. He said that he understands that this is frustrating but
23 the east barn is located in the R-4 zoning district and that is why we keep going back to the case in 1993
24 because if the Board would have known the use of the east barn in 1993 the zoning may have not been
25 changed.
26

27 Mr. Jon Dessen stated that he understands what Mr. Thorsland is saying and he understands that if
28 everything had been disclosed in 1993 then this may not be an issue today. He asked if it would satisfy the
29 Board if they were to make the patio and the lean-to areas non-accessible to the guests. He said that the lean-
30 to or overhang is on the north side of the barn and it is where they store a tractor or additional implements
31 and it has always been there since the barn was first constructed. He said that when the overhang was first
32 constructed it was used to store wood.
33

34 Mr. Thorsland stated that he is only one member of the Board but he could see a couple of options. He said
35 that they could just not allow anyone access to those areas. He said that he assumes that smoking is not
36 allowed inside of the barn so when people want to smoke they are outdoors.
37

38 Mr. Jon Dessen stated that there is a designated distance from the barn for guests who smoke.
39

1 Mr. Thorsland stated that an option would be to construct walls thus making the areas indoor.

2

3 Ms. Capel stated that it seems a lot of the issues arise due to the zoning.

4

5 Mr. Thorsland stated yes, but the case that is before the Board is a Special Use Permit and not a Map
6 Amendment.

7

8 Ms. Griest stated that she understands what is before the Board. She asked Mr. Hall if Ms. Dessen has the
9 opportunity to request that the property be rezoned back to AG-2.

10

11 Mr. Hall stated yes, but it needs to be carefully considered. He asked why the property was requested to be
12 rezoned to R-4 and what would they be giving up in going back to AG-2. He said that part of this issue is
13 the condition that the music must stop at 10:00 p.m. and it would be a very big deal for the way that this
14 business is being conducted currently. He said that all of these things need to be weighed and hopefully the
15 Board can give Ms. Dessen the best guidance they can as to what will and will not work. He said that the
16 Board needs to be careful because the east barn is the barn that is closest to all of the residents. He said that
17 there are residents within 500 feet on three sides of the property and nothing discussed here tonight is going
18 to make the noise issue any worse than it has been historically but there have been noise complaints and it is
19 not unusual for the Champaign County Sheriff to receive calls about the noise. He said that a call to the
20 Sheriff does not happen all of the time but it has happened on one or two occasions.

21

22 Mr. Thorsland stated that he is sure that Ms. Dessen is aware that the Sheriff's office has come to the
23 property to request that the music be turned down.

24

25 Ms. Dessen stated yes. She said that the music is not as bad as the girls' voices. She said that she used to be
26 a girl but she grew up and she doesn't scream anymore.

27

28 Mr. Thorsland stated that one way to handle the girls' voices is to keep them indoors and another way is to
29 make the building a little tighter.

30

31 Ms. Dessen stated that she really doesn't want to change the building.

32

33 Mr. Thorsland stated that Ms. Griest and Ms. Capel are suggesting that Ms. Dessen request a zoning change.

34

35 Ms. Dessen stated that it sounds like a zoning change may be the best thing to do.

36

37 Mr. Thorsland stated that Ms. Dessen should spend some time with staff to discuss the pros and cons for a
38 zoning change. He said that if Ms. Dessen desires to maintain the charm of the east barn, as it is currently,
39 then maybe a better solution is to change the land that it is located upon. He said that keeping the parties all

1 indoors would be a difficult task, even with the security, because people do smoke and they will want to go
2 outside. He said that the east barn does not have any doors so the music and the guests will filter outside.
3 He said that the 10:00 p.m. music cut-off is going to happen anyway regardless of the zoning because that
4 requirement is part of the Nuisance Ordinance.

5
6 Mr. Hall stated that he would not be proposing a 10:00 p.m. cut-off if this was a building that could be
7 closed.

8
9 Mr. Thorsland stated that Ms. Dessen does not want to change the building therefore it may be beneficial for
10 Ms. Dessen to request a rezoning.

11
12 Mr. Randol stated that Ms. Dessen definitely needs to discuss all of the options with staff because if use of
13 the patio and other areas are restricted it will be a major problem to enforce without changing the structure of
14 the barn. He said that if rezoning the property will allow all of Ms. Dessen's desires then that would be a
15 better route to take.

16
17 Ms. Lee asked if the property could be rezoned to B-4 to match the other side of the property.

18
19 Mr. Hall stated that Ms. Dessen would be entirely in her rights to propose being rezoned to B-4 and at that
20 point it would simply be a map amendment. He said that if the request is approved there is no Special Use
21 Permit and no conditions and it would require good management to ensure that there are no problems.

22
23 Ms. Capel asked Mr. Hall if the property is zoned to AG-2, Ms. Dessen would still require a Special Use
24 Permit.

25
26 Mr. Hall stated that it is a special use and it could also be outdoors as a special use.

27
28 Ms. Capel stated that as far as she is concerned AG-2 would be her preference because with AG-2 the Board
29 would have some control.

30
31 Mr. Thorsland stated that Ms. Capel makes a good point that in AG-2 the Board could allow Ms. Dessen to
32 hold her events outdoors but the Board would still have the ability to protect the surrounding neighbors that
33 are in the residential districts. He said that if Ms. Dessen requests that the property be rezoned to B-4 then
34 the only thing the Board could do is approve or deny the request and Ms. Dessen would be her own police
35 officer.

36
37 Mr. Hall stated that he would not recommend rezoning the tract to B-4 before discussing it with the City of
38 Urbana because they have protest rights.

1 Ms. Dessen asked Mr. Hall to define B-4 zoning.

2

3 Mr. Hall stated that B-4 is the County's general business district, which is what the west tract is zoned, and
4 Ms. Dessen would be able to do almost anything on that property, which is good, but before Ms. Dessen
5 attempts to extend the B-4 zoning onto the eastern tract she should talk to the City of Urbana to see if they
6 would be opposed to the rezoning request and then make a decision.

7

8 Mr. Randol stated that he would assume that Ms. Dessen has an attorney.

9

10 Ms. Dessen stated that she does have an attorney.

11

12 Mr. Randol stated that it might be wise for Ms. Dessen to consult with her attorney regarding the current
13 operation and what she intends to continue doing on the property before she requests any zoning changes.

14

15 Mr. Thorsland stated that Ms. Dessen should make sure that she is clear on what the different zoning rules
16 are for the different zoning districts that she may consider.

17

18 Ms. Capel stated that the City of Urbana may be unwilling to support any rezoning therefore consultation
19 with the City of Urbana is an important first step.

20

21 Mr. Thorsland stated that he would like to continue the case so that Ms. Dessen can decide which direction
22 she wants to take. He said that if Ms. Dessen decides to continue with the special use request then the Board
23 can continue with the case as it is before them tonight. He said that if Ms. Dessen decides that she wants to
24 rezone the property then staff will notify the Board regarding the change and what their role will be in the
25 case. He said that he understands that this process is frustrating because Ms. Dessen has been operating for a
26 very long time and people are very happy with the operation. He noted that this delay will not slow down
27 Ms. Dessen but will give her adequate time to decide which direction she wants to go regarding rezoning or
28 a special use.

29

30 Mr. Randol stated that even if the City of Urbana files a protest against any rezoning of the property the
31 Board does not have to abide by that protest. He informed Ms. Dessen that even if the City of Urbana does
32 file a protest it should not detour her from pursuing a change that she sincerely wants to do.

33

34 Ms. Dessen stated that she certainly wants to be in compliance.

35

36 Mr. Randol stated that whatever Ms. Dessen decides to do she would have to meet the County's
37 requirements.

38

39 Mr. Thorsland stated that it would be good for Ms. Dessen to meet with the appropriate staff from the City of

1 Urbana to discuss her intentions.

2

3 Ms. Griest encouraged Ms. Dessen to spend a lot of time with Mr. Hall and Ms. Chavarria first so that she
4 fully understands her options.

5

6 Ms. Griest asked Mr. Thorsland if there were any additional witnesses for the case.

7

8 Mr. Thorsland stated that there were no additional witnesses for the case.

9

10 Mr. Thorsland stated that the docket has an opening for the November 12th meeting. He said that a
11 continuance to November 12th would not stop or slow down anything that Ms. Dessen is currently doing on
12 her property.

13

14 Mr. Jon Dessen asked if November 12th is the date that he and Ms. Dessen would meet with Mr. Hall and
15 Ms. Chavarria or is it the date of the next public hearing.

16

17 Mr. Thorsland stated that the case will be continued to the November 12th meeting in its current form but if a
18 new case is proposed then the meeting date may be beyond November 12th.

19

20 Mr. Jon Dessen asked if the scheduled events can continue to be held if they do their best to abide by the
21 County's rules. He agreed that it would be a good idea to meet with staff and the City of Urbana and their
22 attorney regarding rezoning the back part of the property. He said that these meetings would help them
23 understand the legalities, paperwork and procedures required for a successful outcome.

24

25 Mr. Thorsland informed Ms. Dessen and Mr. Jon Dessen that the continuance will basically place the case
26 on the shelf and nothing changes until the next meeting date. He said that if they decide to rezone the
27 property Case 808-S-15 will be removed and a new map amendment case will be proposed.

28

29 Mr. Hall stated that if things move along well and Ms. Dessen decides how she wants to move forward and a
30 map amendment is part of that decision staff could advertise the new case if staff is notified one month prior
31 to the next meeting date.

32

33 Mr. Jon Dessen asked if he should call Ms. Chavarria at the office.

34

35 Mr. Hall stated yes.

36

37 Mr. Randol suggested that Ms. Dessen and Mr. Jon Dessen contact staff as soon as possible.

38

39 Mr. Thorsland asked Ms. Dessen and Mr. Jon Dessen if a continuance to November 12, 2015, is an

1 acceptable date.

2

3 Ms. Dessen and Mr. Jon Dessen stated yes.

4

5 Mr. Passalacqua informed Ms. Dessen and Mr. Jon Dessen that the Board often requests a copy of the
6 contract and rules and restrictions for the events and a copy of the documentation from Mr. Gamble
7 regarding required accessibility.

8

9 Mr. Thorsland entertained a motion to continue Case 808-S-15 to the November 12, 2015, meeting.

10

11 **Ms. Griest moved, seconded by Mr. Randol to continue Case 808-S-15 to the November 12, 2015,**
12 **meeting. The motion carried by voice vote.**

13

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

15

16 The Board recessed at 7:55 p.m.

17 The Board resumed at 8:00 p.m.

18

19 **Case 810-V-15 Petitioner: Thomas E. Burgin II and Randall Brown Request: Authorize the following**
20 **variance in the CR, Conservation-Recreation Zoning District: Authorize the proposed separate use of**
21 **an existing nonconforming lot that was in common ownership with adjacent property and has an**
22 **average width of 132 feet in lieu of the required minimum 200 feet as per Section 5.3 of the Zoning**
23 **Ordinance. Location: A one acre tract in Urbana Township in the Northeast Quarter of the Northeast**
24 **Quarter of Section 3, Township 19 North, Range 9 East of the Third Principal Meridian and**
25 **commonly known as 2901 Airport Road, Urbana.**

26

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

31

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

1
2 Mr. Thorsland asked the petitioner if he would like to make a brief statement regarding the request.
3

4 Mr. Randall Brown, who resides at 3008 Artesia Crossing, Urbana, stated that he came across this property,
5 owned by Thomas Burgin, while driving past it many times and he decided to contact the owner regarding
6 the possibility of purchasing the property. Mr. Brown stated that his vision is to remove the house that is
7 currently on the property and construct a new ranch home on the property. He said that Mr. Burgin's
8 original intention was to complete improvements on the house and use it as rental property.
9

10 Mr. Thorsland asked the Board if there were any questions for Mr. Brown and there were none.
11

12 Mr. Thorsland asked if staff had any questions for Mr. Brown and there were none.
13

14 Mr. Thorsland asked if staff had any additional information regarding the case other than what was included
15 in the Preliminary Memorandum dated July 23, 2015.
16

17 Mr. John Hall, Zoning Administrator, stated that staff had no new information regarding the request. He
18 said that this is a pretty straight forward case.
19

20 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Brown and there was no one.
21

22 Mr. Thorsland asked the audience if anyone desired the witness register to present testimony regarding this
23 case.
24

25 Ms. Capel requested clarification regarding the term "common ownership".
26

27 Mr. Hall stated that a property is owned jointly with an adjacent property. He said that the lot was owned
28 with land to the east.
29

30 Mr. Thorsland called Albert G. Willms to testify.
31

32 Mr. Albert G. Willms, who resides at 2405 North High Cross Road, Urbana, stated that he owns adjacent
33 farmland across from the subject property. He said that he has lived on Airport Road all of his life and was
34 born and raised on Airport Road. He said that he knows the history of the subject house and property and he
35 would guess that the house was built approximately 50 years ago and it has sat empty for almost 50 years.
36 He said that the family has been deceased for a very long time and the house has sat empty. He said that he
37 has no objections to Mr. Brown's request because he would like to see the house either torn down and the
38 property put to good use. He said that Mr. Brown's request would improve the neighborhood. He said that
39 there have been at least 25 generations of raccoons that have lived in the house and it is unknown how many

1 generations of other critters have lived on the property.

2
3 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Willms and there were none.

4
5 Mr. Thorsland asked Mr. Brown if he had any information or statements that he would like to add to Mr.
6 Willms' testimony.

7
8 Mr. Brown stated no.

9
10 Mr. Thorsland stated that there are no special conditions proposed for Case 810-V-15 and there are no new
11 Documents of Record.

12
13 **Findings of Fact for Case 810-V-15:**

14
15 From the documents of record and the testimony and exhibits received at the public hearing for zoning Case
16 810-V-15 held on July 30, 2015, the Zoning Board of Appeals of Champaign County finds that:

- 17
18 **1. Special conditions and circumstances DO exist which are peculiar to the land or**
19 **structure involved, which are not applicable to other similarly situated land and**
20 **structures elsewhere in the same district.**

21
22 Mr. Thorsland stated that special conditions and circumstances DO exist which are peculiar to the land or
23 structure involved, which are not applicable to other similarly situated land and structures elsewhere in the
24 same district because the creation of the adjacent subdivision was the trigger that made this lot narrow and
25 caused the need for this action.

- 26
27 **2. Practical difficulties or hardships created by carrying out the strict letter of the**
28 **regulations sought to be varied WILL prevent reasonable or otherwise permitted use of**
29 **the land or structure or construction.**

30
31 Mr. Passalacqua stated that practical difficulties or hardships created by carrying out the strict letter of the
32 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure
33 or construction because it would not allow for the improvement or new construction of the home.

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

37
38 Mr. Thorsland stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT
39 result from actions of the applicant because the creation of the adjacent subdivision was the trigger that

1 made this lot narrow and the caused the need for this action was not due to the action of the applicant.

- 2
3 **4. The requested variance IS in harmony with the general purpose and intent of the**
4 **Ordinance.**

5
6 Mr. Thorsland stated that the requested variance IS in harmony with the general purpose and intent of the
7 Ordinance.

- 8
9 **5. The requested variance WILL NOT be injurious to the neighborhood or otherwise**
10 **detrimental to the public health, safety, or welfare.**

11
12 Ms. Capel stated that the requested variance WILL NOT be injurious to the neighborhood or otherwise
13 detrimental to the public health, safety, or welfare because there is no change in use.

- 14
15 **6. The requested variance IS the minimum variation that will make possible the**
16 **reasonable use of the land/structure.**

17
18 Mr. Thorsland stated that the requested variance IS the minimum variation that will make possible the
19 reasonable use of the land/structure.

- 20
21 **7. No special conditions are hereby imposed.**

22
23 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings
24 of Fact as amended.

25
26 **Ms. Lee moved, seconded by Mr. Passalacqua to adopt the Summary of Evidence, Documents of**
27 **Record, and Findings of Fact as amended. The motion carried by voice vote.**

28
29 Mr. Thorsland entertained a motion to move to the Final Determination for Case 810-V-15.

30
31 **Ms. Griest moved, seconded by Mr. Randol to move to the Final Determination for Case 810-V-15.**
32 **The motion carried by voice vote.**

33
34 **Final Determination for Case 810-V-15:**

35
36 **Ms. Griest moved, seconded by Ms. Capel that the Champaign County Zoning Board of Appeals finds**
37 **that, based upon the application, testimony, and other evidence received in this case, that the**
38 **requirements for approval in Section 9.1.9.C. HAVE been met, and pursuant to the authority granted**
39 **by Section 9.1.6.B. of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of**

1 **Champaign County determines that the Variance requested in Case 810-V-15 is hereby GRANTED to**
 2 **the petitioners Thomas E. Burgin II and Randall Brown to authorize the following variance in the**
 3 **CR Conservation-Recreation Zoning District:**

4
 5 **A proposed separate use of an existing nonconforming lot that was in common ownership with**
 6 **adjacent property and has an average width of 132 feet in lieu of the required minimum 200**
 7 **feet as per Section 5.3 of the Zoning Ordinance.**

8
 9 Mr. Thorsland requested a roll call vote.

10
 11 The roll was called as follows:

12	Lee-yes	Passalacqua-yes	Randol-yes
13	Capel-yes	Griest-yes	Thorsland-yes

14
 15
 16 Mr. Hall informed Mr. Brown that he has received an approval for his request therefore he should proceed
 17 with his construction and staff will send out the appropriate paperwork as soon as possible.

18
 19 **7. Staff Report**

20
 21 Mr. Hall stated that during the past month Champaign County Department Heads spent time preparing their
 22 Fiscal Year 2016 Budget. He said that the County asked that every department cut their budget by 4% and
 23 luckily for the Department of Planning and Zoning and other small departments the County was able reduce
 24 that reduction to a 1% cut. He said that even at a 1% cut from FY2015 it took a lot of work to find 1% and
 25 the easiest place in the Department of Planning and Zoning Budget to cut money was in regards to the
 26 Zoning Board of Appeals meetings. He said that the Department of Planning and Zoning never budgets for
 27 24 meetings in a year and there has only been one year in recent memory where we did hold 24 meetings and
 28 that was in 2011 when the Board reviewed the wind farm hearings. He said that for the FY2016 Budget he
 29 proposed an amount for hearings which is still more than the amount that will be spent in FY2015 but with
 30 less than what was budgeted for 2015. He said that it occurred to him that he should ask the ZBA what they
 31 thought about reducing the amount of meetings. He said that even if the Board does have concerns he
 32 cannot come up with that much money anywhere else.

33
 34 Mr. Thorsland stated that the implication is that the meetings that are held will have more cases and may
 35 have the potential to last longer.

36
 37 Mr. Hall stated that it depends because the projected amount of cases for FY2016 is fewer than last year but
 38 the same as this year therefore the workload that ZBA members see per meeting should not change.

1 Ms. Capel noted that the Board has cancelled several meetings for FY2015.
2

3 **8. Other Business**

4 A. Review of Docket
5

6 Mr. Hall stated that there are no cases scheduled for August 13th other than the Board's favorite case which
7 is Case 685-AT-11 therefore he recommended that the August 13th meeting be cancelled.
8

9 B. September 24, 2015, meeting location or cancellation
10

11 Mr. Hall stated that the Lyle Shields Meeting Room is not available for the September 24th meeting. He said
12 that the Board has utilized the John Dimit Room but there is a Regional Planning Commission meeting the
13 next day and they would prefer that the ZBA not use the room the night before but they have not officially
14 denied staff's request. He said that if the ZBA meeting is held in the John Dimit Room on September 24th
15 staff must guarantee that there will be no changes after the Board's use.
16

17 Mr. Thorsland stated that he will be absent from the September 10th and 24th meetings. He said that the
18 Board has used the John Dimit Meeting Room before and it is not the best room for the Board to work in
19 and the RPC is very particular about the meeting room's use.
20

21 Mr. Thorsland entertained a motion to cancel the August 13th and September 24th meetings.
22

23 **Ms. Capel moved, seconded by Ms. Lee to cancel to August 13th and September 24th meetings. The**
24 **motion carried by voice vote.**
25

26 Mr. Randol asked Mr. Hall if the ZBA needs to provide comments or a recommendation regarding the
27 Certificate of Insurance issue.
28

29 Mr. Hall stated that if the Board desires he will let the Board know when the Recreation and Entertainment
30 amendments are before the Environment and Land Use Committee for review. He said that at that time that
31 ELUC reviews those amendments the Board could submit its comments and recommendations.
32

33 Mr. Passalacqua stated that he cannot imagine anyone who runs a business would not have a policy.
34

35 Mr. Thorsland stated that the petitioner tonight did have such a policy.
36

37 Ms. Griest stated that the petitioner had a policy but it was not at the level that was required in the special
38 condition.
39

1 Ms. Capel asked what the special condition had to do with compliance with the Illinois Liquor Control
2 Board.

3
4 Mr. Hall stated that they were not talking about liquor liability because of other factors and the liquor
5 liability lies elsewhere. He said that we are just talking about protecting the citizens who go there.

6
7 Mr. Passalacqua stated that if Ms. Dessen is concerned about the girls' voices then the neighbors probably
8 hear the girls as well.

9
10 Mr. Randol stated that the area does have some noise cushioning due to the trees and brush.

11
12 **9. Audience Participation with respect to matters other than cases pending before the Board**

13
14 None

15
16 **10. Adjournment**

17
18 Mr. Thorsland entertained a motion to adjourn the meeting.

19
20 **Ms. Capel moved, seconded by Ms. Griest to adjourn the meeting. The motion carried by voice vote.**

21
22 The meeting adjourned at 8:23 p.m.

23
24
25
26 Respectfully submitted

27
28
29
30
31 Secretary of Zoning Board of Appeals

CASE NO. 811-S-15

PRELIMINARY MEMORANDUM

August 20, 2015

Petitioner: Casey Hug, d.b.a. Rub 'n Chug, LLC

Request: Authorize a catering kitchen as a Contractor's Facility with or without outdoor storage and/or outdoor operations in the AG-1 Agriculture Zoning District.

Location: A tract of land in the Southeast Quarter of the Southwest Quarter of the Northeast Quarter of Section 2 of Township 19 North, Range 10 East of the Third Principal Meridian in St. Joseph Township located at 1757 CR 2275 East, St. Joseph, Illinois.

Site Area: 1.2 acres

Time Schedule for Development: As soon as possible

Prepared by: **Susan Chavarria**
Senior Planner

John Hall
Zoning Administrator

BACKGROUND

Petitioner Casey Hug has recently acquired a catering business and would like to set up a kitchen for it in a proposed shed on his 1.2 acre property. "Catering Kitchen" is not an authorized use in Section 5.2 of the Zoning Ordinance. The Zoning Administrator has determined that a catering kitchen is most similar to a "contractor facility" which is authorized as a Special Use Permit in the AG-1 District.

The catering area would be approximately 1,170 square feet of the 4,770 square feet shed. There is a 30 feet by 39 feet (1,170 square feet) storage area above the kitchen accessible by a staircase that will be for non-catering storage. A cooker/smoker would be the only outdoor aspect of the operations; it will be located under the 10 feet by 72 feet lean-to on the south side of the shed.

EXTRATERRITORIAL JURISDICTION

The subject property is located within one and one-half miles of the Village of St. Joseph, a municipality with zoning. The Village was notified of the proposed Special Use but does not have protest rights in Special Use cases.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Single Family Residence	AG-1 Agriculture and CR Conservation Recreation
North	Residential	CR Conservation Recreation
East	Residential	AG-1 Agriculture
West	Agriculture	AG-1 Agriculture
South	Residential	AG-1 Agriculture

MIXED USE FACILITY IMPACTS PARKING REQUIREMENTS

The Zoning Administrator has determined that the 1,170 square feet Catering Kitchen most closely approximates a Commercial Use, and that the remainder of the shed, including the second floor storage area and non-catering space, serves as a combination office/garage/light industry use. This combination use most closely approximates an Industrial Use. The Commercial Use has parking requirements that differ from the Industry use; the Zoning Administrator has determined that 8 parking spaces are required for the proposed facility, which must include a 12 feet by 40 feet loading berth.

ACCESSIBILITY CONSIDERATIONS

Mr. Hug was advised by staff to speak with Doug Gamble, Accessibility Specialist with the Illinois Capital Development Board regarding the proposed shed. The proposed shed is valued at over \$50,000, which is the trigger for requiring a signed, sealed set of plans from an Illinois Licensed Architect or Engineer that show compliance with the Illinois Accessibility Code. Staff proposes a Special Condition to ensure compliance.

If compliance with the Illinois Accessibility Code requires accessible parking, that number of spaces may be counted as part of the number of parking spaces required by the Zoning Ordinance.

POTENTIAL WASTE, SMOKE AND ODOR CONCERNS

Mr. Hug will contact a waste disposal service about picking up waste multiple times per week.

The outdoor cooker/smoker will be a part of the catering facility. At this time, its capacity and frequency of use are unknown. The cooker will be located under the south lean-to, approximately 175 feet from the residence to the south and 260 feet from the residence to the north.

No comments have been received regarding these potential concerns.

PROPOSED SPECIAL CONDITIONS

- A. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Contractors Facilities with or without Outdoor Storage and/or Operations 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 Zoning Administrator shall not issue a Zoning Compliance Certificate until the Petitioner has submitted a copy of the approved permit from the Champaign Urbana Public Health Department for construction of the second septic system for the catering business and the Zoning Administrator has verified that the septic system was built as shown in the permit application.**

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

To ensure that the private sewage disposal systems are adequate for the uses on the subject property.

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

- D. **A Type D screen for the outdoor operations area of the catering business must be installed, or a variance must be applied for and approved by the Zoning Board of Appeals within 90 days of approval of the Special Use Permit.**

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

That the proposed contractor's facility conforms to the requirements of the Zoning Ordinance.

- E. **This Special Use Permit authorizes a "catering kitchen" as a contractor's facility and does not authorize any actual dining services on the subject property.**

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

That the proposed Special Use Permit is very clear regarding what is authorized and what is not authorized.

ATTACHMENTS

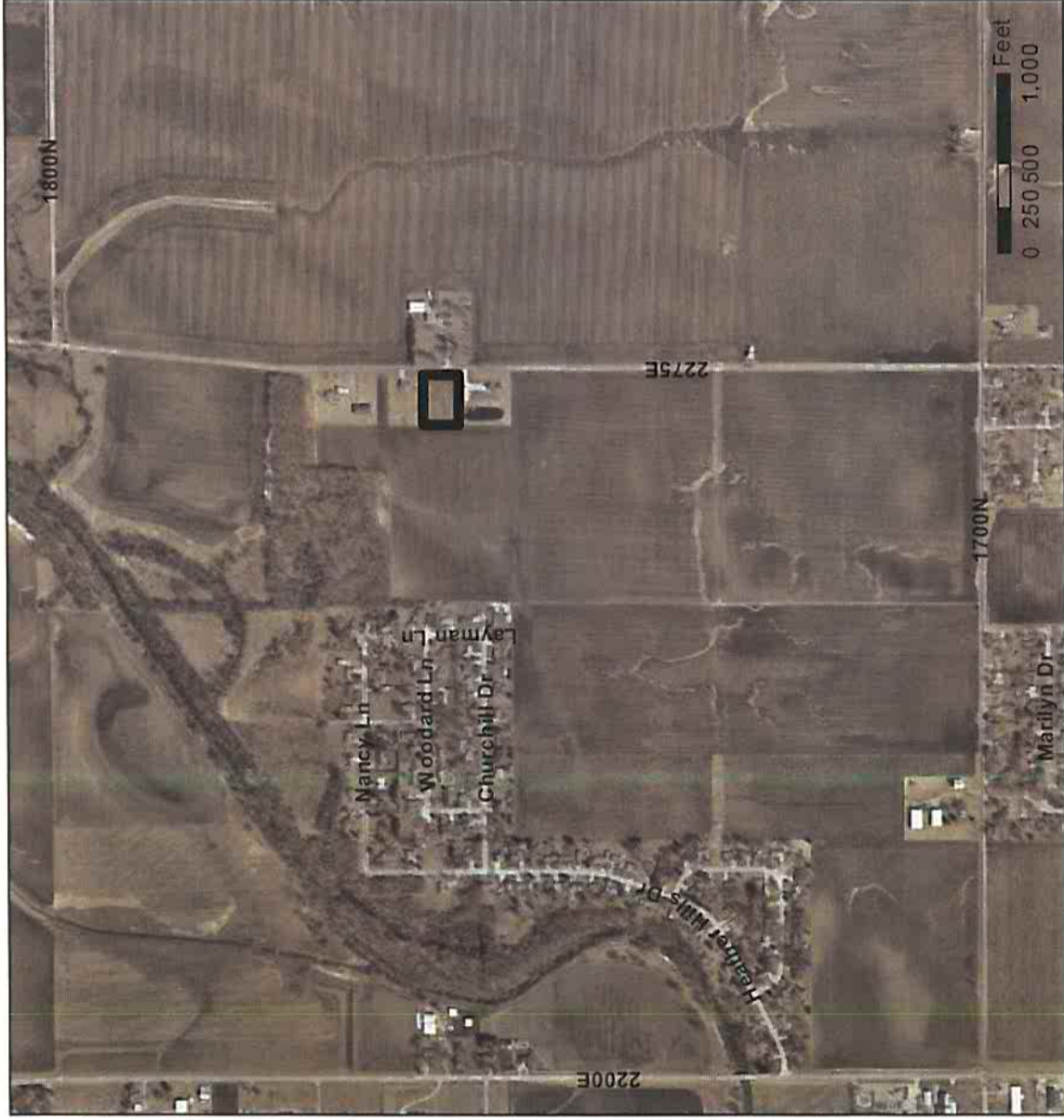
- A Case Maps (Location, Land Use, Zoning)
- B Revised Site Plan received August 5, 2015
- C Revised Floor Plan received August 5, 2015
- D Natural Resources Report received August 3, 2015 from Champaign County Soil and Water Conservation District
- E Email from Casey Hug received August 17, 2015
- F Site Visit Photos taken July 10, 2015
- G Preliminary Summary of Evidence, Finding of Fact, and Final Determination dated August 20, 2015

Location Map

Case 811-S-15

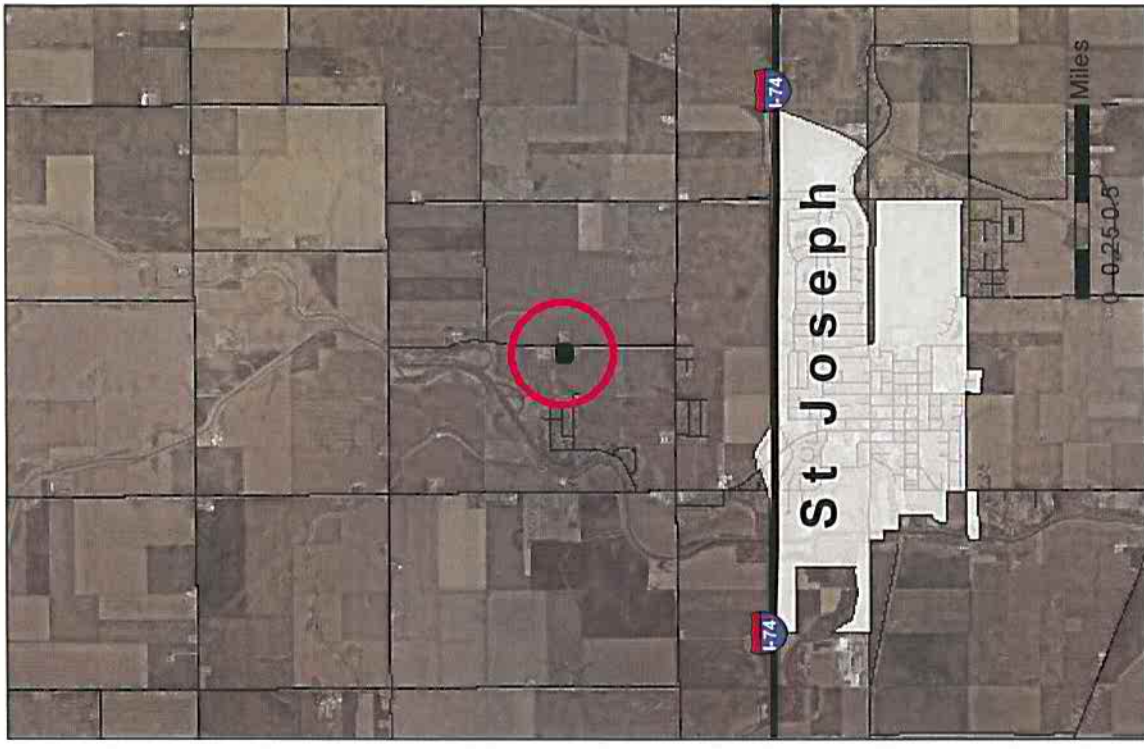
August 27, 2015

Subject Property



Legend
[Black Rectangle] Subject Property

Property location in Champaign County



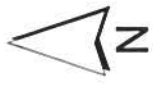
Land Use Map

Case 811-S-15
August 27, 2015



Legend

-  Subject Property
-  Parcels



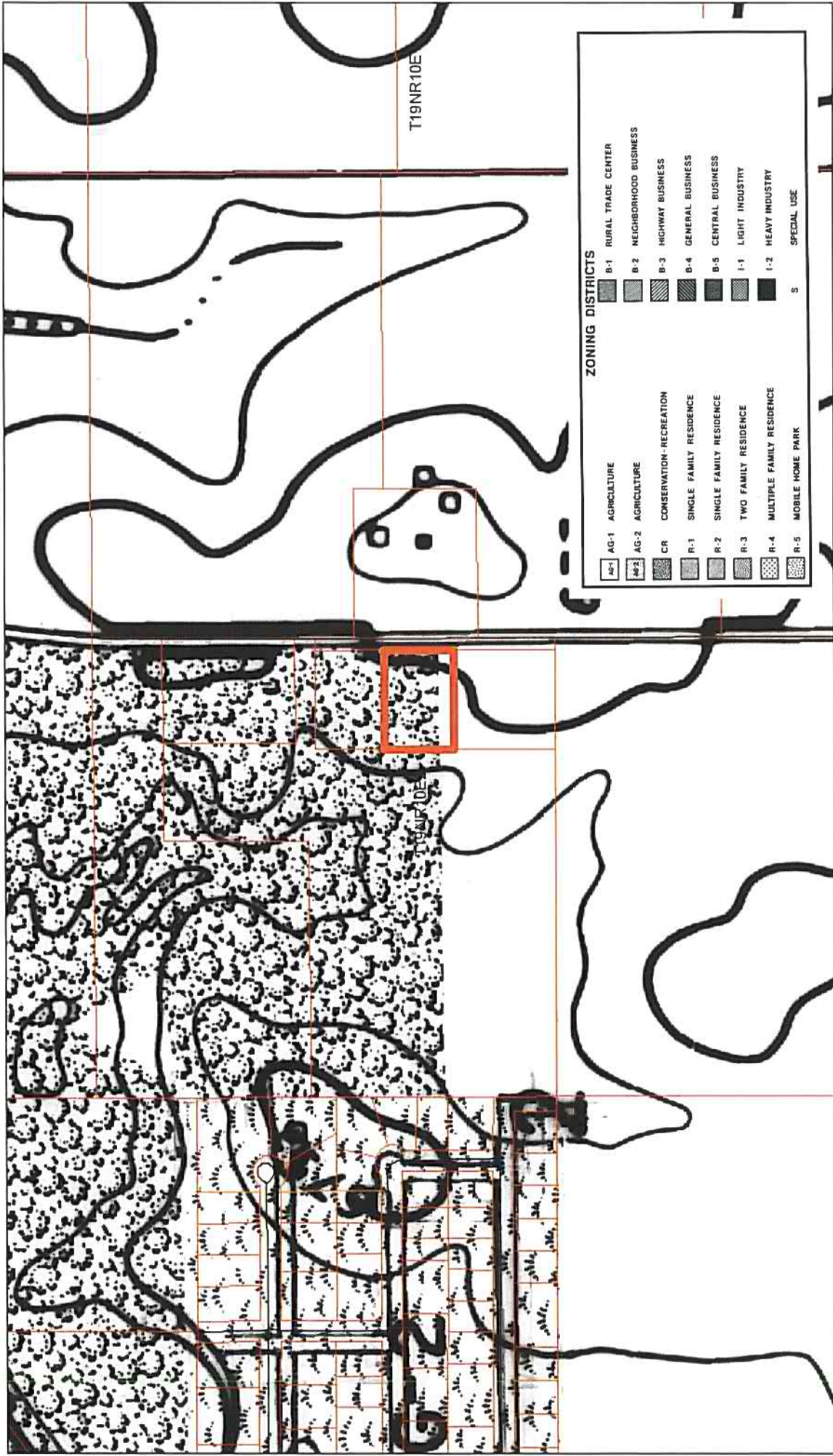
Zoning Map

Case 811-S-15

August 27, 2015

Case 811-S-15, ZBA 08/27/15, Attachment A Page 3 of 3

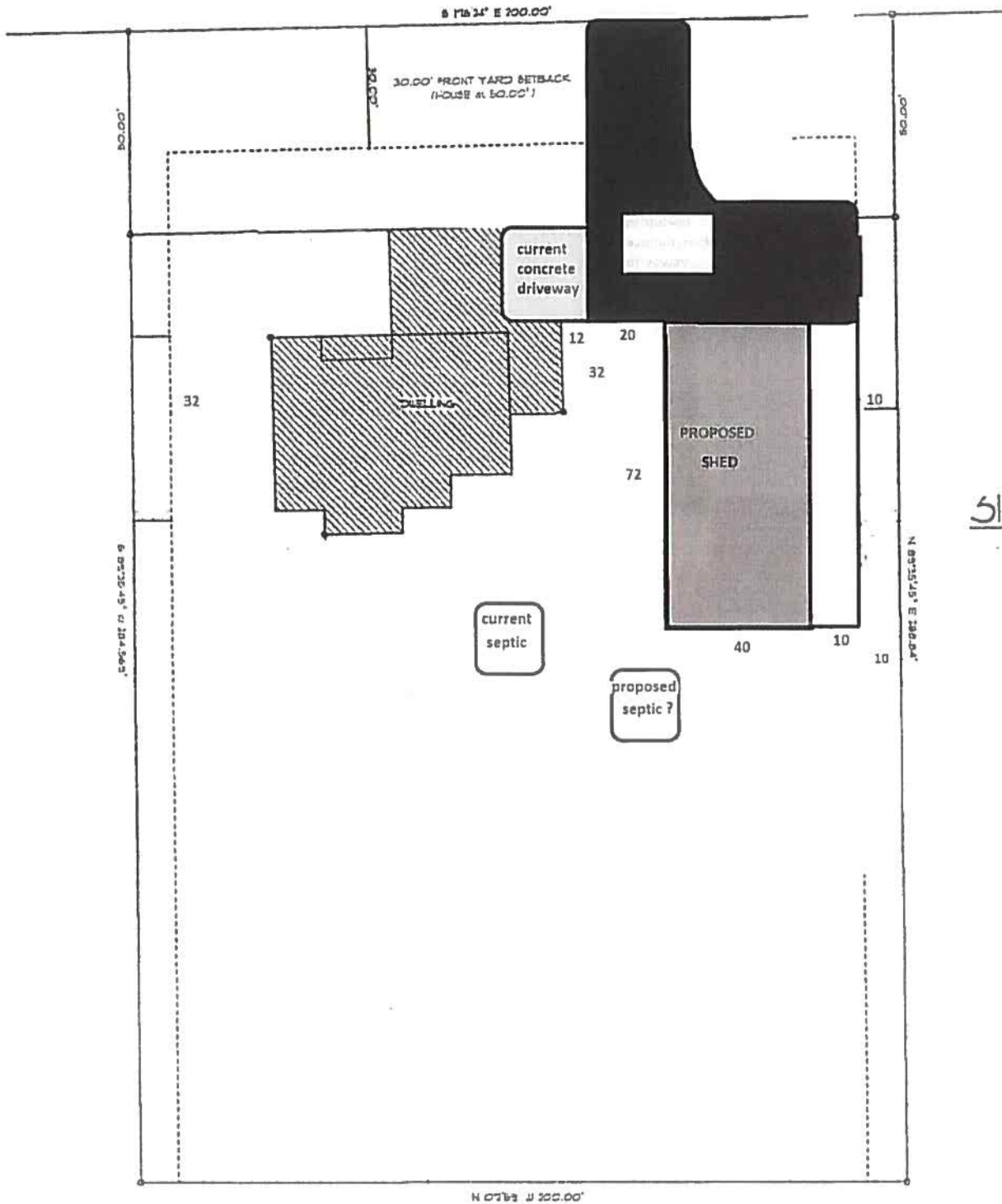
Note: Original Mylar Zoning background is slightly skewed from the approved GIS Parcel layer. The Zoning Administrator determined that the north 45 feet of the lot is in CR, the south 155 feet is in AG-1.



Legend
Subject Property



Champaign County
Department of
**PLANNING &
ZONING**



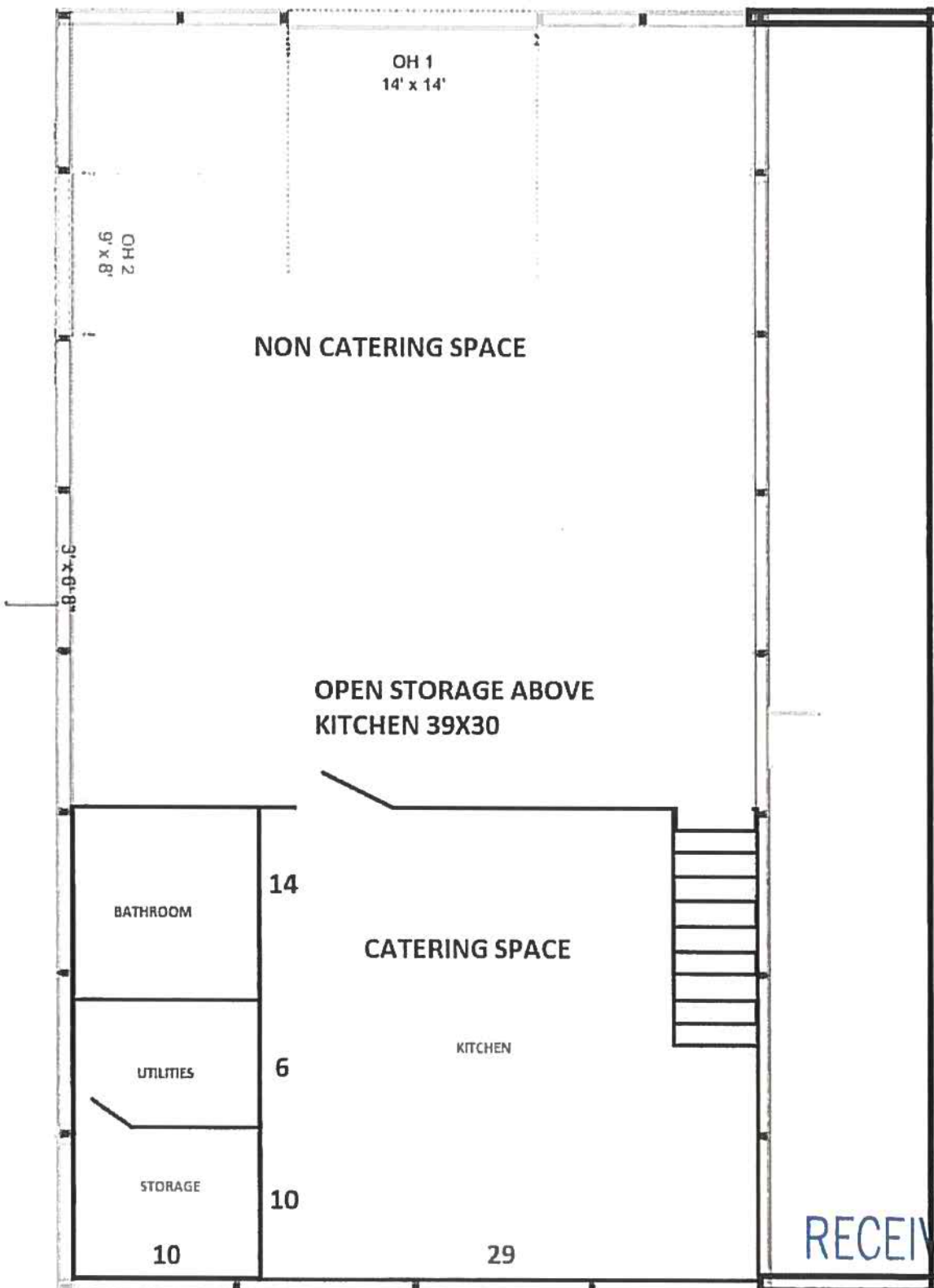
SITE PLAN

RECEIVED

AUG 05 2015

CHAMPAIGN CO. P & Z DEPARTMENT

72'



RECEIVED

AUG 05 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.ccsacd.com

NATURAL RESOURCE REPORT

Development Name: Casey Hug

Date Reviewed: July 17th, 2015

Requested By: Casey Hug

Address: 1757 CR 2275 E.
St. Joseph, IL 61873

Location of Property: part of the NE $\frac{1}{4}$ of sec. 2 in TWP.19N., R.10E., of the 3rd. P.M.



The Resource Conservationist of the Champaign County Soil and Water Conservation District inspected this tract on July 17th, 2015.

July 30, 2015

RECEIVED
AUG 03 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.ccsxcd.com

SITE SPECIFIC CONCERNS

1. The area that is to be developed has 2 soil types (Flanagan silt loam 154A, Drummer silty clay loam 152A) that have wetness to ponding on dwellings without a basement.

SOIL RESOURCE

a) Prime Farmland:

This tract is considered best prime farmland for Champaign County.

This tract has an L.E. Factor of 100; see the attached worksheet for this calculation.

b) Soil Characteristics:

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

Map Symbol	Name	Slope	Shallow			Septic Fields	Steel Corrosion	Concrete Corrosion
			Excavations	Basements	Roads			
154A	Flannigan Silty Clay Loam	0-2%	Severe: wetness	Severe: wetness	Severe: 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. 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 does not have ground cover at the time of inspection, erosion control measures must be installed before more construction.

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/>



Champaign County

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

WATER RESOURCE

a) Surface Drainage:

The site slopes from the road to the back of the property. The neighbor to the South has raised his property by a foot or more. It would be recommended that the shed floor be rased and the ground around the shed and house be shaped to channel run off away and to the back of the property as this is the natural surface flow for the property.

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 are a limitation associated with the soil types on the site. Installing a properly designed subsurface drainage system will minimize adverse effects. Reinforcing foundations helps to prevent the structural damage caused by shrinking and swelling of naturally wet soils.

c) Water Quality:

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

EPA Stormwater Pollution Prevention Plan Reference Tool:

EPA requires a plan to control stormwater pollution for all construction sites over 1 acre in size. *A Guide for Construction Sites* is a reference tool for construction site operators who must prepare a SWPPP in order to obtain NPDES permit coverage for their stormwater discharges. The guide describes the SWPPP development process and provides helpful guidance and tips for developing and implementing an effective plan. Two model plans, based on hypothetical sites, are now available as a supplement to the guide. 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. Some common LID practices include rain gardens, grassed swales, cisterns, rain barrels, permeable pavements and green roofs. LID practices increasingly are used by communities across the country to help protect and restore water quality. For a copy of the report, go to www.epa.gov/owow/nps/lid/costs07.



Champaign County

Soil and Water Conservation District
2110 West Park Court Suite C Champaign, IL 61821
(217) 352-3536 Extension 3 --- www.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 shows protected resources may be 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 Stierwalt in black ink.

Steve Stierwalt
Board Chairman

Prepared by

Handwritten signature of Jonathon Manuel in black ink.

Jonathon Manuel
Resource Conservationist



Casey Hug

Date: 7/24/2015

Field Office: CHAMPAIGN SERVICE CENTER

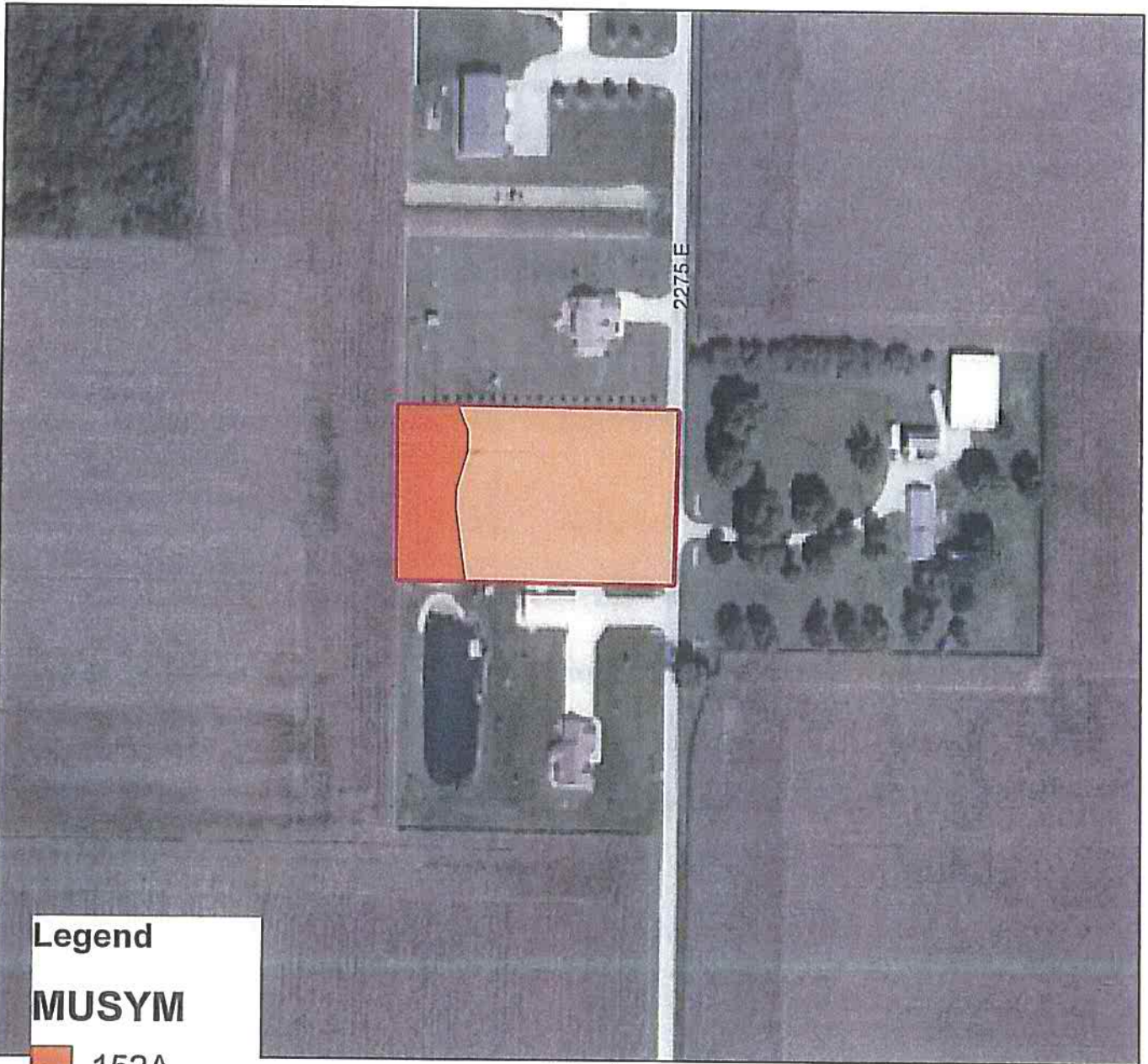
District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

Legal Description: Section 2, T.19N., R.10E.

Aerial 2014

State and County: IL, CHAMPAIGN



Legend

MUSYM

 152A

 154A

 Casey Hug



LAND EVALUATION WORKSHEET

Soil Type	Soil Name	Ag Group	Relative Value	Acres	Land Evaluation Score
154A	Flanagan	1	100	1.2	120.0
152A	Drummer	2	98	0.3	29.4
					0.0
					0.0
					0.0
					0.0
					0.0

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

Total LE Weighted Factor= 149.4

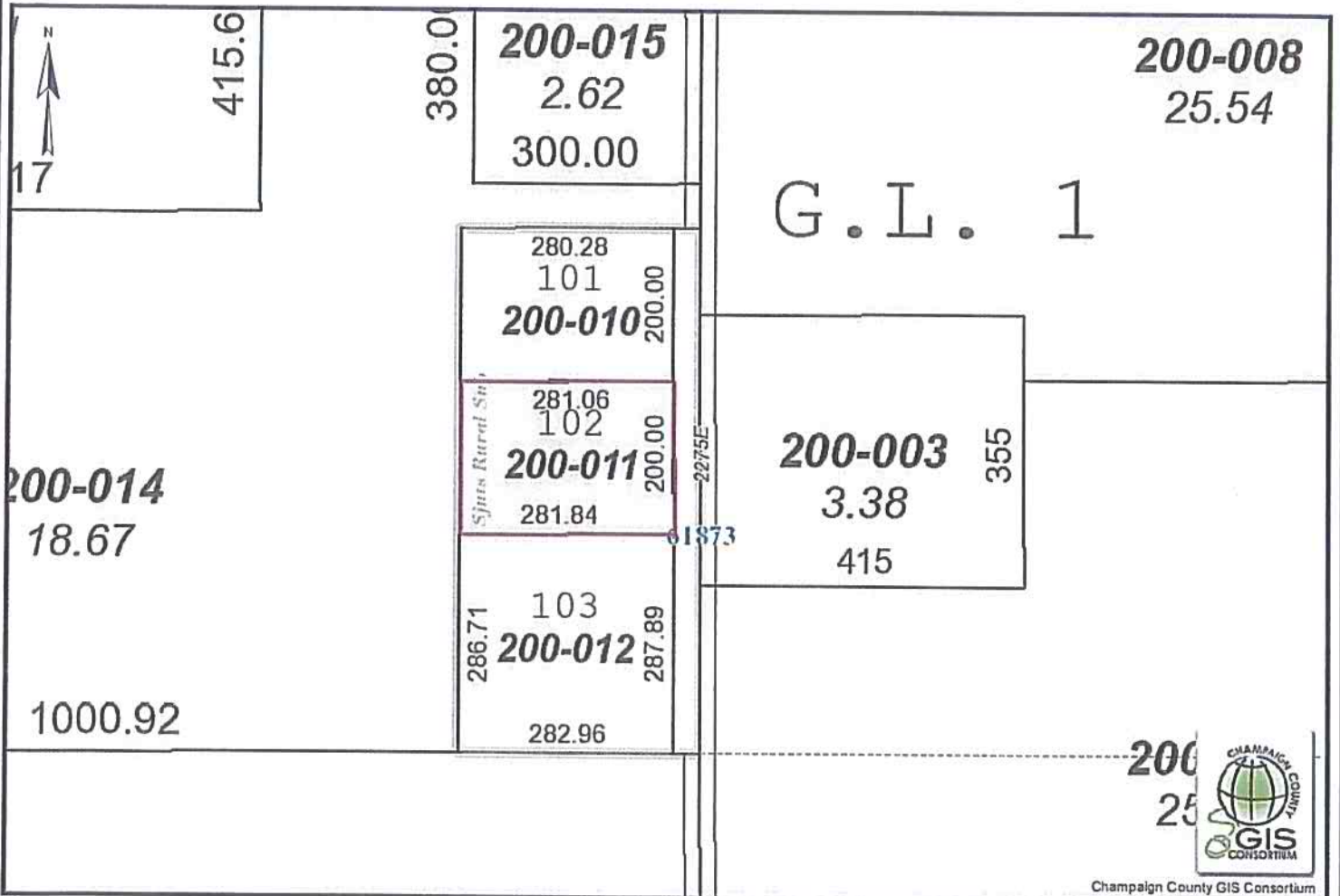
Acreage= 1.5

Land Evaluation Factor For Site= 100

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

Data Source: Champaign County Digital Soil Survey

GIS Webmap Public Interface Champaign County, Illinois



This map application was prepared with geographic information system (GIS) data created by the Champaign County GIS Consortium (CCGIS), or other CCGISC member agency. These entities do not warrant or guarantee the accuracy or suitability of GIS data for any purpose. The GIS data within this application is intended to be used as a general index to spatial information and not intended for detailed, site-specific analysis or resolution of legal matters. Users assume all risk arising from the use or misuse of this application and information contained herein. The use of this application constitutes acknowledgement of this disclaimer.

Date: Friday, July 24, 2015



Casey Hug

Date: 7/24/2015

Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

Legal Description: Section 2, T.19N., R.10E.

Aerial 2014

State and County: IL, CHAMPAIGN



Legend

— 3_T19N_R10E_SEC02

 Casey Hug





Casey Hug

Date: 7/24/2015

Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

Legal Description: Section 2, T.19N., R.10E.


Aerial 2014

State and County: IL, CHAMPAIGN



Legend

 Casey Hug

 fema_a_il019





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

IDNR Project Number: 1601120
Date: 07/30/2015

Project: Casy Hug
Address: 2110 West Park Court, Suite C, Champaign

Description: New shed

Natural Resource Review Results

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

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

Bigeye Chub (*Hybopsis amblops*)
Little Spectaclecase (*Villosa villosa*)

Location

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

County: Champaign

Township, Range, Section:
19N, 10E, 2



IL Department of Natural Resources
Contact
Impact Assessment Section
217-785-5500
Division of Ecosystems & Environment

Disclaimer

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

Terms of Use

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

IDNR Project Number: 1601120

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

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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.



Casey Hug

Date: 7/24/2015

Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

Legal Description: Section 2, T.19N., R.10E.

Aerial 2009

State and County: IL, CHAMPAIGN



Legend

 Casey Hug





Casey Hug

Date: 7/24/2015

Field Office: CHAMPAIGN SERVICE CENTER

Assisted By: JONATHON MANUEL

State and County: IL, CHAMPAIGN

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Legal Description: Section 2, T.19N., R.10E.

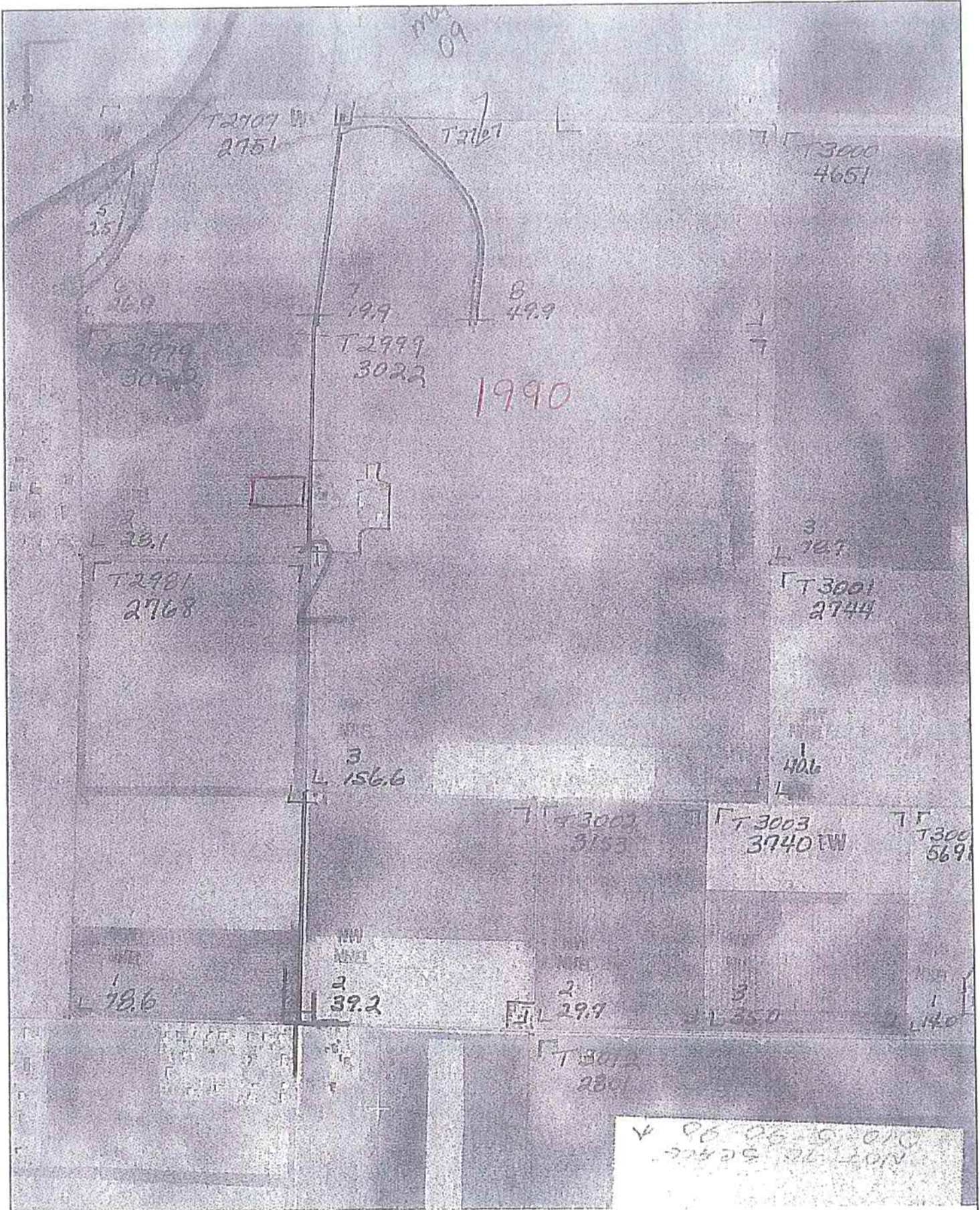
Aerial 2004

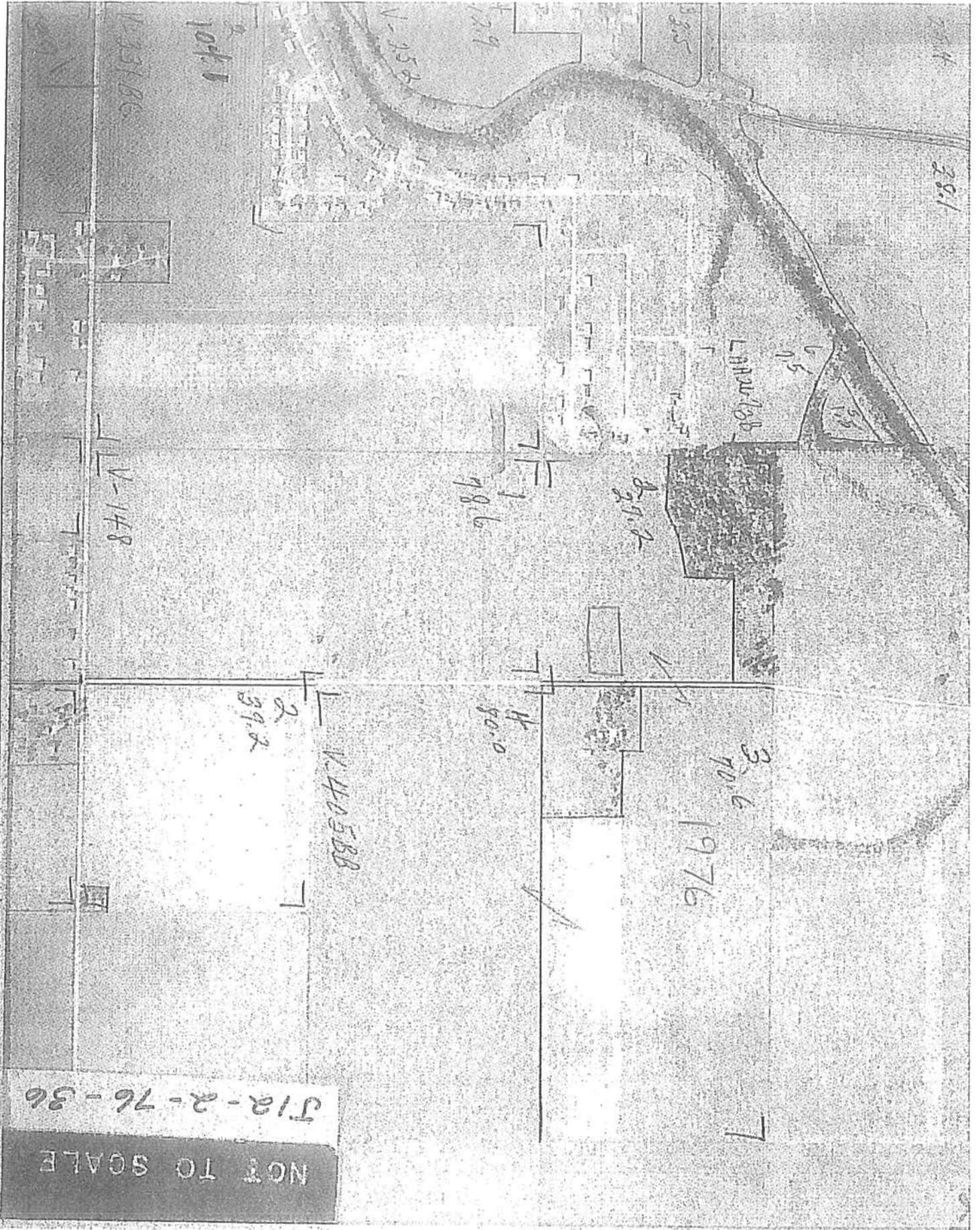


Legend

 Casey Hug



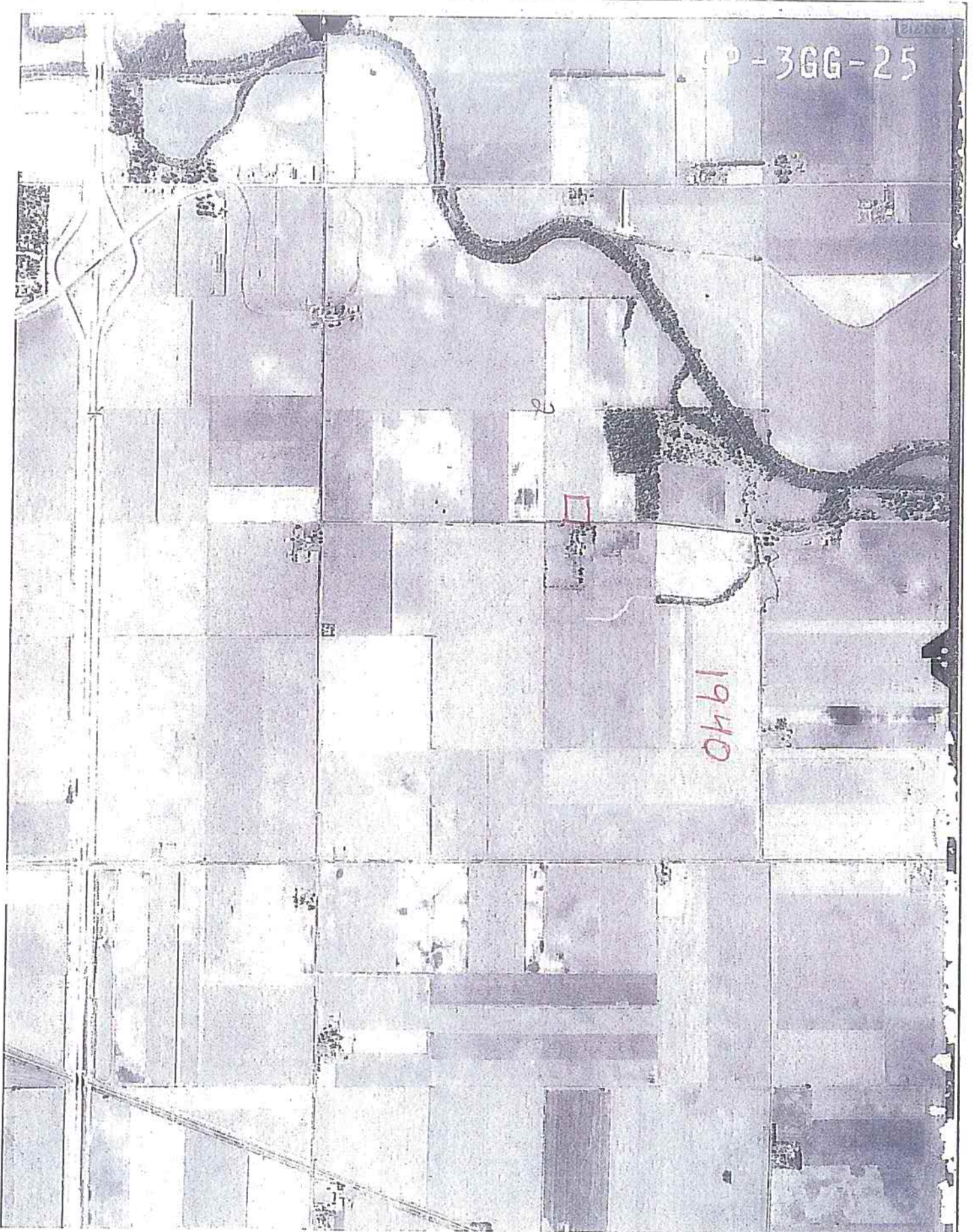




J12-2-76-36

NOT TO SCALE





Susan Chavarria

From: rubnchug@gmail.com
Sent: Monday, August 17, 2015 12:56 PM
To: Susan Chavarria
Subject: Re: Zoning Case 811-S-15 request for more information

Hi Susan,

The cooker will go under the lean too. I am going to contact the waste disposal people about picking up trash multiple times a week, and yes I will have to go through non catering space to get to the kitchen.

Thanks

Casey

Sent from my iPhone

On Aug 17, 2015, at 9:39 AM, Susan Chavarria <schavarr@co.champaign.il.us> wrote:

Hi Casey,

Just a few more questions as we try to anticipate what the ZBA members may ask...

Where do you anticipate locating the outdoor cooker/smoker?

How do you plan to dispose of food scraps and catering related waste?

On the site plan, do I understand correctly that "non-catering space" would be used to load/unload catering products?

Thanks,
Susan

RECEIVED

AUG 17 2015

CHAMPAIGN CO. P & Z DEPARTMENT



Petitioner's residence, from road facing southwest



Petitioner's residence, from road facing west

08/20/15 PRELIMINARY DRAFT

811-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: *{August 27, 2015}*

Petitioners: Casey Hug, d.b.a. Rub ‘n Chug, LLC

Request: Authorize a catering kitchen as a Contractor’s Facility with or without outdoor storage and/or outdoor operations in the AG-1 Agriculture Zoning District.

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08/20/15 PRELIMINARY DRAFT**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **August 27, 2015**, the Zoning Board of Appeals of Champaign County finds that:

1. The Petitioner Casey Hug, d.b.a. Rub 'n Chug, LLC owns the subject property.
2. The subject property is a 1.2 acre tract in the Southeast Quarter of the Southwest Quarter of the Northeast Quarter of Section 2 of Township 19 North, Range 10 East of the Third Principal Meridian in St. Joseph Township located at 1757 CR 2275 East, St. Joseph, Illinois.
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 Village of St. Joseph, a municipality with zoning.
 - B. The subject property is located within St. Joseph Township, which has a Planning Commission.
 - C. Municipalities and Townships with Planning Commissions are notified of Special Use Permit cases, but do not have protest rights in these cases.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity adjacent to the subject property are as follows:
 - A. The southern 155 feet of the subject property is zoned AG-1 Agriculture and the northern 45 feet is zoned CR Conservation Recreation.
 - B. The land north of the subject property is zoned CR Conservation Recreation.
 - C. The land east, west, and south of the subject property is zoned AG-1 Agriculture.
 - D. The subject property is bordered by agricultural uses to the west, and to the north, east, and south by single family residences.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the site plan and operations of the proposed Special Use:
 - A. The Site Plan received July 15, 2015 indicates the following:
 - (1) An existing single family residence, still under construction.
 - (2) A proposed shed, 50 feet by 72 feet, on the south side of the property.
 - B. The Floor Plan for the proposed shed received July 8, 2015 indicates the following:
 - (1) A one-story building with a kitchen, bathroom, utilities, storage area, larger open area and a staircase;
 - (2) Two overhead doors - one 14 feet by 14 feet area labeled "OH 1" and one 9 feet by 8 feet area labeled "OH 2".

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Page 3 of 25**

- C. The Revised Site Plan received August 5, 2015 indicates the following:
- (1) The residence and proposed shed shown in the July 15, 2015 original site plan;
 - (2) A proposed asphalt/rock driveway east of the proposed shed and adjacent to the current concrete driveway;
 - (3) A current septic tank located west of the residence; and
 - (4) A proposed septic tank located west of the proposed shed.
- B. The Revised Floor Plan received August 5, 2015 indicates a 4,770 square foot facility with the following areas:
- (1) A 1,170 square feet "Catering Space" with the following:
 - a. A 30 feet by 29 feet kitchen with one interior door leading to "Non catering space";
 - b. A staircase to a second floor storage area (see B.3. below);
 - c. A 14 feet by 10 feet bathroom;
 - d. A 6 feet by 10 feet utilities room;
 - e. A 10 feet by 10 feet storage room;
 - (2) "Non catering space" measuring 39 feet by 42 feet, including:
 - a. Two overhead doors - one 14 feet by 14 feet area labeled "OH 1" and one 9 feet by 8 feet area labeled "OH 2".
 - b. Two man doors, one each on the north and south walls, 3 feet wide by 6 feet 8 inches tall;
 - (3) A 1,170 square feet open storage area above the catering kitchen; and
 - (4) A 10 feet by 72 feet "lean-to" under the shed's roof on the south side that does not indicate a use but is outside the south man door.
- C. The Petitioner seeks to establish a catering business in a 1,170 square feet portion of the proposed 4,770 square feet shed. All storage and operations will be indoors with the exception of an outdoor cooker/smoker.
- (1) In an email received August 17, 2015, the petitioner indicated the following:
 - a. The second floor storage area will not be for the catering business; and
 - b. The outdoor cooker/smoker will be located under the 10 feet by 72 feet outdoor lean-to.

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Page 4 of 25

08/20/15 PRELIMINARY DRAFT

- D. There is one previous Zoning Use Permit on the subject property for the single family home with attached garage that is under construction.
- E. There are no previous zoning cases on the subject property.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

- 6. Regarding authorization for Contractors Facilities with or without Outdoor Operations and/or Storage in the AG-1 Agriculture Zoning DISTRICT in the *Zoning Ordinance*:
 - A. 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.
 - (2) Subsection 6.1.3 establishes the following standard conditions for Contractors Facilities with or without Outdoor STORAGE and/or Outdoor OPERATIONS:
 - a. In all DISTRICTS other than the B-5 DISTRICT, outdoor STORAGE and/or outdoor OPERATIONS are allowed as an ACCESSORY USE subject to subsection 7.6.
 - (3) Subsection 7.6 establishes the following conditions for Outdoor Storage and/or Outdoor Operations:
 - a. Outdoor STORAGE and/or OPERATIONS shall be allowed in all DISTRICTS only as ACCESSORY USES unless permitted as a principal USE in Section 5.2 and shall be allowed in any YARD in all DISTRICTS subject to the provisions of Section 7.2 without a permit provided that

08/20/15 PRELIMINARY DRAFT**Case 811-S-15
Page 5 of 25**

outdoor STORAGE and/or outdoor OPERATIONS shall not be located in any required off-street PARKING SPACES or LOADING BERTHS.

- b. A Type D SCREEN shall be located so as to obscure or conceal any part of any YARD used for outdoor STORAGE and/or outdoor OPERATIONS which is visible within 1,000 feet from any of the following circumstances:
 - (a) Any point within the BUILDING RESTRICTION LINE of any LOT located in any R DISTRICT or any LOT occupied by a DWELLING conforming as to USE or occupied by a SCHOOL; church or temple; public park or recreational facility; public library, museum, or gallery; public fairgrounds; nursing home or HOSPITAL; recreational business USE with outdoor facilities; or
 - (b) Any designated urban arterial street or MAJOR STREET.

- C. Subsection 4.3.3 defines a Type D SCREEN as “a landscaped berm, or an opaque fence or wall, or SCREEN PLANTING with a minimum HEIGHT of eight feet as measured from the highest adjacent grade.

- D. Section 7.4 establishes requirements for off-street PARKING SPACES:
 - (1) All off-street PARKING SPACES shall be located on the same LOT or tract of land as the USE served.
 - (2) The number of such PARKING SPACES shall be the sum of the individual requirements of the various individual ESTABLISHMENTS computed separately in accordance with this section. Such PARKING SPACES for one such ESTABLISHMENT shall not be considered as providing the number of such PARKING SPACES for any other ESTABLISHMENT.
 - (3) Subsection 7.4.1.C. states that for off-street parking spaces for commercial uses, one space shall be provided for every 200 square feet of floor area or portion thereof.
 - (4) The Zoning Administrator has determined that the “Non-catering area” and second floor storage can be considered a mix of office, garage, and light industry that most closely approximates an Industrial Use. Subsection 7.4.1.D. requires one parking space for every 3 employees in an Industrial use.
 - (5) Subsection 7.4.2 requires one loading berth measuring at least 12 feet by 40 feet for the proposed commercial use.

- E. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
 - (1) “ACCESSORY BUILDING” is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, and subordinate to and used

08/20/15 PRELIMINARY DRAFT

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

- (2) "ACCESSORY USE" is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
- (3) "AGRICULTURE" is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry, and the keeping, raising, and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting, and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning, or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.
- (4) "AREA, BUILDING" is the total area taken on a horizontal plane at the largest floor level of the MAIN or PRINCIPAL BUILDING and all ACCESSORY BUILDINGS on the same LOT exclusive of uncovered porches, terraces, steps, or awnings, marquees, and nonpermanent CANOPIES and planters.
- (5) "AREA, LOT" is the total area within the LOT LINES.
- (6) "BEST PRIME FARMLAND" is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
 - a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
 - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
 - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.

08/20/15 PRELIMINARY DRAFT**Case 811-S-15
Page 7 of 25**

- (7) “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.
- (8) “BUILDING, DETACHED” is a BUILDING having no walls in common with other BUILDINGS.
- (9) “BUILDING, MAIN or PRINCIPAL” is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
- (10) “ESTABLISHMENT” is a business, retail, office, or commercial USE. When used in the singular this term shall be construed to mean a single USE, BUILDING, STRUCTURE, or PREMISES of one of the types here noted.
- (11) “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.
- (12) “OPEN SPACE” is the unoccupied space open to the sky on the same LOT with a STRUCTURE.
- (13) “OPERATIONS” are the processing, assembly, fabrication, or handling of materials or products or movement of bulk materials or products not in containers or pipelines.
- (14) “PARKING SPACE” is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (15) “SCREEN” is a STRUCTURE or landscaping element of sufficient opaqueness or density and maintained such that it completely obscures from view throughout its height the PREMISES upon which the screen is located.
- (16) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (17) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (18) “STORAGE” is the presence of equipment, or raw materials or finished goods (packaged or bulk) including goods to be salvaged and items awaiting maintenance or repair and excluding the parking of operable vehicles.
- (19) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:

08/20/15 PRELIMINARY DRAFT

- (a) MAJOR STREET: Federal or State highways.
 - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
 - (c) MINOR STREET: Township roads and other local roads.
- (20) “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.
- (21) “WELL SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found WELL SUITED OVERALL if the site meets these criteria:
- a. The site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public; and
 - b. The site is reasonably well-suited in all respects and has no major defects.
- (22) “YARD” is an OPEN SPACE, other than a COURT, of uniform depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.
- (23) “YARD, FRONT” is a YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each abut a STREET RIGHT-OF-WAY both such YARDS shall be classified as FRONT YARDS.
- (24) “YARD, REAR” is a YARD extending the full width of a LOT and situated between the REAR LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT.
- (25) “YARD, SIDE” is a YARD situated between a side LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT and extending from the rear line of the required FRONT YARD to the front line of the required REAR YARD.
- E. 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

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detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:

- a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
 - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
- (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
 - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
 - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- F. 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, ***“Provide catering service for community.”***
 - B. The subject property is one mile north of the Village of St. Joseph and 1.75 miles from the Interstate 74 interchange.

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

(Note: bold italics typeface indicates staff’s recommendation to the ZBA)

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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, **“Will be inspected by the health department after initial approval of plans by the health department.”**
- B. Regarding surface drainage:
- (1) The Champaign County Soil and Water Conservation District Natural Resource Report received August 3, 2015 states “The site slopes from the road to the back of the property. The neighbor to the south has raised his property by a foot or more. It would be recommended that the shed floor be raised and the ground around the shed and house be shaped to channel runoff away and to the back of the property as this is the natural surface flow for the property.”
 - (2) The Report states “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...the area has slope which could allow erosion during construction and heavy rainfall events. The area does not have ground cover at the time of inspection, erosion control measures must be installed before more construction.”
- C. As proposed, the Special Use will ***NOT BE INJURIOUS*** in regards to the effects on traffic, as follows:
- (1) The subject property fronts the west side of CR 2275 East approximately one-half mile north of CR 1700 North. Regarding the general traffic conditions on CR 2275 East at this location and the level of existing traffic and the potential change in traffic from the proposed Special Use:
 - a. The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). No traffic volume was available for CR 2275 East. CR 1700 North had an ADT of 950 vehicles in 2,011.
 - b. CR 2275 East is a rural two-lane road with a width of 16 feet. The road is only one mile long, connecting CR 1700 North and CR 1800 North. There are approximately six driveways accessing the road, suggesting a low volume of traffic, likely less than 100 vehicles per day. No significant increase in traffic is expected, and the road capacity appears adequate for handling the increase.
 - (2) The Township Road Commissioner has been notified of this case and no comments have been received.
- D. Regarding fire protection on the subject property, the subject property is located approximately 2.5 miles from the St. Joseph-Stanton Fire Protection District station. The FPD Chief was notified of this case and no comments have been received.

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- E. The northwest corner of the subject property is located within a mapped floodplain. The proposed shed is located approximately 125 feet from the closest part of the floodplain.
- F. The subject property is considered BEST PRIME FARMLAND. The soil on the subject property consists of Drummer silty clay loam and Flanagan silty clay loam, and has an average LE of approximately 100.
- G. Regarding outdoor lighting on the subject property:
 - (1) The Petitioner did not include information on their Site Plan.
- H. Regarding wastewater treatment and disposal on the subject property:
 - (1) According to the revised Site Plan received August 5, 2015, the petitioner intends to install a separate septic system to the west of the proposed shed for their catering business in addition to the septic system already installed for the residence.
- I. Regarding waste disposal:
 - (1) In an email received August 17, 2015, the Petitioner stated that he will contact a waste disposal service so they can collect the waste multiple times per week.
- J. 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.

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- e. Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
 - f. The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required.
 - g. The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - h. The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - i. When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.
 - j. Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked.
- K. Regarding potential smoke and odor from the outdoor cooker/smoker:
- (1) At this time, the capacity of the outdoor cooker/smoker is unknown, and it is also unknown how often it will be used.
 - (2) The outdoor cooker/smoker will be located approximately 175 feet from the residence to the south and 260 feet from the residence to the north.
- L. 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.

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9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application: **“The proposed use should blend well with existing agriculture.”**
 - B. Regarding compliance with the *Zoning Ordinance*:
 - (1) Regarding the requirement that a Contractor’s Facility with or without storage and/or operations is authorized by Special Use Permit:
 - a. The southern 155 feet of the subject property is zoned AG-1 Agriculture, which allows Contractor’s Facilities with a Special Use Permit.
 - b. The proposed Special Use meets all applicable lot size, height, setback, side and rear yards, and lot coverage requirements for its District.
 - (2) Regarding parking on the subject property for the proposed Special Use:
 - a. The proposed shed will be for a catering business with two part-time employees. The Zoning Administrator has determined that 1,170 square foot “Catering Space” is subject to the Commercial off-site parking requirements, while the “Non Catering Space” and second floor storage that totals 3,570 square feet are an office/garage/light industry use.
 - b. The catering area is subject to Subsection 7.4.1.C., which states that one space shall be provided for every 200 square feet of floor area or portion thereof. The 1,170 square foot catering business would require 6 parking spaces.
 - c. The non-catering area and second floor storage are subject to Subsection 7.4.1.D., which states that one space shall be provided for each three employees based upon the maximum number of persons employed during one work period during the day or night, plus one space for each VEHICLE used in the conduct of such USE. A minimum of one additional space shall be designated as a visitor PARKING SPACE. The non-catering/storage area would thus require 2 parking spaces.
 - d. The revised Site Plan received August 5, 2015 indicates an L-shaped “proposed asphalt/rock driveway” on the east side of the proposed shed which appears to be over 3,600 square feet as shown and would be sufficient for the 8 minimum required parking spaces.
 - e. One loading berth is required for a commercial use with 2,340 square feet. The indoor non-catering space is a loading area of sufficient size, and will not require a screen because it is indoors.

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- (3) Regarding the requirement that a Type D Screen be used to conceal any outdoor operations visible within 1,000 feet of a LOT occupied by a DWELLING conforming as to USE:
 - a. Conforming dwellings are located within 1,000 feet of the proposed shed location and the outdoor cooker/smoker.
 - b. In an email received August 17, 2015, Mr. Hug indicated that the cooker/smoker would be located under the outdoor 10 feet by 72 feet lean-to on the south side of the building.

- C. Regarding compliance with the *Stormwater Management Policy*:
 - (1) The subject property is exempt from the Stormwater Management Policy because the total impervious area is less than 50% of the 1.2 acre lot area.

- D. Regarding the Special Flood Hazard Areas Ordinance, the northwest corner of the subject property is located within a mapped floodplain. The proposed shed is located approximately 125 feet from the closest part of the floodplain.

- E. Regarding the Subdivision Regulations, the subject property is located in the Village of St. Joseph subdivision jurisdiction and the subject property is in compliance.

- F. Regarding the requirement that the Special Use preserve the essential character of the AG-1 Agriculture Zoning District:
 - (1) Contractors Facilities with or without Outdoor Storage and/or Operations are allowed with a Special Use Permit in the AG-1 Agriculture Zoning District.
 - (2) "Catering Kitchen" is not an authorized use in Section 5.2 of the Zoning Ordinance. The Zoning Administrator has determined that a catering kitchen is most similar to a "contractor facility" which is authorized as a Special Use Permit in the AG-1 District.

- 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 indicated in drawings.
 - (1) A Special Condition has been added to ensure compliance.

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 be 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:

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- (1) Subsection 5.1.12 of the Ordinance states the general intent of the AG-1 Agriculture Zoning District as follows (capitalized words are defined in the Ordinance):

The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURE pursuits.

- (2) The types of uses authorized in the AG-1 District are in fact the types of uses that have been determined to be acceptable in the AG-1 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.

C. The proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance, as follows:

- (1) Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements.

- (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

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 zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

The proposed Special Use is likely to maintain current traffic volumes on the adjacent CR 2275 East.

- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

The proposed renovations on the subject property will not trigger the need for stormwater management.

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- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

The proposed Special Use will promote the public health, safety, comfort, morals, and general welfare as follows:

- 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.

These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those limits.

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

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

- (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent

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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.

This purpose is directly related to maintaining compliance with the Zoning Ordinance requirements for the District and the specific types of uses and the proposed Special Use will have to be conducted in compliance with those requirements.

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.

The proposed Special Use will not subject the most productive agricultural lands to haphazard and unplanned intrusions of urban uses as follows:

- a. The proposed Special Use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.

- (10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The subject property does not contain any natural features.

- (11) Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed Special Use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.

- (12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

The subject property is not in 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.

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The proposed Special 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 Contractors Facility with or without Outdoor Storage and/or Operations 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 Zoning Administrator shall not issue a Zoning Compliance Certificate until the Petitioner has submitted a copy of the approved permit from the Champaign Urbana Public Health Department for construction of the second septic system for the catering business and the Zoning Administrator has verified that the septic system was built as shown in the permit application.**

The special condition stated above is required to ensure the following:
To ensure that the private sewage disposal systems are adequate for the uses on the subject property.

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

- D. **A Type D screen for the outdoor operations area of the catering business must be installed, or a variance must be applied for and approved by the Zoning Board of Appeals within 90 days of approval of the Special Use Permit.**

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

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That the proposed contractor's facility conforms to the requirements of the Zoning Ordinance.

- E. This Special Use Permit authorizes a "catering kitchen" as a contractor's facility and does not authorize any actual dining services on the subject property.**

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

That the proposed Special Use Permit is very clear regarding what is authorized and what is not authorized.

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DOCUMENTS OF RECORD

1. Application for Special Use Permit received July 8, 2015
2. Site Plan received July 15, 2015
3. Revised Site Plan received August 5, 2015
4. Natural Resources Report received August 3, 2015 from Champaign County Soil and Water Conservation District
5. Email from Casey Hug received August 17, 2015
6. Case File from Permit 329-14-01
7. Preliminary Memorandum dated August 20, 2015, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Revised Site Plan received August 5, 2015
 - C Revised Floor Plan received August 5, 2015
 - D Natural Resources Report received August 3, 2015 from Champaign County Soil and Water Conservation District
 - E Email from Casey Hug received August 17, 2015
 - F Site Visit Photos taken July 10, 2015
 - G Preliminary Summary of Evidence, Finding of Fact, and Final Determination dated August 20, 2015

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FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **811-S-15** held on **August 27, 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*}*:

 - g. The property *{IS/IS NOT}* WELL SUITED OVERALL for the proposed improvements *{because*}*:

 - h. Existing public services *{ARE/ARE NOT}* available to support the proposed SPECIAL USE without undue public expense *{because*}*:

 - i. Existing public infrastructure together with the proposed development *{IS/IS NOT}* adequate to support the proposed development effectively and safely without undue public expense *{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:
- a. The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes.
 - b. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.
 - c. Public safety will be *{ADEQUATE / INADEQUATE}*.
4. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:
- a. The Special Use is authorized in the District.
 - b. The requested Special Use Permit *{IS/ IS NOT}* necessary for the public convenience at this location.
 - c. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL / WILL NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
 - d. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located.
5. The requested Special Use *IS NOT* an existing nonconforming use.
6. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:***

- A. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Contractors Facilities with or without Outdoor Storage and/or Operations 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 Zoning Administrator shall not issue a Zoning Compliance Certificate until the Petitioner has submitted a copy of the approved permit from the Champaign Urbana Public Health Department for construction of the second septic system for the catering business and the Zoning Administrator has verified that the septic system was built as shown in the permit application.**

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

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To ensure that the private sewage disposal systems are adequate for the uses on the subject property.

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

- D. **A Type D screen for the outdoor operations area of the catering business must be installed, or a variance must be applied for and approved by the Zoning Board of Appeals within 90 days of approval of the Special Use Permit.**

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

That the proposed contractor's facility conforms to the requirements of the Zoning Ordinance.

- E. **This Special Use Permit authorizes a "catering kitchen" as a contractor's facility and does not authorize any actual dining services on the subject property.**

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

That the proposed Special Use Permit is very clear regarding what is authorized and what is not authorized.

*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 811-S-15 is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicant **Casey Hug**, d.b.a. Rub ‘n Chug LLC, to authorize the following as a Special Use on land in the AG-1 Zoning District:

Authorize a catering business as a Contractor’s Facility with or without outdoor storage and/or outdoor operations.

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

- A. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Contractors Facilities with or without Outdoor Storage and/or Operations 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 Zoning Administrator shall not issue a Zoning Compliance Certificate until the Petitioner has submitted a copy of the approved permit from the Champaign Urbana Public Health Department for construction of the second septic system for the catering business and the Zoning Administrator has verified that the septic system was built as shown in the permit application.**

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

To ensure that the private sewage disposal systems are adequate for the uses on the subject property.

- C. The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject 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.

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- D. A Type D screen for the outdoor operations area of the catering business must be installed, or a variance must be applied for and approved by the Zoning Board of Appeals within 90 days of approval of the Special Use Permit.**

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

That the proposed contractor's facility conforms to the requirements of the Zoning Ordinance.

- E. This Special Use Permit authorizes a "catering kitchen" as a contractor's facility and does not authorize any actual dining services on the subject property.**

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

That the proposed Special Use Permit is very clear regarding what is authorized and what is not authorized.

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

CASE NO. 812-V-15

PRELIMINARY MEMORANDUM

August 20, 2015

Petitioners: Windsor Road Christian Church

Request: Authorize the following in the AG-2 Agriculture Zoning District as per paragraph 7.3.3.F of the *Zoning Ordinance*:

Part A: A Private Traffic Direction Sign that is 24 square feet in area in lieu of the required maximum of 5 square feet in area.

Part B: A Private Traffic Direction Sign that is 20 square feet in area and 80 inches in height in lieu of the required maximum of 5 square feet in area and 5 feet (60 inches) in height.

Part C: Four Private Traffic Direction Signs that are 80 inches in height in lieu of the required maximum height of 5 feet (60 inches).

Part D: Three Private Traffic Direction Signs that are 6.25 square feet in area and 72 inches in height in lieu of the required maximum of 5 square feet in area and 5 feet (60 inches) in height.

Subject Property: A tract of land in the Northeast Quarter of the Northeast Quarter of the Northwest Quarter of Section 27 of Champaign Township and commonly known as the Windsor Road Christian Church located at 2501 West Windsor Road, Champaign.

Site Area: 10 acres

Time Schedule for Development: As Soon as Possible

Prepared by: Susan Chavarria
Senior Planner

John Hall
Zoning Administrator

BACKGROUND

Windsor Road Christian Church would like to construct a new entryway sign that will help direct users to the newly constructed west access way that replaces the now closed east access. The proposed 24 square feet sign shows the church's logo and the word "entrance". According to the petitioner, the size of the proposed sign reflects the size of lettering needed to be visible by motorists from enough distance to avoid making rapid turns or otherwise compromising road safety.

The Zoning Ordinance requires that a Private Traffic Direction Sign to be no larger than 5 square feet. Staff visited the site and determined that the proposed size should not impact visibility of motorists entering and exiting the site or motorists passing on Windsor Road (see Attachment D).

Parts B through D of the proposed variance are for signs that have already been installed under approved ZUP #142-14-02. The Zoning Administrator determined that the sign package (see Attachment G) exceeds the requirements in the Zoning Ordinance, but not significantly. The sign package is included in this proposed variance because the opportunity to make them compliant with the Zoning Ordinance was provided when a variance was needed for the entrance sign that is Part A of this variance.

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	Church	AG-2 Agriculture
North	Residential	SF1 Single Family Residential (City of Champaign Zoning)
East	Agriculture	AG-2 Agriculture
West	Residential	R-1 Residential
South	Residential	R-1 Residential

ATTACHMENTS



- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received July 27, 2015
- C Proposed Sign Specifications received July 27, 2015
- D Sign Location Comparison Images
- E Site Visit Photos taken July 29, 2015
- F Email from Mike Pflum of Sign Solutions Inc received January 16, 2015
- G Sign Detail for Signs B through F received April 28, 2015 and approved under Permit #142-14-02 on April 28, 2015
- H Email from Scott Kunkel dated August 11, 2015, with attachment:
 - WRCC Directional Sign Sizes
- I Draft Summary of Evidence, Finding of Fact, and Final Determination

Location Map

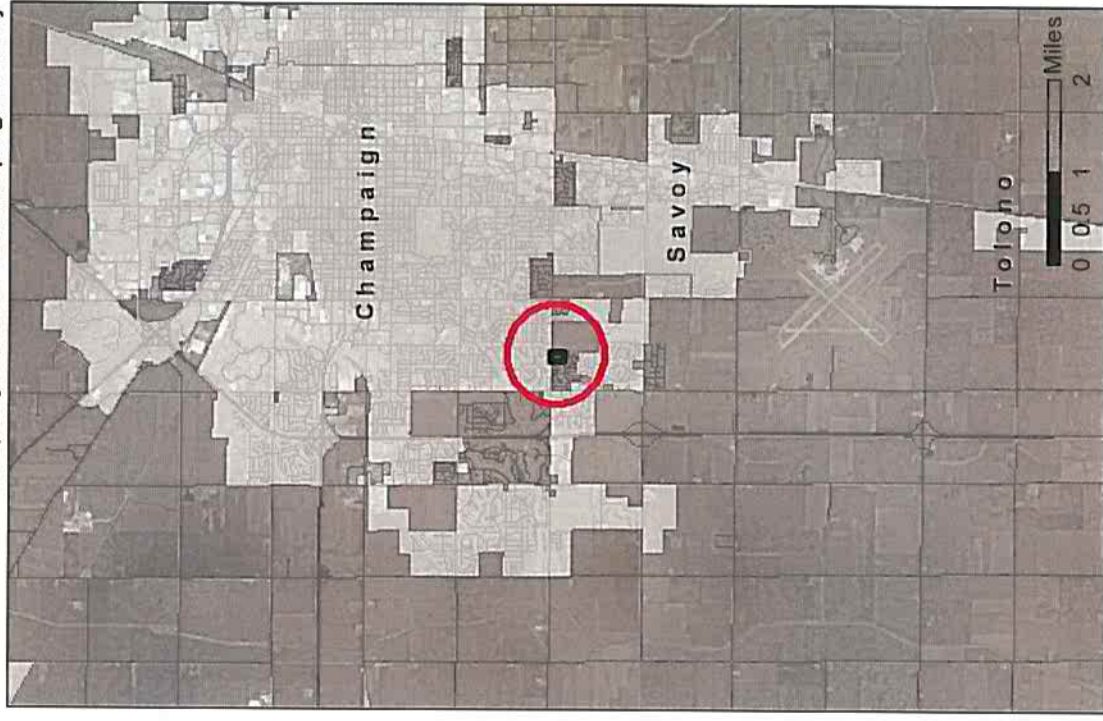
Case 812-V-15
August 27, 2015

Subject Property



- Legend**
-  Subject Property
 -  Parcels

Property location in Champaign County



Champaign County
Department of
**PLANNING &
ZONING**



Land Use Map

Case 812-V-15
August 27, 2015



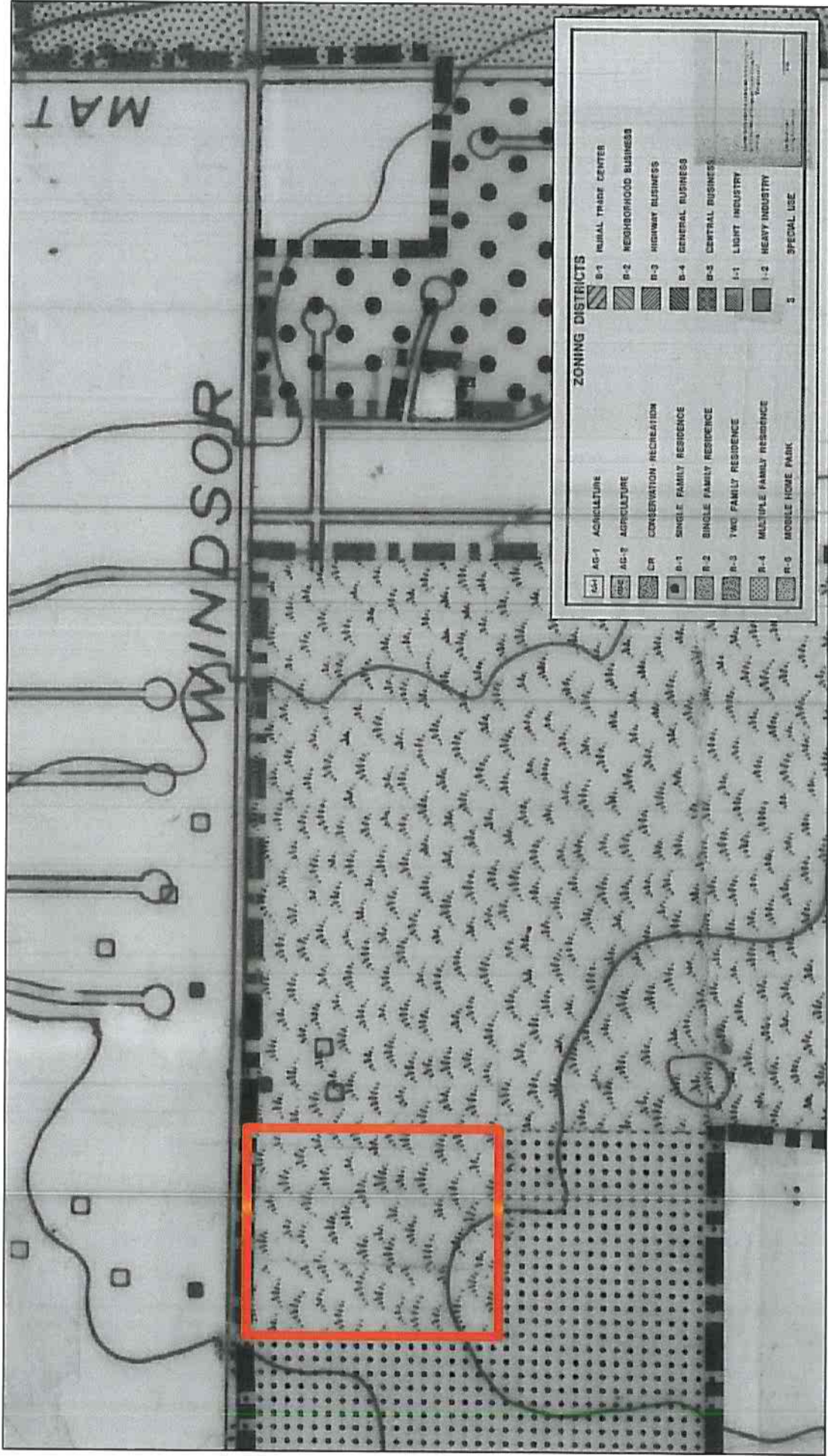
Champaign County
Department of
PLANNING &
ZONING



- Legend**
- Subject Property
 - Single Family Residential


Zoning Map

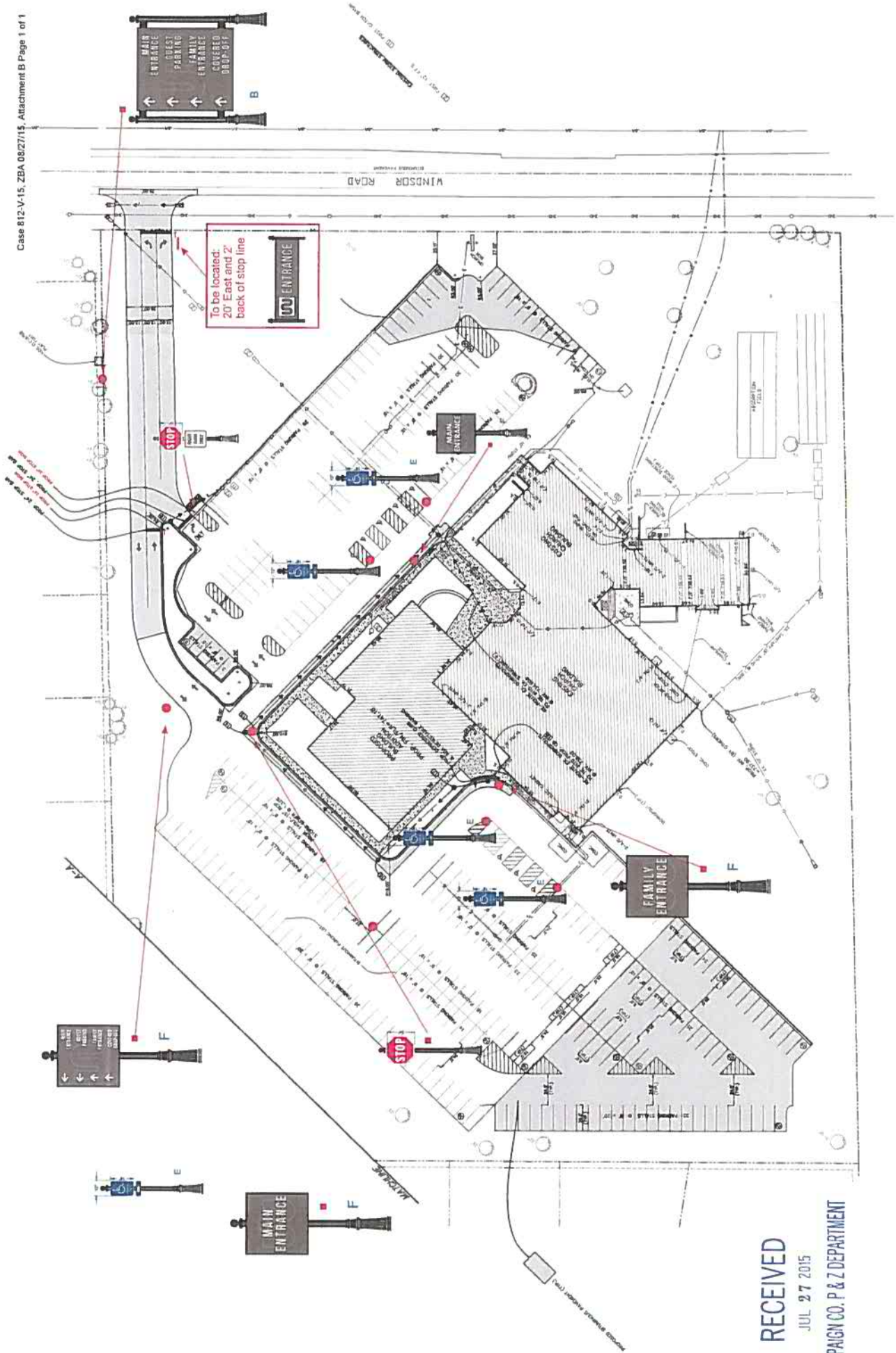
Case 812-V-15
August 27, 2015



Champaign County
Department of
PLANNING &
ZONING



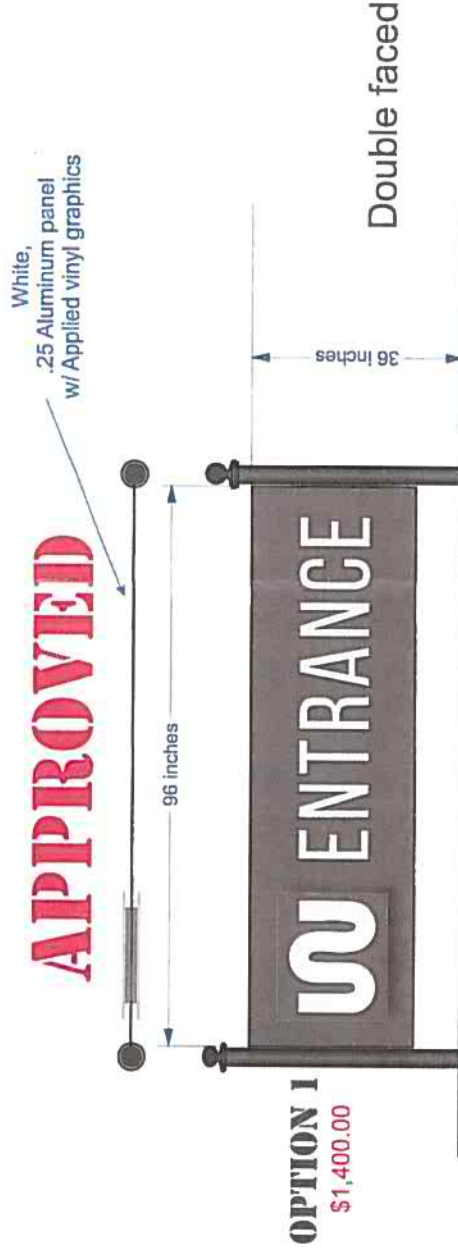
Legend
 Subject Property



RECEIVED

JUL 27 2015

CHAMPAIGN CO. P & Z DEPARTMENT



Option 1 - Same post and Finial combination as other signs

Installation Regardless of option selected - \$ 350.00

RECEIVED

JUL 27 2015

CHAMPAIGN CO. P & Z DEPARTMENT

Proposed Sign Location

Case 812-V-15
Windsor Road Christian Church



Approximate proposed sign location viewed from right turn lane of WRCC exit and stopped at stop line



Approximate proposed sign location viewed from right turn lane of WRCC exit and stopped at stop line

812-V-15 Images



Temporary sign is 2 feet narrower than proposed sign and placed 5 feet south of proposed sign location



Temporary sign, from west side of access drive aligned with stop line

812-V-15 Images



Temporary sign, from Windsor Road facing church building – note proposed sign will be five feet closer to Windsor Road than the temporary sign.



Existing Windsor Road Christian Church sign (left) is larger than proposed sign.

From: Mike Pflum [mailto:signsolution@iquest.net]

Sent: Friday, January 16, 2015 12:53 PM

To: Connie Berry

Subject: RE: This may help

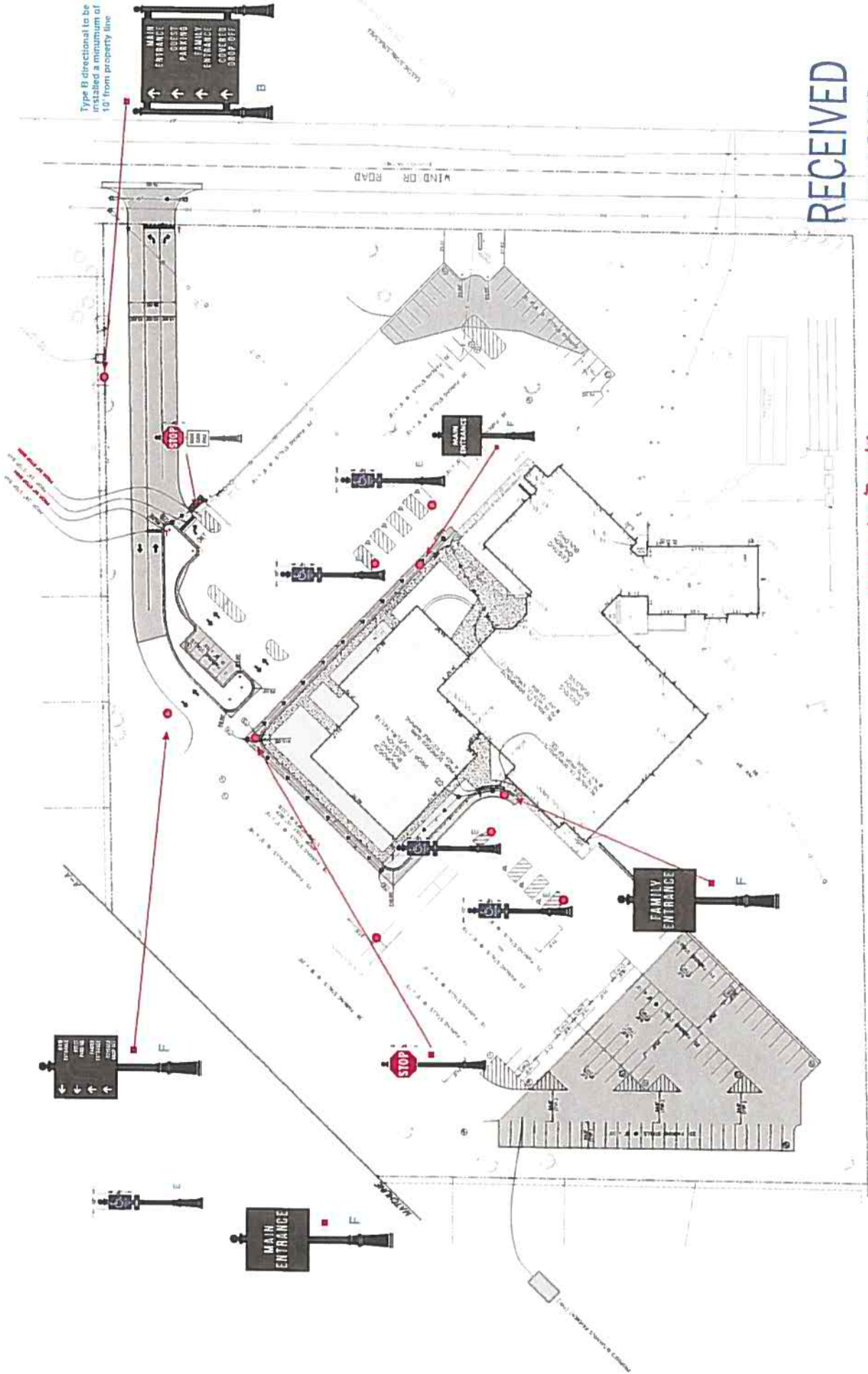
Connie,

Please understand that with their new construction, they now are seeing an entirely new traffic pattern emerge during high traffic times.

They like some but not all of what they see and need to be pro-active at influencing the new flow.

They want the new flow to be efficient and more importantly, safe. They are looking at how to minimize the merging of vehicular and pedestrian flow.

Mike



RECEIVED

APR 28 2015

Champaign County
Planning & Zoning Department

Approved Site Plan

Permit # 142-14-02 - additional info

Date: 4/28/15

CHAMPAIGN CO. P & Z DEPARTMENT

MODIFIED 3/24/15

Sign Detail

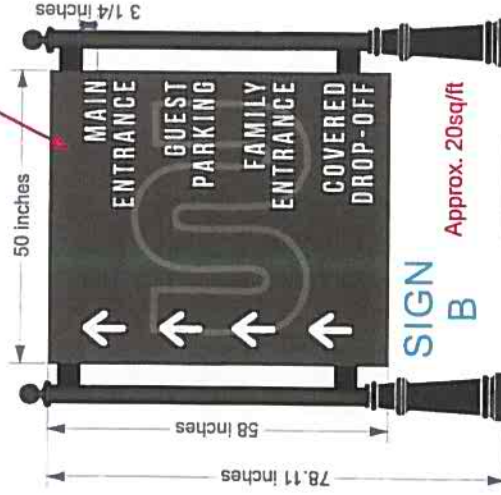


505 Commerce Parkway West Dr.
Greenwood, Indiana 46143
317-881-1818
800-705-8258
Fax: 317-881-1919
signsolution@quest.net

Font - Bebas Neue

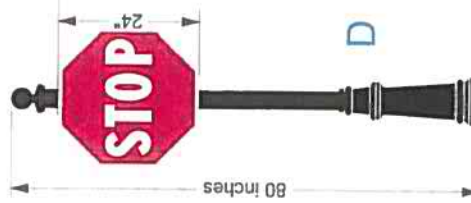
SINGLE FACED

White reflective Copy



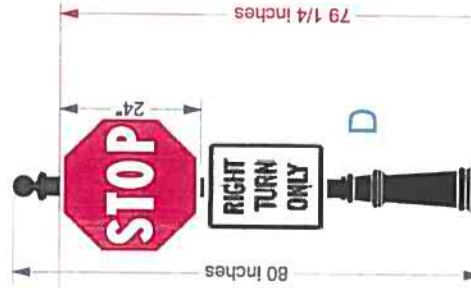
QTY OF 1

Single face - \$1950.00
Installation - \$ 400.00



QTY OF 1

Single face - \$ 375.00
Installation - \$ 200.00



QTY OF 1

Single face - \$ 395.00
Installation - \$ 200.00



QTY OF 2

Single face - \$ 360.00
Installation - \$ 200.00

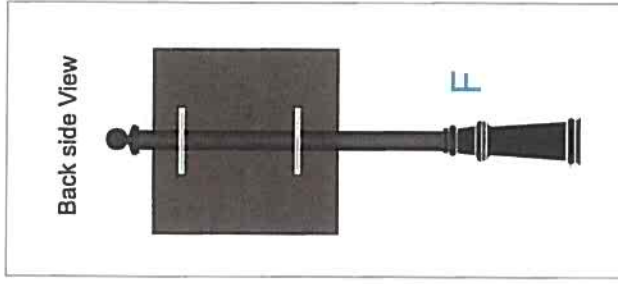
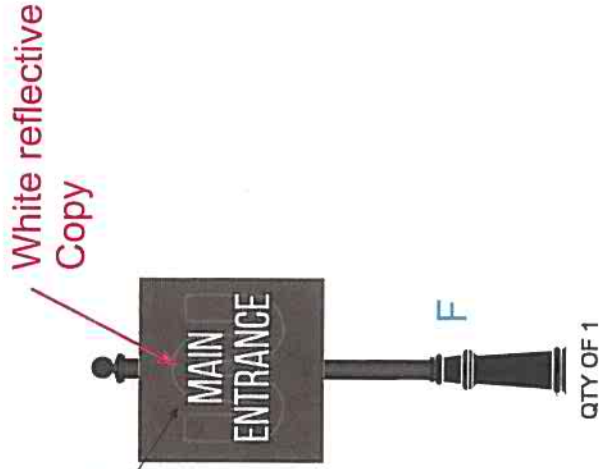
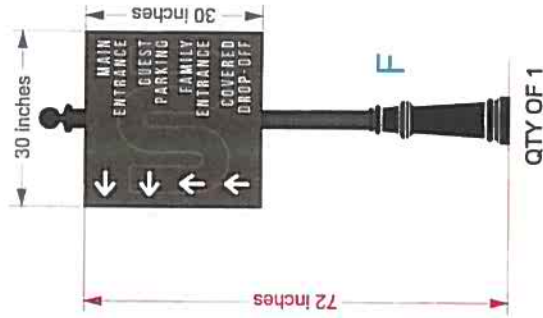


QTY OF 2

Single face - \$ 360.00
Installation - \$ 200.00

RECEIVED
APR 28 2015
CHAMPAIGN CO. P & Z DEPARTMENT

Sign Detail



505 Commerce Parkway West Dr.
Greenwood, Indiana 46143

317-881-1818
800-705-8258
Fax: 317-881-1919
signsolution@iquest.net

RECEIVED

APR 28 2015

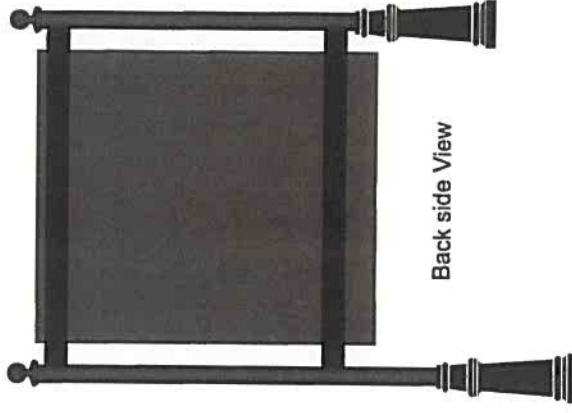
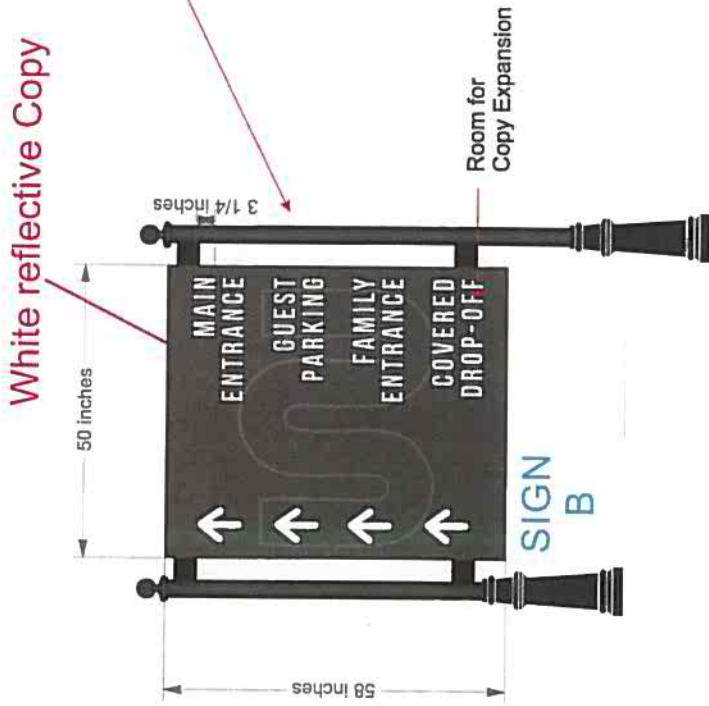
CHAMPAIGN CO. P & Z DEPARTMENT

Sign Detail



505 Commerce Parkway West Dr.
Greenwood, Indiana 46143
317-881-1818
800-705-8258
Fax: 317-881-1919
signsolution@iquest.net

Adjust for Elevation
variation by adjusting
post length on the
lower end of mount



RECEIVED
APR 28 2015
CHAMPAIGN CO. P & Z DEPARTMENT

From: Scott Kunkel [mailto:kunkel@jsmliving.com]
Sent: Tuesday, August 11, 2015 8:53 AM
To: John Hall
Subject: Case 812-V-15 Windsor Road Christian Church

John:

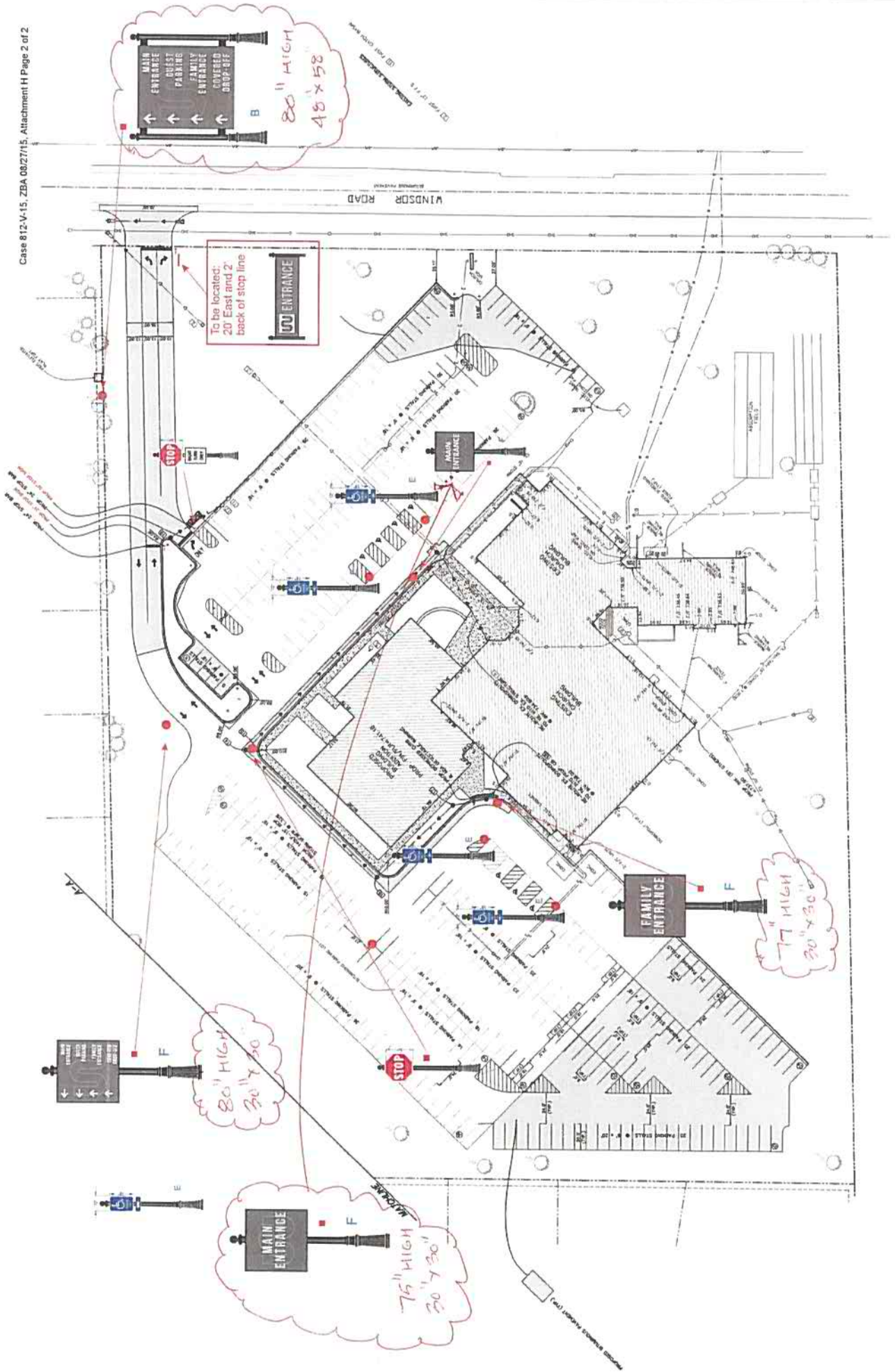
Per our conversation yesterday, please find attached a diagram noting the height and size of each directional sign, noted in red below the depiction of each sign type.

Please feel free to contact me if there are any questions regarding this information.

Thanks.

Scott Kunkel
JSM Management, Inc.
kunkel@jsmliving.com

217-359-5828
217-359-5839 (fax)



80" HIGH
48' x 58'

To be located:
20' East and 2'
back of stop line

80" HIGH
30' x 30'

75" HIGH
30' x 30'

77" HIGH
30' x 30'

PRELIMINARY DRAFT

812-V-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: ***{AUGUST 27, 2015}***

Petitioner: **Windsor Road Christian Church**

Authorize the following in the AG-2 Agriculture Zoning District as per paragraph 7.3.3.F of the *Zoning Ordinance*:

- Request:
- Part A: A Private Traffic Direction Sign that is 24 square feet in area in lieu of the required maximum of 5 square feet in area.
 - Part B: A Private Traffic Direction Sign that is 20 square feet in area and 80 inches in height in lieu of the required maximum of 5 square feet in area and 5 feet (60 inches) in height.
 - Part C: Four Private Traffic Direction Signs that are 80 inches in height in lieu of the required maximum height of 5 feet (60 inches).
 - Part D: Three Private Traffic Direction Signs that are 6.25 square feet in area and 72 inches in height in lieu of the required maximum of 5 square feet in area and 5 feet (60 inches) in height.

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PRELIMINARY DRAFT 08/20/15

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **August 27, 2015**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner, Windsor Road Christian Church, owns the subject property.
2. The subject property is a ten acre tract of land in the Northeast Quarter of the Northeast Quarter of the Northwest Quarter of Section 27 of Champaign Township and commonly known as the Windsor Road Christian Church located at 2501 West Windsor Road, Champaign.
3. The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the City of Champaign, a municipality with zoning. Municipalities do not have protest rights on a variance and are not notified of such cases.

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 AG-2 Agricultural. Land use is a church facility.
 - B. Land on the north, south, east, and west of the subject property is zoned and is in use as follows:
 - (1) Land on the north is within the City of Champaign corporate limits and is zoned SF1 Single Family Residential, and is residential in use.
 - (2) Land on the south is in unincorporated Champaign County, zoned R-1 Residential and is residential in use.
 - (3) Land west of the subject property is in unincorporated Champaign County, zoned R-1 Residential and is residential in use.
 - (4) Land east of the subject property is in unincorporated Champaign County, zoned AG-2 Agricultural and is in agricultural production.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the proposed Site Plan and sign specifications:
 - A. Regarding Part A of the proposed variance:
 - (1) The proposed Site Plan received July 27, 2015 shows the subject property with the existing building and vehicle parking and display areas, with a note indicating the proposed sign's location on the northeast corner of the subject property. The note states "to be located 20' east and 2' back of stop line" adjacent to the facility's access drive on Windsor Road.

PRELIMINARY DRAFT 08/20/15

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- (2) Regarding the proposed sign specifications:
 - a. The proposed sign is supported by two poles set 96 inches apart.
 - b. The proposed sign is one double-faced aluminum panel with applied vinyl graphics.
 - c. The proposed sign is 3 feet tall and 8 feet wide, for a total area of 24 square feet.

- B. Regarding Part B of the proposed variance for a Private Traffic Direction Sign that is 20 square feet in area and 80 inches in height in lieu of the required maximum of 5 square feet in area and 5 feet (60 inches) in height:
 - (1) Regarding the proposed sign specifications:
 - a. "Sign B" in the Sign Detail received April 28, 2015 shows a single-faced directional sign that is 78.11 inches tall including the support posts, with a sign face that is 58 inches tall by 50 inches wide.
 - b. This sign is already installed and has been verified to be 80 inches tall and 48" by 58" in area as constructed, slightly taller but smaller in area than the Site Detail measurements.

- C. Regarding Part C of the proposed variance for four Private Traffic Direction Signs that are 80 inches in height in lieu of the required maximum height of 5 feet (60 inches):
 - (1) Regarding the proposed sign specifications:
 - a. Sign D in the Sign Detail received April 28, 2015 shows a single-faced stop sign that is 80 inches tall including the support posts, with a sign face that is 24 inches tall by 24 inches wide. A smaller second sign indicating "right turn only" is posted below the stop sign, with no measurements indicated. There are two of these signs on the property.
 - b. Sign E in the Sign Detail received April 28, 2015 shows a single-faced accessible parking only sign that is 80 inches tall including the support posts, with a sign face that is 18 inches tall by 12 inches wide. A smaller second sign with a directional arrow is posted below the accessible sign, with no measurements indicated. There are two of these signs on the property.
 - c. These four signs are already installed and have been verified to be the same size as shown in the Site Detail.

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PRELIMINARY DRAFT 08/20/15

- D. Regarding Part D of the proposed variance for three Private Traffic Direction Signs that are 6.25 square feet in area and 72 inches in height in lieu of the required maximum of 5 square feet in area and 5 feet (60 inches) in height:
- (1) Regarding the proposed sign specifications:
 - a. Sign F in the Sign Detail received April 28, 2015 shows a single-faced directional sign that is 72 inches tall including the support post, with a sign face that is 30 inches tall by 30 inches wide.
 - b. These three signs are already installed and have been verified as 75 inches, 75 inches, and 77 inches tall including the support post, with 30 inch by 30 inch sign faces as constructed, with the tallest being 5 inches taller than the original measurements indicated in the Sign Detail.
- E. The required variance is as follows: Authorize the following in the AG-2 Agriculture Zoning District as per paragraph 7.3.3.F of the Zoning Ordinance:
- (1) Part A: A Private Traffic Direction Sign that is 24 square feet in area in lieu of the required maximum of 5 square feet in area.
 - (2) Part B: A Private Traffic Direction Sign that is 20 square feet in area and 80 inches in height in lieu of the required maximum of 5 square feet in area and 5 feet (60 inches) in height.
 - (3) Part C: Four Private Traffic Direction Signs that are 80 inches in height in lieu of the required maximum height of 5 feet (60 inches).
 - (4) Part D: Three Private Traffic Direction Signs that are 6.25 square feet in area and 72 inches in height in lieu of the required maximum of 5 square feet in area and 5 feet (60 inches) in height.
 - a. The variance as advertised for this case would need to be changed to 77 inches in height based on as-built measurements.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

6. Regarding specific *Zoning Ordinance* requirements relevant to this case:
- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested variances (capitalized words are defined in the Ordinance):
 - (1) "ACCESSORY USE" is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
 - (2) "FRONTAGE" is that portion of a LOT abutting a STREET or ALLEY.
 - (3) "HEIGHT" as applied to a DETACHED STRUCTURE is the vertical measurement from the average level of the surface of the ground immediately surrounding such STRUCTURE to the uppermost portion of such STRUCTURE.

PRELIMINARY DRAFT 08/20/15**Case 812-V-15
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- (4) "SIGN" is any name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a BUILDING, STRUCTURE or land which is placed out-of-doors and in view of the general public and which directs attention to a product, place, activity, person, institution, or business.
 - (5) "SIGN, FREESTANDING" is a SIGN which is completely or principally self-supported by posts or other supports independent of any BUILDING or other STRUCTURE.
 - (6) "SIGN, ON-PREMISES" is a SIGN which relates solely to a USE, business or profession conducted upon, or to a principal commodity, service, or entertainment sold, provided, or offered upon the PREMISES where the sign is located or on a LOT adjacent to the PREMISES advertised. Such SIGNS shall be ACCESSORY USES of a PROPERTY.
- B. 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.

PRELIMINARY DRAFT 08/20/15

- C. Section 7.3.3 F establishes minimum requirements for Private Traffic Direction Signs: SIGNS directing traffic movement onto a PREMISES or within a PREMISES, when such SIGNS are located on the PREMISES, and do not exceed five square feet in area for each SIGN and, if FREESTANDING, do not exceed five feet in total HEIGHT. Such SIGNS are considered to include parking directions, exit or entrance SIGNS, drive-up window SIGNS, restroom SIGNS, and the like.

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. Regarding Part A of the proposed variance, the Petitioner has testified on the application, **“The unique positioning of the site relative to the intersecting Scottsdale Avenue precipitated a dramatic repositioning of the entrance drive when the recent site upgrade process was planned. With 30+ years of habitual use of the former entrance drive location and the general public's longstanding awareness of the former entrance location, deliberate and clear entrance identification is necessary to safely direct visitors to the correct entry drive location.”**
- B. Regarding Parts B through D of the proposed variance, the sign package which includes Signs B through F was approved under Permit #142-14-02, which excluded the entrance sign that is Part A of the proposed variance. The petitioner noted that the Part A sign was not being produced or installed with the rest of the signs, and the Zoning Administrator noted that the sign package that included signs B through F exceeds ordinance requirements, but not significantly. Once the measurements were provided for the entrance sign that is Part A of the proposed variance, the Zoning Administrator decided to include the other signs in the variance so that all signs would be in compliance with the Zoning Ordinance.
- C. In an email received January 16, 2015, Mike Pflum of Sign Solutions Inc. stated “with their new construction, they now are seeing an entirely new traffic pattern emerge during high traffic times. They like some but not all of what they see and need to be pro-active at influencing the new flow. They want the new flow to be efficient and more importantly, safe. They are looking at how to minimize the merging of vehicular and pedestrian flow” (see Preliminary Memo Attachment F).

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:

PRELIMINARY DRAFT 08/20/15

**Case 812-V-15
Page 7 of 13**

- A. Regarding Part A of the proposed variance, the Petitioner has testified on the application, **“Conforming to the 5 square foot size limitation provides inadequate space to clearly communicate the entrance location to passing vehicles with enough advanced warning to allow time to recognize the sign, decide to turn, and safely decelerate and turn. The sign size, as proposed, provides the necessary communication with enough advanced warning to be safe and effective.”**
- B. Regarding Part A of the proposed variance, without the proposed variance the petitioner would have to reduce the size of their sign from 24 square feet to 5 square feet, which would reduce the sign’s legibility and effectiveness.
- C. Regarding parts B through D of the proposed variance, the petitioner would have to either reduce the size of the signs that have already been constructed and installed on the property, or remove the signs.

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. Regarding Part A of the proposed variance, the Petitioner has testified on the application, **“The church's original entrance drive was in place prior to the City of Champaign constructing the Scottsdale Avenue intersection with Windsor Road. The resulting awkward offset intersection was thus not associated with any actions of the church. When the recent site work was planned, the church took advantage of the opportunity to relocate the church's entrance drive to a position further west, providing the greatest practical offset from the Scottsdale Avenue intersection. The requested variance will support the new entrance location and clearly communicate the entry drive location which is especially important for irregular and/or new attenders.”**
 - B. Regarding parts B through D of the proposed variance, the sign package was approved under Permit #142-14-02 with the knowledge that these signs exceeded the Zoning Ordinance requirements by an amount determined to be insignificant by the Zoning Administrator.

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:

PRELIMINARY DRAFT 08/20/15

- A. Regarding Part A of the proposed variance, the Petitioner has testified on the application, **“The design and scale of the sign is consistent with the materials and detailing of the remainder of the site wayfinding signage. The sign is the minimum size necessary to safely communicate the entry location to approaching vehicles at typical speeds for Windsor Road. The sign is obscured by an opaque fence from the view of the adjacent single family residences.”**
- B. Regarding Part A of the proposed variance, for a freestanding, on-premises Private Traffic Direction Sign of 24 square feet, the proposed sign is 480% of the maximum required 5 square feet, for a variance of 480%.
- C. Regarding Part B of the proposed variance, for a Private Traffic Direction Sign that is 20 square feet in area and 80 inches in height in lieu of the required maximum of 5 square feet in area and 5 feet (60 inches) in height, the proposed sign is 400% of the maximum required 5 square feet in area, for a variance of 400%, and 133% of the maximum required 60 inches in height for a variance of 133%.
- D. Regarding Part C of the proposed variance, for four Private Traffic Direction Signs that are 80 inches in height in lieu of the required maximum height of 5 feet (60 inches), the proposed signs are 133% of the maximum 60 inches in height, for a variance of 133%.
- E. Regarding Part D of the proposed variance, for three Private Traffic Direction Signs that are 6.25 square feet in area and 72 inches in height in lieu of the required maximum of 5 square feet in area and 5 feet (60 inches) in height the proposed sign are 125% of the maximum required 5 square feet in area, for a variance of 125%, and 120% of the maximum required 60 inches in height for a variance of 120%.
- (1) As installed, the signs are 75 inches, 75 inches, and 77 inches tall in lieu of the 72 inches advertised for this variance; the tallest of the signs is a variance of 128%.
- F. The Zoning Ordinance does not clearly state the considerations that underlie the square footage requirements for the proposed sign. In general, the maximum sign area is presumably intended to ensure the following:
- (1) **Visibility:** signs can block visibility for motorists and pedestrians, which is a safety concern.
- a. Staff visited the site and determined that the proposed signs’ sizes and locations will not affect visibility for motorists driving within the property or motorists on Windsor Road.
- (2) **Aesthetic:** larger signs can disrupt the desired landscape of the surrounding area.
- a. The existing Windsor Road Christian Church sign on the east end of the property has a larger area than the proposed sign, and no complaints have been received about that sign.

PRELIMINARY DRAFT 08/20/15

**Case 812-V-15
Page 9 of 13**

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

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

11. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
- A. Regarding Part A of the proposed variance, the Petitioner has testified on the application: **“Instead of being injurious to the public health, safety, and welfare, the proposed entrance sign actually improves public safety. Confusion regarding the former and new entrance drive locations and lack of an appropriately sized and clearly visible entrance sign will likely lead to drivers attempting unplanned rapid decelerations in response to an unanticipated entry location and/or confused attempts to begin a turn into an abandoned entry drive location. The proposed entrance sign is a reasonable element to mitigate these hazards.”**
 - B. Regarding Parts B through D of the proposed variance, all signs are installed within the property, with adequate distance from adjacent properties, and are installed to improve safety and minimize hazards as users traverse the parking lot.
 - (1) The Zoning Administrator ensured that the height of the stop signs was based on the Federal Highway Administration’s *Manual of Uniform Traffic Control Devices* and the height of the accessible parking sign complies with the Illinois Accessibility Code.
 - C. The Township Road Commissioner has been notified of this variance but no comments have been received.
 - D. The Fire Protection District has been notified of this variance but no comments have been received.
 - E. In a phone call received August 17, 2015, Ms. Lola Klitzing of 2506 Applewood, Champaign, expressed concerns about the subject property related to drainage, traffic, and that the signs posted throughout the property were a bit large. She asked why so many signs were necessary.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

12. Generally regarding and other circumstances which justify the Variance:
- A. Regarding Part A of the proposed variance, the Petitioner has testified on the application: **“The sign layout with the limited information (only the church logo and the word "ENTRANCE") is a deliberate effort to simplify the communication to drivers and avoid any distractions from supplemental information. In addition, the proposed**

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location of the sign allows for clear approach views from both eastbound and westbound Windsor Road traffic, while also being set back enough to not obscure a clear view for driver's exiting the site and turning on to Windsor Road.”

- B. Regarding Parts B through D of the proposed variance, the Zoning Administrator determined in approved Permit #142-14-02 that the sign package exceeds the requirements in the Zoning Ordinance, but not significantly. The sign package is included in this proposed variance because the opportunity to make them compliant with the Zoning Ordinance was provided when a variance was needed for the entrance sign that is Part A of this variance.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

13. Regarding proposed special conditions of approval:

No Special Conditions are proposed at this time.

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DOCUMENTS OF RECORD

1. Variance Application received on July 27, 2015, with attachments:
 - A Site Plan
 - B Proposed Sign Specifications
2. Email from Mike Pflum of Sign Solutions Inc received January 16, 2015
3. Sign Detail for Signs B through F received April 28, 2015 and approved under Permit #142-14-02 on April 28, 2015
4. Email from Scott Kunkel dated August 11, 2015, with attachment:
 - A WRCC Directional Sign Sizes
5. Preliminary Memorandum dated August 20, 2015 with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received July 27, 2015
 - C Proposed Sign Specifications received July 27, 2015
 - D Sign Location Comparison Images
 - E Site Visit Photos taken July 29, 2015
 - F Email from Mike Pflum of Sign Solutions Inc received January 16, 2015
 - G Sign Detail for Signs B through F received April 28, 2015 and approved under Permit #142-14-02 on April 28, 2015
 - H Email from Scott Kunkel dated August 11, 2015, with attachment:
 - WRCC Directional Sign Sizes
 - I Draft Summary of Evidence, Finding of Fact, and Final Determination

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FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **812-V-15** held on **August 27, 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:}***

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FINAL DETERMINATION

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

The Variance requested in Case **812-V-15** is hereby *{GRANTED / GRANTED WITH CONDITIONS/ DENIED}* to the petitioner **Windsor Road Christian Church** to authorize the following in the AG-2 Agriculture Zoning District as per paragraph 7.3.3.F of the *Zoning Ordinance*:

- Part A: A Private Traffic Direction Sign that is 24 square feet in area in lieu of the required maximum of 5 square feet in area.
- Part B: A Private Traffic Direction Sign that is 20 square feet in area and 80 inches in height in lieu of the required maximum of 5 square feet in area and 5 feet (60 inches) in height.
- Part C: Four Private Traffic Direction Signs that are 80 inches in height in lieu of the required maximum height of 5 feet (60 inches).
- Part D: Three Private Traffic Direction Signs that are 6.25 square feet in area and 72 inches in height in lieu of the required maximum of 5 square feet in area and 5 feet (60 inches) in height.

{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