

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **December 17, 2015**
Time: **6:30 P.M.**
Place: **JOHN DIMIT MEETING ROOM**
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802

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

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

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

AGENDA

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Correspondence
4. Approval of Minutes
5. Continued Public Hearings
Case 819-AT-15 Petitioner: Champaign County Zoning Administrator

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

- Request: **Amend the Champaign County Zoning Ordinance by adding the following:**
- A. **In Section 4.2.1 C. add “HOSPITAL, medical CLINIC, HOSPITAL and medical CLINIC, and/or any use and/or structure that is accessory to a HOSPITAL and/or medical CLINIC may be authorized in the CR District only as an additional principal USE or additional principal STRUCTURE on Public Fairgrounds by SPECIAL USE Permit subject to Section 5.2”**
 - B. **In Section 5.2, add “HOSPITAL” as a Special Use Permit in the CR District and add a footnote stating that “HOSPITAL, medical CLINIC, HOSPITAL and medical CLINIC, and/or structure that is accessory to a HOSPITAL and/or medical CLINIC, may be authorized in the CR District only as an additional principal USE or additional principal STRUCTURE on Public Fairgrounds by SPECIAL USE Permit subject to the standard conditions in Section 6.1.3.”**
 - C. **In Section 5.2, add “Medical and Dental Clinic” as a Special Use Permit in the CR District and make the Special Use Permit subject to the same footnote as for HOSPITAL as a Special Use Permit in the CR District.**
 - D. **In Section 6.1.3 add “HOSPITAL, medical CLINIC, HOSPITAL and medical CLINIC, and/or any use and/or structure that is accessory to a HOSPITAL and/or medical CLINIC, as an additional principal USE or additional principal STRUCTURE on a Public Fairgrounds in the CR District” and require no minimum fencing; require the minimum LOT AREA, Width, Maximum HEIGHT, and Required Yards to be the same as in the CR Zoning DISTRICT; and add the following special provisions (standard conditions)”**
 1. **The Public Fairgrounds must have been an established use at the subject location on October 10, 1973.**
 2. **Traffic impacts shall be considered.**
 3. **Site design, land management, and storm water management designs and practices shall provide effective site drainage; meet or exceed state and federal water quality standards; protect downstream drainage patterns; minimize impacts on adjacent properties; provide for stream flows that support healthy aquatic ecosystems; and, wherever possible, preserve existing habitat and enhance degraded habitat.**
 4. **A Public Fair must continue to be held at the Public Fairgrounds or the Special Use Permit shall become void.**

**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS
NOTICE OF REGULAR MEETING
DECEMBER 17, 2015
PAGE 2**

6. New Public Hearings

***Case 816-V-15** Petitioner: **Matt and Amanda Waughtel d.b.a. Bulldog Bullpen Day Care**

Request: **Authorize the following Variances for a Neighborhood Home Occupation in the R-4 Multi-Family Residential Zoning District:**

Part A: The petitioner's home day care to operate from 6:30 a.m. to 11:00 p.m. in lieu of 6:30 a.m. to 10:00 p.m. as per Subsection 7.1.1F.

Part B: Employees of the petitioner's home day care to start as early as 6:30 a.m. in lieu of the required 8:00 a.m. start time established in Subsection 7.1.1A

Part C: A maximum of 16 children in lieu of the maximum authorized 12 children established in Subsection 7.1.1Ei

Part D: An identification sign for the home day care that is 10 square feet in area in lieu of the required maximum 2 square foot in area.

Location: **A 0.18 acre tract on Lot 101-1 of Siemsen Replat Subdivision in Mahomet Township in the West Half of the Southwest Quarter of Section 12, Township 20 North, Range 7 East of the Third Principal Meridian and commonly known as 2002 A Middletown Drive, Mahomet.**

7. Staff Report

8. Other Business

A. Review of Docket

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

10. Adjournment

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

CASE NO. 816-V-15

PRELIMINARY MEMORANDUM

December 9, 2015

Petitioners: Matt and Amanda Waughtel, d.b.a. Bulldog Bullpen

Request: Authorize the following Variances for a Neighborhood Home Occupation in the R-4 Multi-Family Residential Zoning District:

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

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

Part A: The petitioner's home day care to operate from 6:30 a.m. to 11:00 p.m. in lieu of 6:30 a.m. to 10:00 p.m. as per Subsection 7.1.1F.

Part B: Employees of the petitioner's home day care to start as early as 6:30 a.m. in lieu of the required 8:00 a.m. start time established in Subsection 7.1.1A.

Part C: A maximum of 16 children in lieu of the maximum authorized 12 children established in Subsection 7.1.1E.i.

Part D: An identification sign for the home day care that is 10 square feet in area in lieu of the required maximum 2 square feet in area.

Subject Property: A 0.18 acre tract that is Lot 101-1 of Siemsen Replat Subdivision in Mahomet Township in the West Half of the Southwest Quarter of Section 12, Township 20 North, Range 7 East of the Third Principal Meridian and commonly known as 2002 A Middletown Drive, Mahomet.

Site Area: 0.18 acre

Time Schedule for Development: As soon as possible

**Prepared by: Susan Chavarria
Senior Planner**

**John Hall
Zoning Administrator**

BACKGROUND

The Petitioners have established an in-home group daycare as a Neighborhood Home Occupation (NHO) in unincorporated Mahomet. They would like to be able to care for up to 16 children, including their own 4 children. The Petitioners seek 3 variances to have extended hours of operation, more children than the Zoning Ordinance allows, and extended employee hours. Illinois DCFS, which licenses child care centers in Illinois, is less stringent than the Zoning Ordinance regarding hours of operation, number of children, and employee hours.

Amanda Waughtel is a licensed Day Care Provider through DCFS, with a license issued September 8, 2015 and that expires on September 8, 2018.

Matt and Amanda Waughtel, d.b.a. Bulldog Bullpen
December 9, 2015

Illinois DCFS regulations allow a group home daycare to care for up to 16 children if they have a full-time assistant and if at least 4 are school-aged children related to the caregivers. DCFS also allows employees to arrive as early as 6:30 a.m., while the Zoning Ordinance restricts them to arriving no earlier than 8 a.m. Similarly, DCFS does not limit hours of operation to certain times of day or night, where the Zoning Ordinance requires close of business to be by 10 p.m.

The Petitioners also seek a variance for a larger sign than what the Zoning Ordinance allows. A two square feet sign is allowed for Neighborhood Home Occupations. The Petitioners' sign is five feet wide by two feet tall.

EXTRATERRITORIAL JURISDICTION

The subject property is located within the one and one-half mile extraterritorial jurisdiction of the Village of Mahomet, 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	Residential	R-4 Multi-Family Residential
North	Residential	R-4 Multi-Family Residential
East	Residential	R-4 Multi-Family Residential
West	Water Treatment Facility	R-4 Multi-Family Residential
South	Residential	R-4 Multi-Family Residential

NEIGHBORHOOD IMPACTS

No comments have been received from neighbors regarding extended hours of operation or number of children in the home daycare center.

The Petitioner notes that there is a large sign directly across the street from the subject property for the Meadowview Apartments. This sign is approximately 100 square feet, compared to the Petitioners' proposed 10 square feet sign. The maximum allowed for the Petitioner's Neighborhood Home Occupation is 2 square feet.

The two neighbors who live in the same triplex as the Petitioners have indicated on a signature page that they have no issue with the Bulldog Bullpen sign being displayed in front of the subject property.

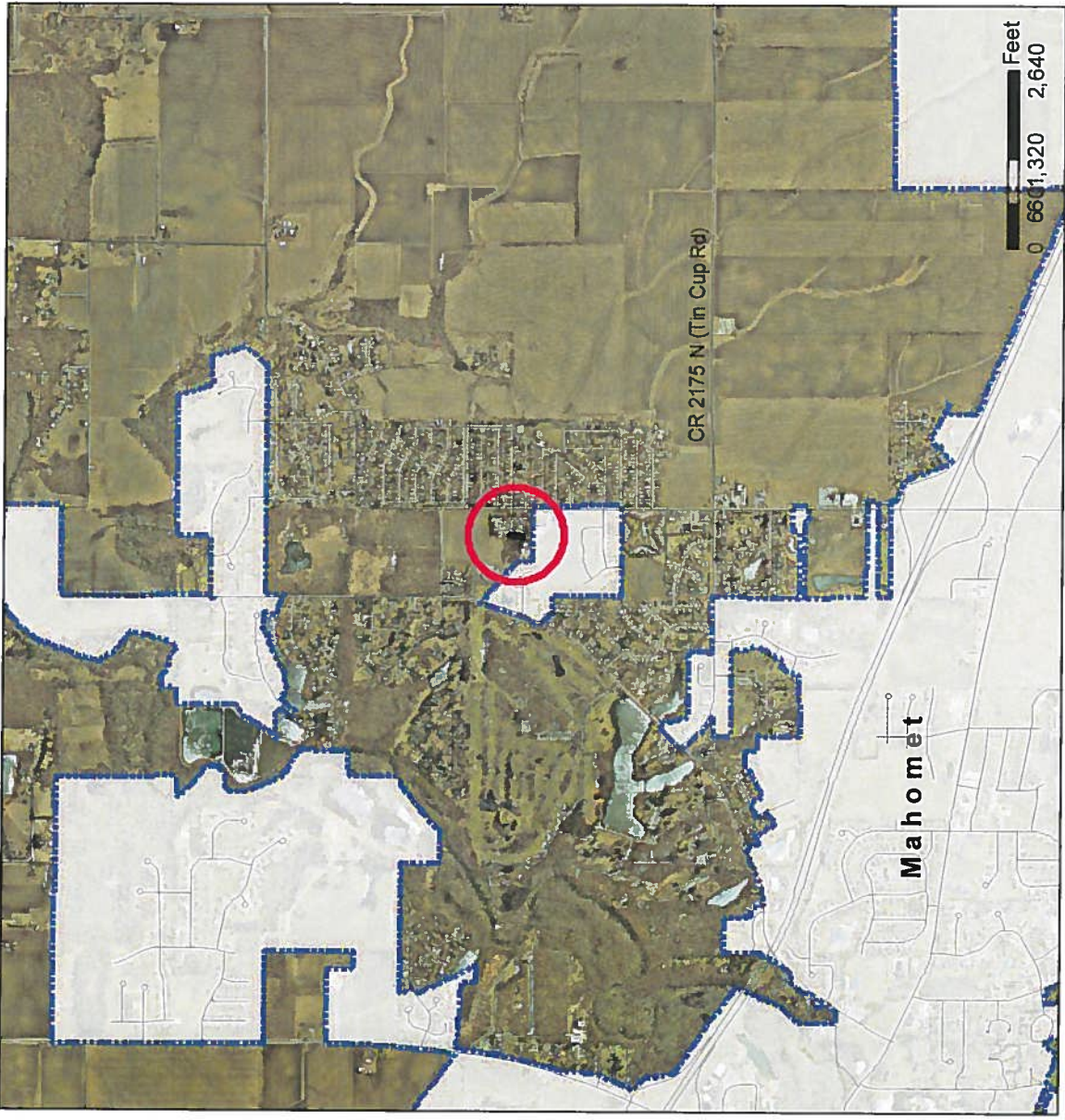
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received October 1, 2015
- C Annotated Site Plan
- D Letter signed by neighbors regarding sign, received October 7, 2015
- E Images of Subject Property taken October 6, 2015
- F Draft Summary of Evidence, Finding of Fact, and Final Determination

Location Map

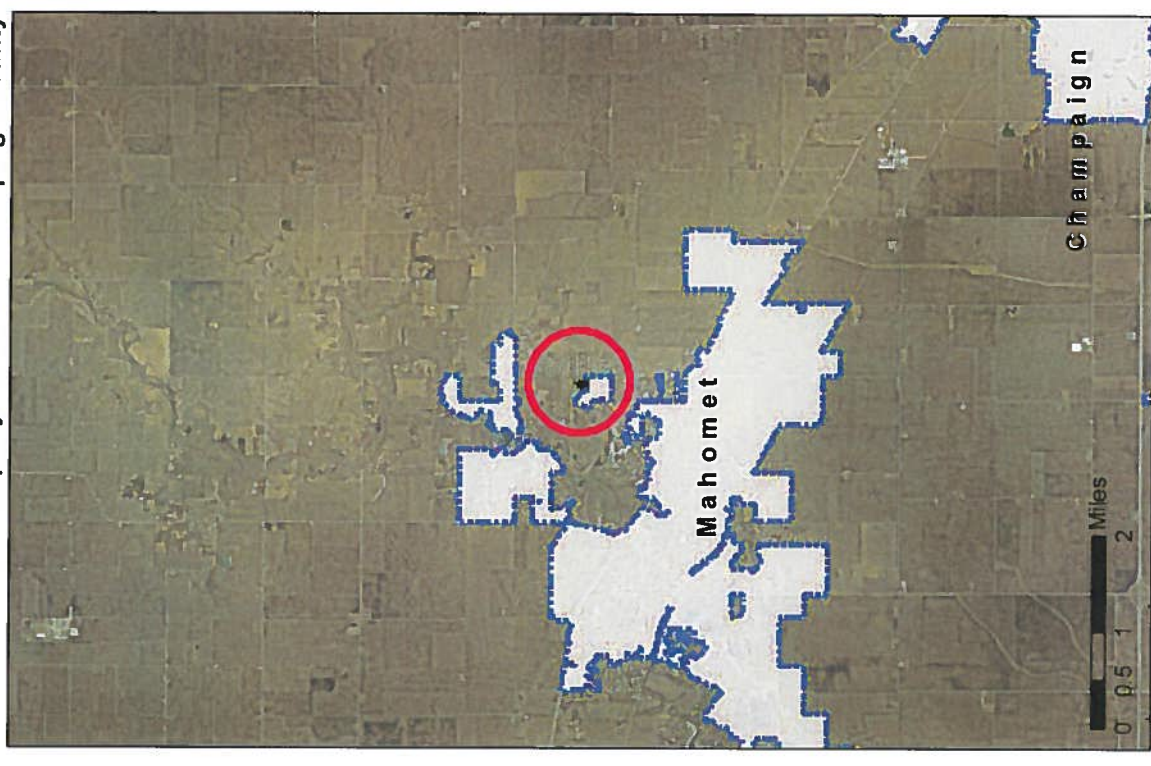
Case 816-V-15
December 17, 2015

Subject Property



- Legend**
-  Subject Property
 -  Municipal Boundary
 -  Streets

Property location in Champaign County



Champaign County
Department of
PLANNING &
ZONING

Land Use Map

Case 816-V-15

December 17, 2015



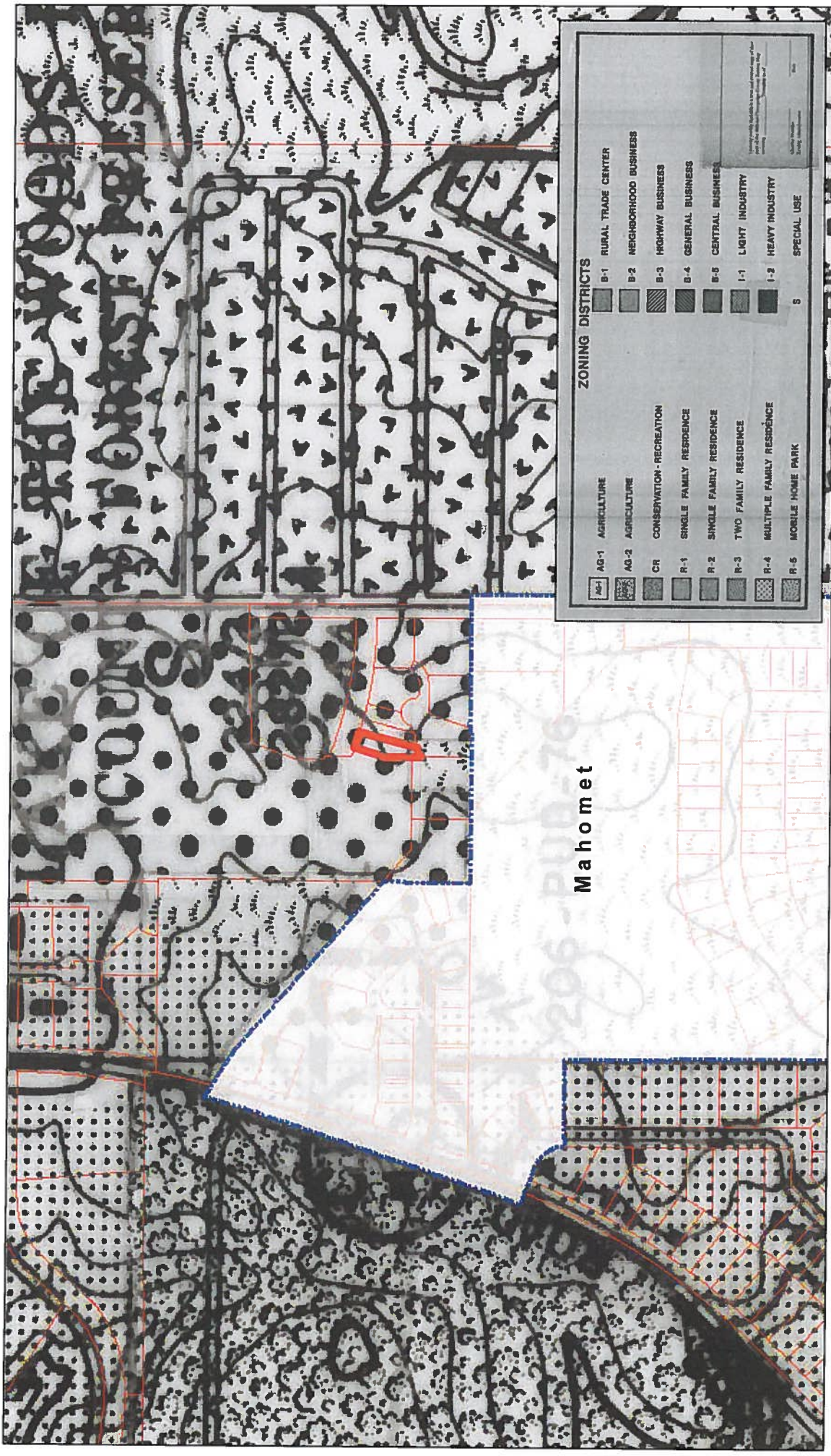
- SF Single Family Residential
- MF Multi Family Residential
- MHP Manufactured Home Park
- SVPWD Sangamon Valley Public Water District
- AG Agriculture



Zoning Map

Case 816-V-15

December 17, 2015



Legend

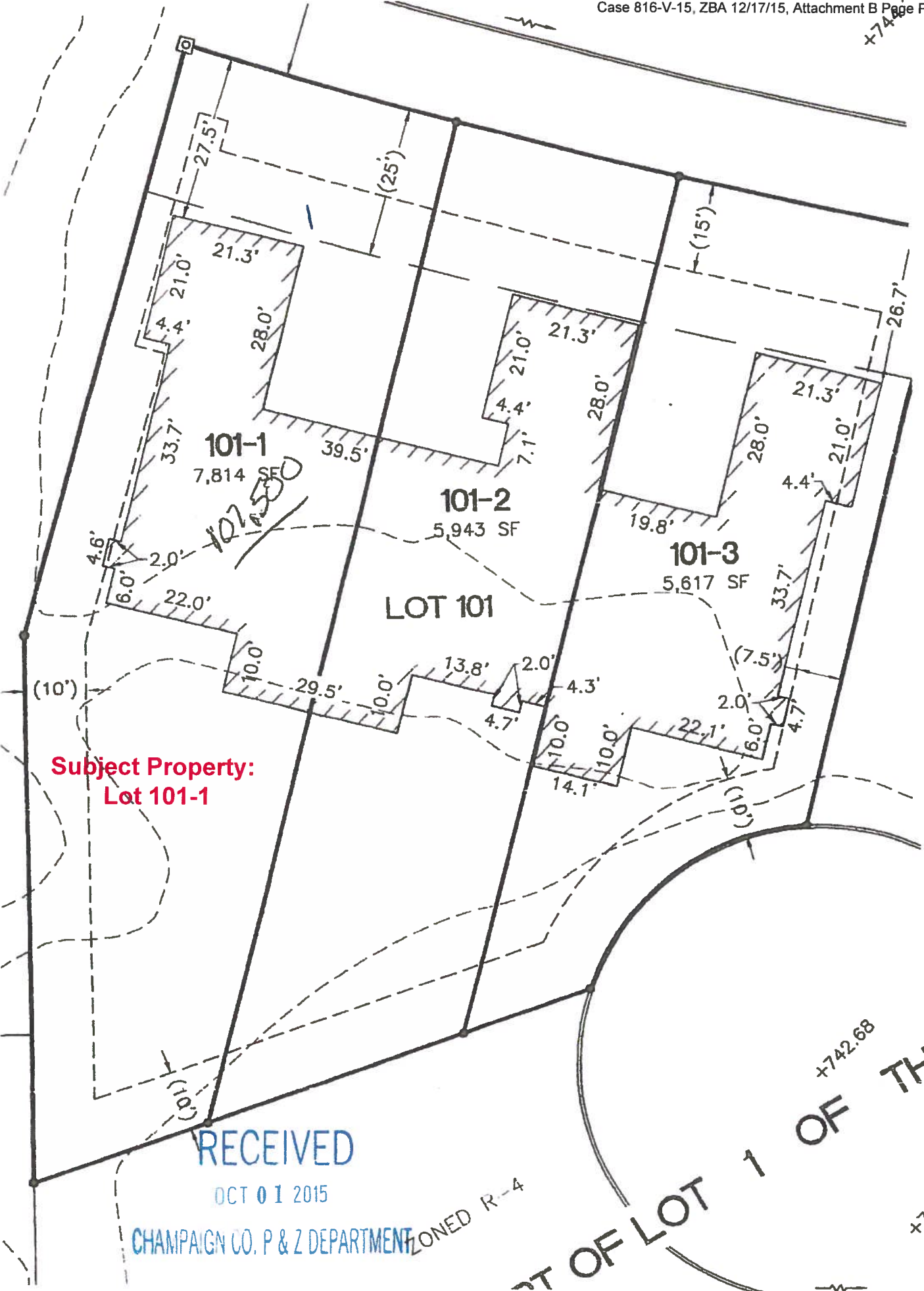
- Subject Property
- Parcels
- Municipal Boundary

0 100 200 400 Feet



Champaign County
Department of
PLANNING &
ZONING

+742.68



Subject Property:
Lot 101-1

RECEIVED

OCT 01 2015

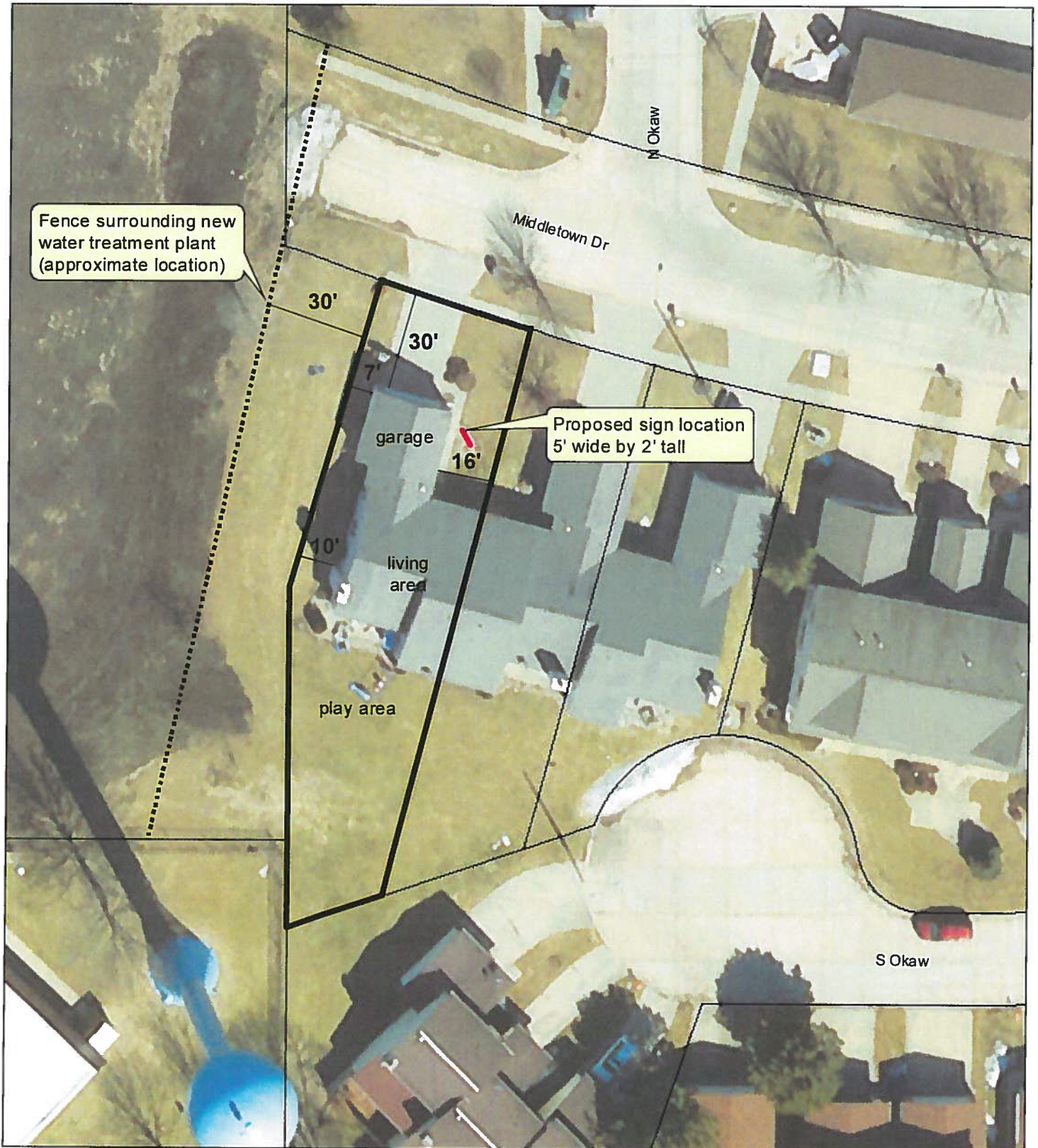
CHAMPAIGN CO. P & Z DEPARTMENT

PT OF LOT 1 OF TR.
+742.68

x7

Annotated Site Plan

Case 816-V-15
December 17, 2015



Fence surrounding new water treatment plant (approximate location)

Proposed sign location 5' wide by 2' tall

30'
30'
7'
garage
16'
10'
living area
play area

0 10 20 40 Feet



Champaign County
Department of
PLANNING &
ZONING

To Whom it May Concern,

In signing this letter I am stating that I have no issue with the Bulldog Bullpen sign being displayed in front of the property at 2002 A. Middletown Drive, Mahomet Illinois. The image below reflects the banner currently being displayed which bears nearly identical characteristics of the permanent sign which will be displayed upon Champaign County approval of variance. The permanent sign will be 1 foot shorter and have considerably less white space, ground mounted on a stand elevating the sign no more than 6 inches off the ground.

Name Michelle Underwood Address 2002B Middletown Drive

Signature *Michelle Underwood*

Name JANIS GONZALEZ Address 2002C MIDDLETOWN DRIVE

Signature *Janis Gonzalez*

Name _____ Address _____

Signature _____

Name _____ Address _____

Signature _____

Thank you for support the Bulldog Bullpen, Licensed Group Home Daycare.



RECEIVED

OCT 07 2015

CHAMPAIGN CO. P & Z DEPARTMENT

816-V-15 Images



Subject property, at end of dead-end street



Water treatment building under construction, west of subject property

December 17, 2015 ZBA

816-V-15 Images



Neighbors to east of subject property



Meadowview Apartments across street from subject property (facing north)

12/09/15 PRELIMINARY DRAFT

816-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: ***{December 17, 2015}***

Petitioners: **Matt and Amanda Waughtel, d.b.a. Bulldog Bullpen**

Request: Authorize the following Variances for a Neighborhood Home Occupation in the R-4 Multi-Family Residential Zoning District:

Part A: The petitioner’s home day care to operate from 6:30 a.m. to 11:00 p.m. in lieu of 6:30 a.m. to 10:00 p.m. as per Subsection 7.1.1F.

Part B: Employees of the petitioner’s home day care to start as early as 6:30 a.m. in lieu of the required 8:00 a.m. start time established in Subsection 7.1.1A.

Part C: A maximum of 16 children in lieu of the maximum authorized 12 children established in Subsection 7.1.1E.i.

Part D: An identification sign for the home day care that is 10 square feet in area in lieu of the required maximum 2 square feet in area.

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **December 17, 2015**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioners, Matt and Amanda Waughtel, 2002 A Middletown Drive, Mahomet, d.b.a. Bulldog Bullpen, own the subject property.
2. The subject property is a 0.18 acre tract that is Lot 101-1 of Siemsen Replat Subdivision in Mahomet Township in the West Half of the Southwest Quarter of Section 12, Township 20 North, Range 7 East of the Third Principal Meridian and commonly known as 2002 A Middletown Drive, Mahomet.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the Village of Mahomet, a municipality with zoning. Municipalities do not have protest rights on a variance, but the Village of Mahomet was notified in this case because more information was needed about the property.
 - B. The subject property is located within Mahomet Township, which has a Planning Commission. Townships with Plan Commissions do not have protest rights on a variance but are 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 0.13 acre lot and is currently zoned R-4 Multi-Family Residential. Land use is a zero-lot dwelling.
 - B. Land to the north, west and east is zoned R-4 Multi-Family Residential and is residential in use.
 - C. Land to the west is zoned R-4 Multi-Family Residential and is a water treatment facility owned by Sangamon Valley Public Water District.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan for the subject site:
 - A. The Site Plan received with the Variance application on October 1, 2015 indicates the following:
 - (1) An irregular lot, approximately 7,814 square feet; and
 - (2) A zero-lot line residence, approximately 2,350 square feet.
 - B. There is one previous Zoning Use Permit on the subject property; Permit 298-95-01 approved on October 25, 1995 was for the construction of the triplex.

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- C. The required variance is as follows:
- (1) Part A: The petitioner's home day care to operate from 6:30 a.m. to 11:00 p.m. in lieu of 6:30 a.m. to 10:00 p.m. as per Subsection 7.1.1F.
 - (2) Part B: Employees of the petitioner's home day care to start as early as 6:30 a.m. in lieu of the required 8:00 a.m. start time established in Subsection 7.1.1A.
 - (3) Part C: A maximum of 16 children in lieu of the maximum authorized 12 children established in Subsection 7.1.1E.i.
 - (4) Part D: An identification sign for the home day care that is 10 square feet in area in lieu of the required maximum 2 square feet in area.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

6. Regarding authorization for the proposed variance:
- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Variance (capitalized words are defined in the Ordinance):
- (1) "DWELLING" is a BUILDING or MANUFACTURED HOME designated for non-transient residential living purposes and containing one or more DWELLING UNITS and/or LODGING UNITS.
 - (2) "HOME OCCUPATION, NEIGHBORHOOD" is any activity conducted for gain or support by a member or members of the immediate FAMILY, residing on the premises, as an ACCESSORY USE entirely within the resident's DWELLING UNIT or ACCESSORY BUILDING not exclusively devoted to such activity.
 - (3) "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.
 - (4) "PLANNED UNIT DEVELOPMENT" is an area for which a unitary site plan has been prepared, establishing, among other things, land USES, OPEN SPACE allocations, onsite circulation for both pedestrians and AUTOMOBILES, parking setbacks, housing densities, BUILDING spacings, land COVERAGE, landscaping relationships with adjoining areas and STREETS, BUILDING HEIGHTS, ACCESSORY USES, and architectural treatment.
 - (5) "RIGHT-OF-WAY" is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
 - (6) "SIGN" is any name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a BUILDING, STRUCTURE

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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.

- (7) "SIGN, FREESTANDING" is a SIGN which is completely or principally self-supported by posts or other supports independent of any BUILDING or other STRUCTURE.
 - (8) "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.
 - (9) "SPECIAL CONDITION" is a condition for the establishment of a SPECIAL USE.
 - (10) "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.
 - (11) "VARIANCE" is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or the Zoning BOARD of Appeals are permitted to grant.
 - (12) "YARD" is an OPEN SPACE, other than a COURT, of uniform depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.
- B. The R-4 MULTI FAMILY RESIDENCE DISTRICT is intended to provide areas for SINGLE FAMILY, TWO FAMILY, and MULTIPLE FAMILY DWELLINGS set in a medium density housing environment.
- C. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
 - a. That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.

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- 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.
- D. For Part A of the variance, hours of operation for a home daycare with a registration as a Neighborhood Home Occupation are established in Section 7.1 of the Zoning Ordinance as 6:30 a.m. to 10:00 p.m.
 - E. For Part B of the variance, employee hours for a home daycare with a registration as a Neighborhood Home Occupation are established in Section 7.1 of the Zoning Ordinance as 8:00 a.m. to 6:00 p.m.
 - F. For Part C of the variance, the maximum number of children allowed in a home daycare with a registration as a Neighborhood Home Occupation is established in Section 7.1 of the Zoning Ordinance is 12 children.
 - G. For Part D of the variance, the maximum size of an identification sign is established in Section 7.1 of the Zoning Ordinance as 2 square feet.

GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

- 7. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
 - A. The Petitioner has testified on the application, **“This is a licensed, insured, Group Home Daycare adhering to all DCFS and state regulations for operation.”**
 - B. Regarding Part A of the Variance, for hours of operation to be extended one hour to 11:00 p.m.:
 - (1) The Petitioners have expressed that they have demand for services until 11:00 p.m., and that this demand is occasional rather than daily.
 - (2) The Petitioners have indicated that they will be the only caretakers after 6:00 p.m.

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- C. Regarding Part B of the Variance, for employee hours to extend from 6:30 a.m. to 6:00 p.m. in lieu of 8:00 a.m. to 6:00 p.m.:
- (1) The Zoning Ordinance already authorized "day care recipients" to arrive as early as 6:30 a.m.
 - (2) In order for clients to be able to drop their kids off before work, the Petitioners will need the assistance of an employee to help cover while they get their own four children ready for school.
- D. Regarding Part C of the Variance, for a maximum of 16 children in lieu of the maximum required 12 children:
- (1) The Petitioners have four of their own children, and would like to care for up to 12 additional children during the few hours after they come home from school until 6:00 p.m. when most children in the day care are picked up.
 - (2) The Illinois Department of Children and Family Services allows up to 12 children for licensed group home day care centers and an additional 4 school aged children.
 - (3) "Group day care home" means a family home which receives more than 3 up to 16 children for less than 24 hours per day. The number counted includes the family's natural, foster, or adopted children and all other persons under the age of 12 (Section 2.20 of the Child Care Act of 1969 [225 ILCS 10/2.20]).
- E. Regarding Part D of the Variance, for an identification sign that is 10 square feet in area in lieu of the required maximum 2 square feet in area:
- (1) The Petitioners live at the end of a long cul-de-sac, so their property is somewhat difficult to find.

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

8. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
- A. The Petitioner has testified on the application, **"The two square foot sign is ineffective. No employee before 8:00 a.m. will prevent us from expanding from 8 to 12 children."**
 - B. Regarding the proposed Variance:
 - (1) Without Part A of the proposed variance, the petitioner's day care would not be as marketable.
 - (2) Without Parts B and C of the proposed variance, the petitioners would be limited to 8 children in day care instead of 12 children.
 - (3) Without Part D of the proposed variance, existing and potential clients might have difficulty finding the subject property.

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Case 816-V-15
Page 7 of 12**GENERALLY PERTAINING TO WHETHER OR NOT THE PRACTICAL DIFFICULTIES OR HARDSHIPS RESULT FROM THE ACTIONS OF THE APPLICANT**

9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
- A. The Petitioner has testified on the application, “No.”
 - B. Regarding Part A and B of the Variance:
 - (1) The Illinois Department of Children and Family Services allows hours of operation 24 hours a day; the Zoning Ordinance is more limiting.
 - C. Regarding Part C of the Variance:
 - (1) The Illinois Department of Children and Family Services allows up to 12 children for licensed group home day care centers and an additional 4 school aged children; the Zoning Ordinance is more limiting.
 - D. Regarding Part D of the Variance:
 - (1) Meadowview Apartments across the street is also in the R-4 District and has a larger free-standing sign that is approximately 100 square feet in area. Research on this property shows no permit or approved zoning case on file for the sign. The size of this sign should not be justification for the proposed sign.

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

10. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
- A. The Petitioner has testified on the application, **“Granting the request will be in alignment with state regulations (DCFS) for Group Home Daycare licensing and would allow harmony between state and county zoning ordinances and regulations.”**
 - B. Regarding Part A of the Variance, for hours of operation to be extended one hour to 11:00 p.m.: the requested variance is for 15.5 hours rather than 14.5 hours, a variance of 7%.
 - C. Regarding Part B of the Variance, for employee hours to extend from 6:30 a.m. to 6:00 p.m. in lieu of 8:00 a.m. to 6:00 p.m.: the requested variance is for 11.5 hours rather than 10 hours, a variance of 15%.
 - D. Regarding Part C of the Variance, for a maximum of 16 children in lieu of the maximum allowed 12 children: the requested variance exceeds the maximum by 4 children, for a variance of 33%.
 - E. Regarding Part D of the Variance, for an identification sign that is 10 square feet in area in lieu of the required maximum 2 square foot in area: the requested variance is 500% of the maximum allowed for a Neighborhood Home Occupation.
 - F. Regarding Parts A and B of the Variance:

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- (1) The Zoning Ordinance does not clearly state the considerations that underlie the required hours of operation. In general, the hours of operations for a Neighborhood Home Occupation are presumably intended to ensure the following:
- a. That the business, by providing extra hours, does not grow beyond the standards of a Neighborhood Home Occupation unless it is permitted for a larger category of business that has different zoning regulations; and
 - b. That the business will not be disruptive to the neighborhood because of its extended hours.
- G. Regarding Part C of the Variance: the Zoning Ordinance does not clearly state the considerations that underlie the required maximum number of children allowed in a home day care.
- (1) The limit is presumably intended to mirror the most stringent state regulations for home day care facilities. However, the petitioners seek a “group day care home” designation under state regulations, which allows a caregiver and full-time assistant to care for:
- a. Up to a total of eight children under five years of age, with no more than five under 24 months.
 - b. If the assistant is 18 years of age or older, an additional four school age children may receive care.
 - c. With extended capacity written approval, the caregiver’s own school age children may be counted in the additional four children when there is a qualified assistant present in the home during the day.
- H. Regarding Part D of the Variance: 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 sign’s size and location will not affect visibility for motorists.
 - (2) Aesthetic: larger signs can disrupt the desired landscape of the surrounding area.
- I. The requested variances are 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:
-

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- A. The Petitioner has testified on the application: **“Allowing a larger sign, with the gigantic Meadowview Apartments sign across the street, ours will not be noticed. Additionally, we are at the end of the street next to the water plant where the huge metal water reservoir keeps your attention.”**
- B. The Township Road Commissioner has been notified of this variance but no comments have been received.
- C. The Cornbelt Fire Protection District has been notified of this variance but no comments have been received.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

- 12. Generally regarding and other circumstances which justify the Variance:
 - A. The Petitioner provided no comment on the application.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

- 13. Regarding proposed special conditions of approval:
No special conditions are currently proposed.

DOCUMENTS OF RECORD

1. Variance Application received October 1, 2015, with attachments:
 - A Site Plan received October 1, 2015
2. Letter signed by neighbors regarding sign, received October 7, 2015
3. Preliminary Memorandum dated December 9, 2015 with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received October 1, 2015
 - C Annotated Site Plan
 - D Letter signed by neighbors regarding sign, received October 7, 2015
 - E Images of Subject Property taken October 6, 2015
 - F Draft Summary of Evidence, Finding of Fact, and Final Determination

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 816-V-15 held on **December 17, 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 816-V-15 is hereby *{GRANTED / GRANTED WITH CONDITIONS/ DENIED}* to the petitioners **Matt and Amanda Waughtel, d.b.a. Bulldog Bullpen**, to authorize the following variances in the R-4 Multi Family Residence Zoning District:

Part A: The petitioner's home day care to operate from 6:30 a.m. to 11:00 p.m. in lieu of 6:30 a.m. to 10:00 p.m. as per Subsection 7.1.1F.

Part B: Employees of the petitioner's home day care to start as early as 6:30 a.m. in lieu of the required 8:00 a.m. start time established in Subsection 7.1.1A.

Part C: A maximum of 16 children in lieu of the maximum authorized 12 children established in Subsection 7.1.1E.i.

Part D: An identification sign for the home day care that is 10 square feet in area in lieu of the required maximum 2 square feet in area.

{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