

CASE NO. 864-S-16

PRELIMINARY MEMORANDUM

April 20, 2017

Petitioner: Heather Bradham and Kevin Cooper

Request: Authorize a Dog Training Facility as a Kennel, as a Special Use in the AG-1 Agriculture Zoning District, with the following waiver:

A waiver for a side yard of 117 feet in lieu of the minimum required 200 feet side yard for a Kennel, as per Section 6.1 of the Zoning Ordinance.

Location: A tract of land comprised of Lots 16 and 17 of a Plat of Survey in the West Half of the Northwest Quarter and the West Half of the Southwest Quarter of Section 7 of Township 19 North, Range 8 East of the Third Principal Meridian in Champaign Township and commonly known as the residence at 6001 West Bradley Road, Champaign, Illinois.

Site Area: 10 acres

Time Schedule for Development: As soon as possible

Prepared by: **Susan Burgstrom**
Senior Planner

John Hall
Zoning Administrator

BACKGROUND

Co-petitioner Heather Bradham would like to establish a dog training and grooming facility, and has been coordinating with the Zoning Department since 2012 as she searched for the right property. In November 2016, Ms. Bradham asked about the subject property and what would be needed to establish the proposed use in compliance with county regulations. Ms. Bradham signed an agreement to purchase the property from Kevin and Diane Cooper, contingent upon the approval of Special Use Permit 864-S-16.

Proposed operations include grooming on weekdays, training on weekday evenings, and infrequent seminars, fun matches, and agility trials on weekends. Ms. Bradham would employ a dog groomer and a dog bather, and she would do the training and grooming as well.

The proposed Special Use meets all applicable zoning requirements for its District, with the exception of the east side yard, which does not meet the 200 feet minimum required for a Kennel where animals are kept temporarily or permanently outside.

The subject property was found to be entirely in Zone A of the Special Flood Hazard Area during permitting processes for the existing residence, in-ground pool/shed, and the large barn where Ms. Bradham plans to establish her business. Ms. Bradham has no plans for construction other than possibly installing a fence for an outdoor exercise/training area in the future. Evidence has been provided by the Illinois Department of Water Resources and a local engineer that such a fence should not exacerbate potential flood conditions. A Floodplain Development Permit will be required for construction of the fence per the Champaign County *Special Flood Hazard Areas Ordinance*.

EXTRATERRITORIAL JURISDICTION

The subject property is located within the one and one-half mile extraterritorial jurisdiction of the Village of Bondville, a municipality with zoning. Municipalities with zoning are notified of Special Use Permit cases, but do not have protest rights in these cases.

The subject property is located within Champaign Township, which does not have a Planning Commission.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Agriculture	AG-1 Agriculture
North	Agriculture	AG-1 Agriculture
East	Agriculture (and Kaskaskia Ditch)	AG-1 Agriculture
West	Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

PROPOSED SPECIAL CONDITIONS

- A. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

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

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

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

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

That all state accessibility requirements have been met.

- C. **For any future construction, the petitioner shall apply for a Floodplain Development Permit through the Zoning Department.**

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

That any construction on the property complies with the Champaign County Special Flood Hazard Areas Ordinance.

- D. **This Special Use Permit shall expire if no dog training occurs during any consecutive 365 day period, except when the dog training facility is actively marketed for sale or rent by posting a sign on the front LOT LINE of the property.**

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

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

- E. **No outdoor dog training or dog exercise related to the Special Use shall occur on the subject property if a dwelling is established on any part of the west parcel (Lot 16).**

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

That the Special Use will continue to comply with Section 6.1.3 regarding standard conditions for a Kennel.

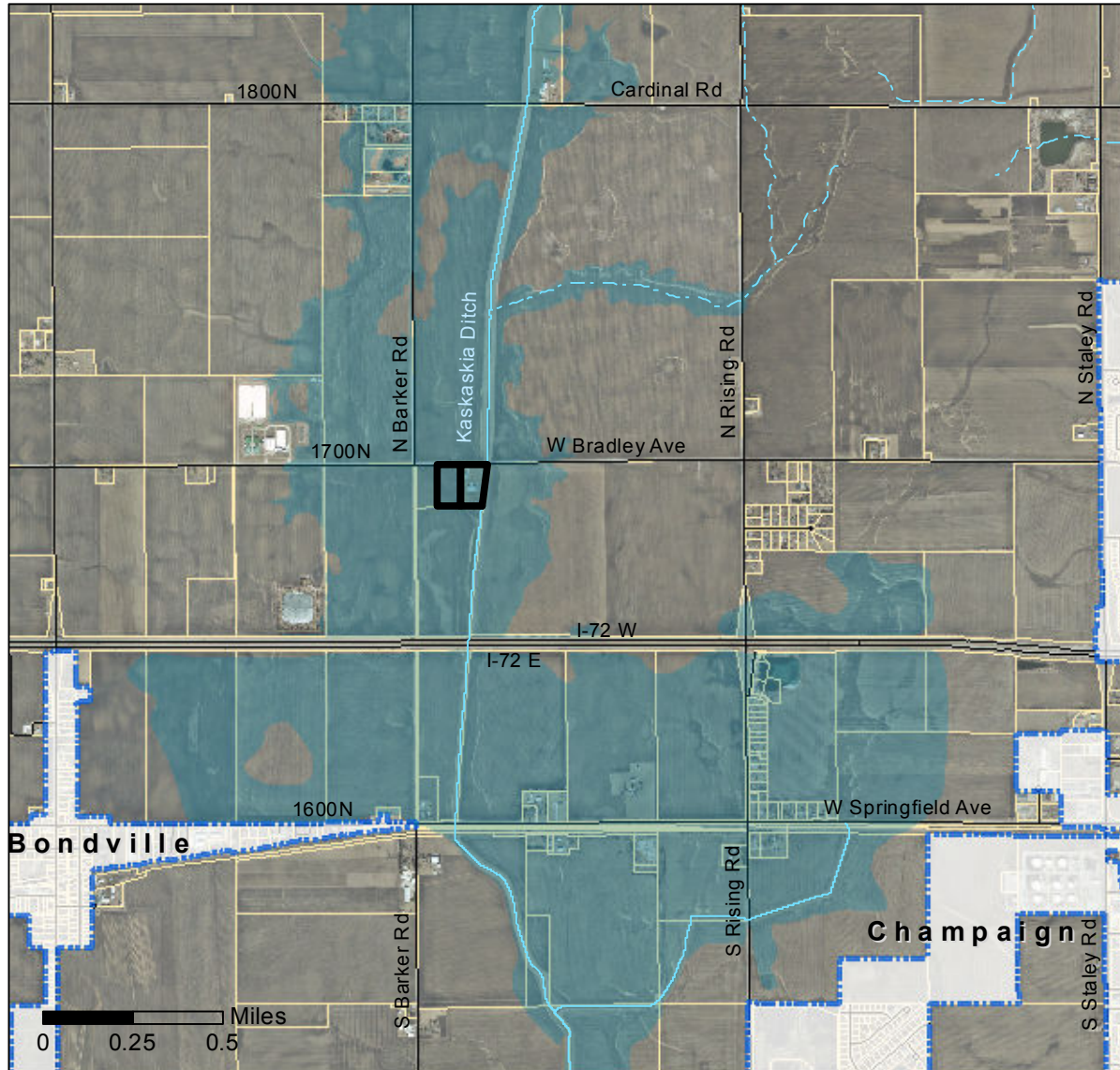
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan (3 pages) received November 18, 2016
- C Letter from Kevin and Diane Cooper, current owners, received November 18, 2016
- D Email from Paul Osman, Illinois Office of Water Resources, received January 10, 2017
- E Email from Heather Bradham received February 8, 2017
- F Email from Heather Bradham received February 14, 2017
- G Email from Attorney Phillip Van Ness received March 2, 2017
- H Email from Jonathon Manuel received April 10, 2017
- I Site Images taken January 25, 2017
- J Draft Summary of Evidence, Finding of Fact, and Final Determination dated April 27, 2017

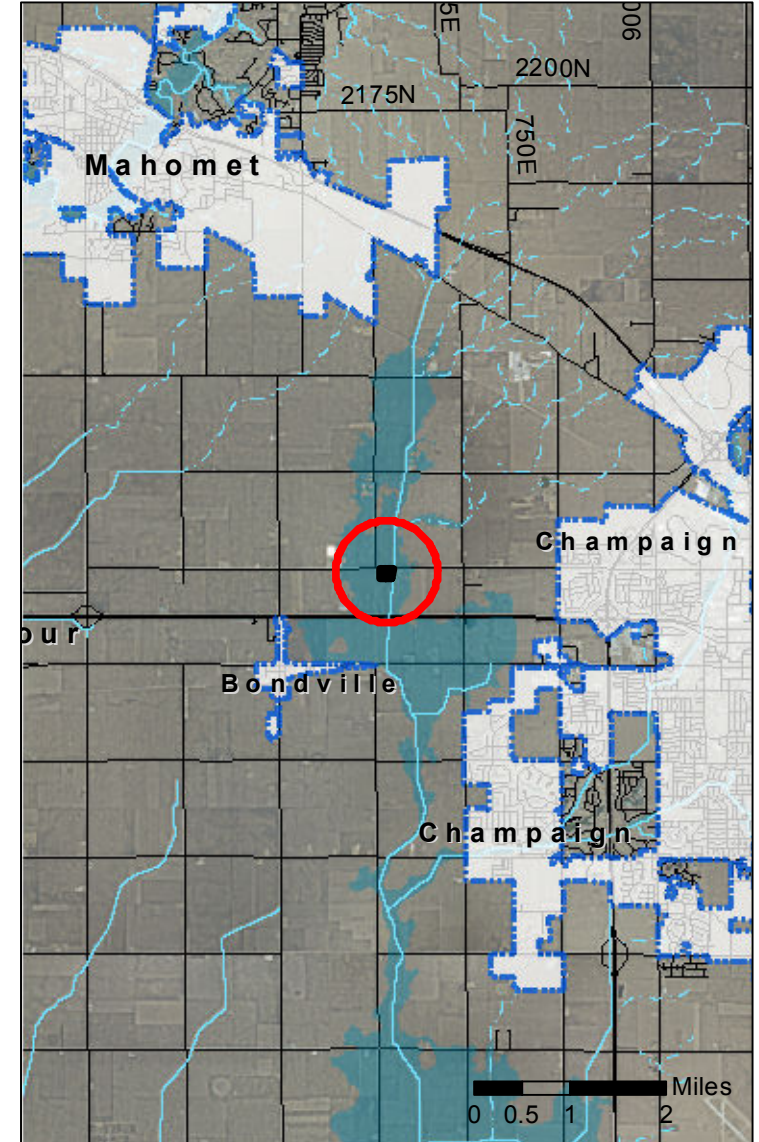
Location Map

Case 864-S-16
April 27, 2017








Subject Property



Property location in Champaign County



Legend

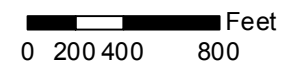
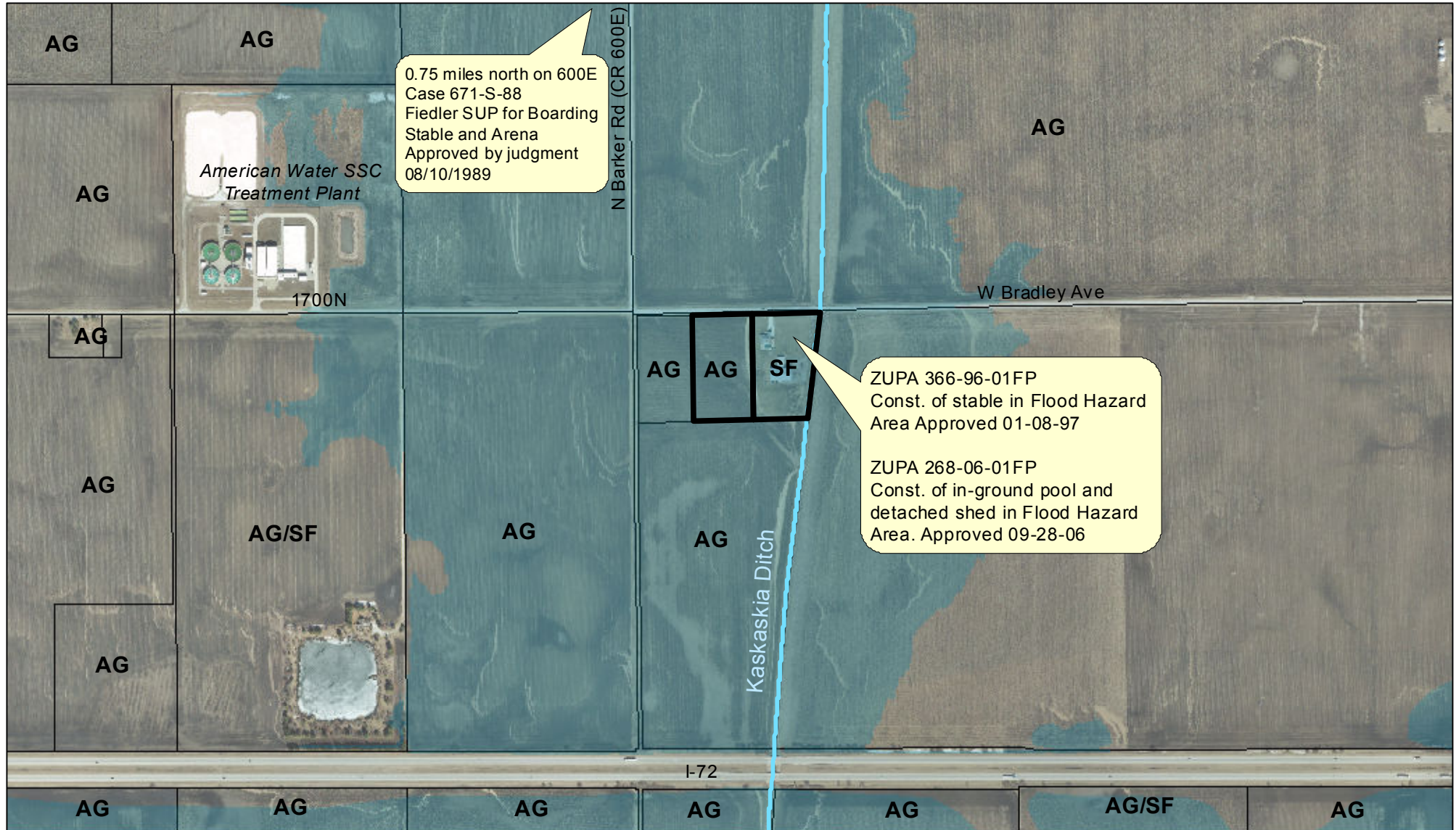
-  Subject property
-  Parcels
-  Flood Hazard Area, October 2013
-  Municipal Boundary
-  Streets
-  Stream
-  Intermittent Stream



Champaign County
Department of
PLANNING &
ZONING

Land Use Map

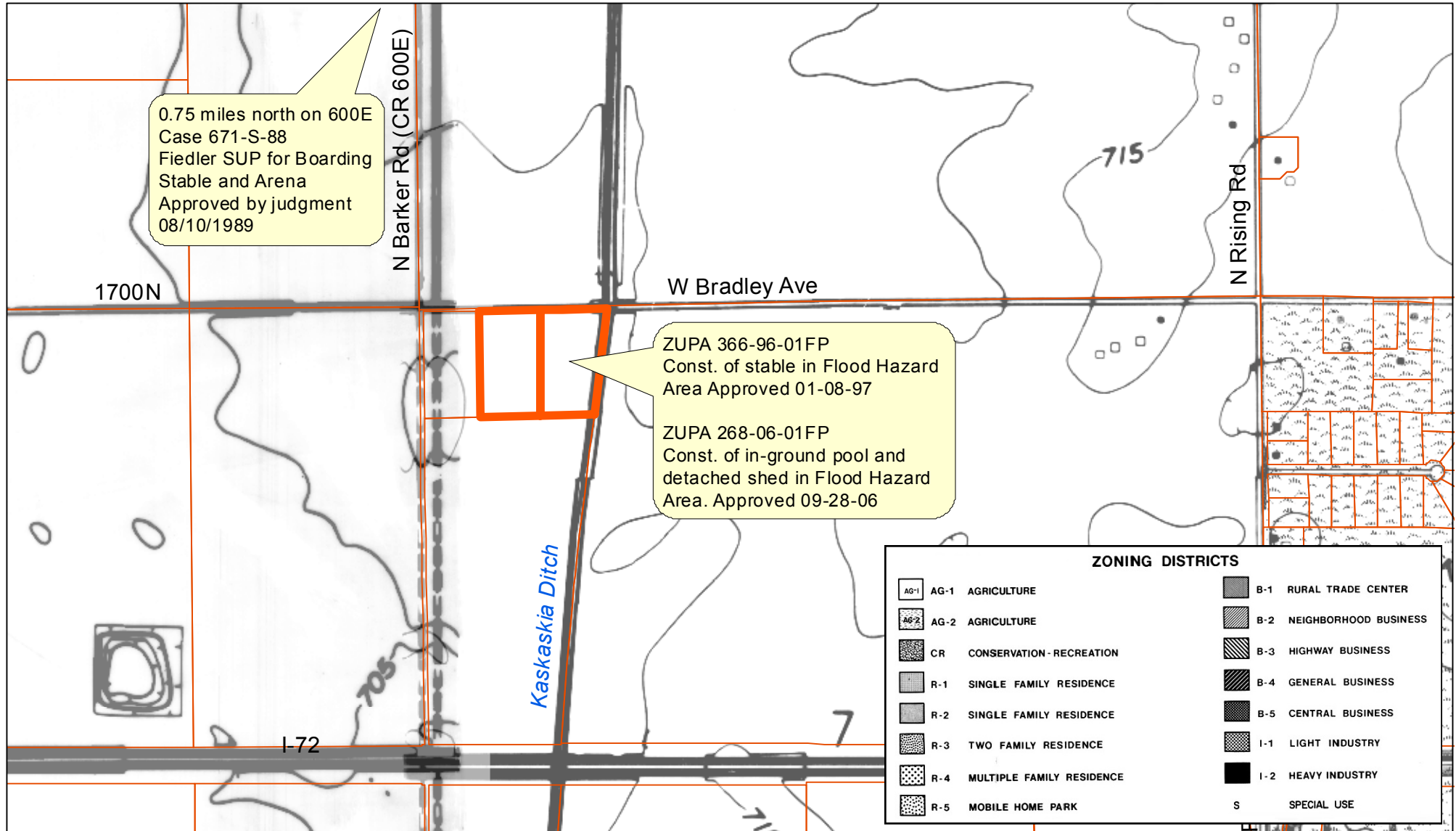
Case 864-S-16
April 27, 2017



Champaign County
Department of
PLANNING &
ZONING

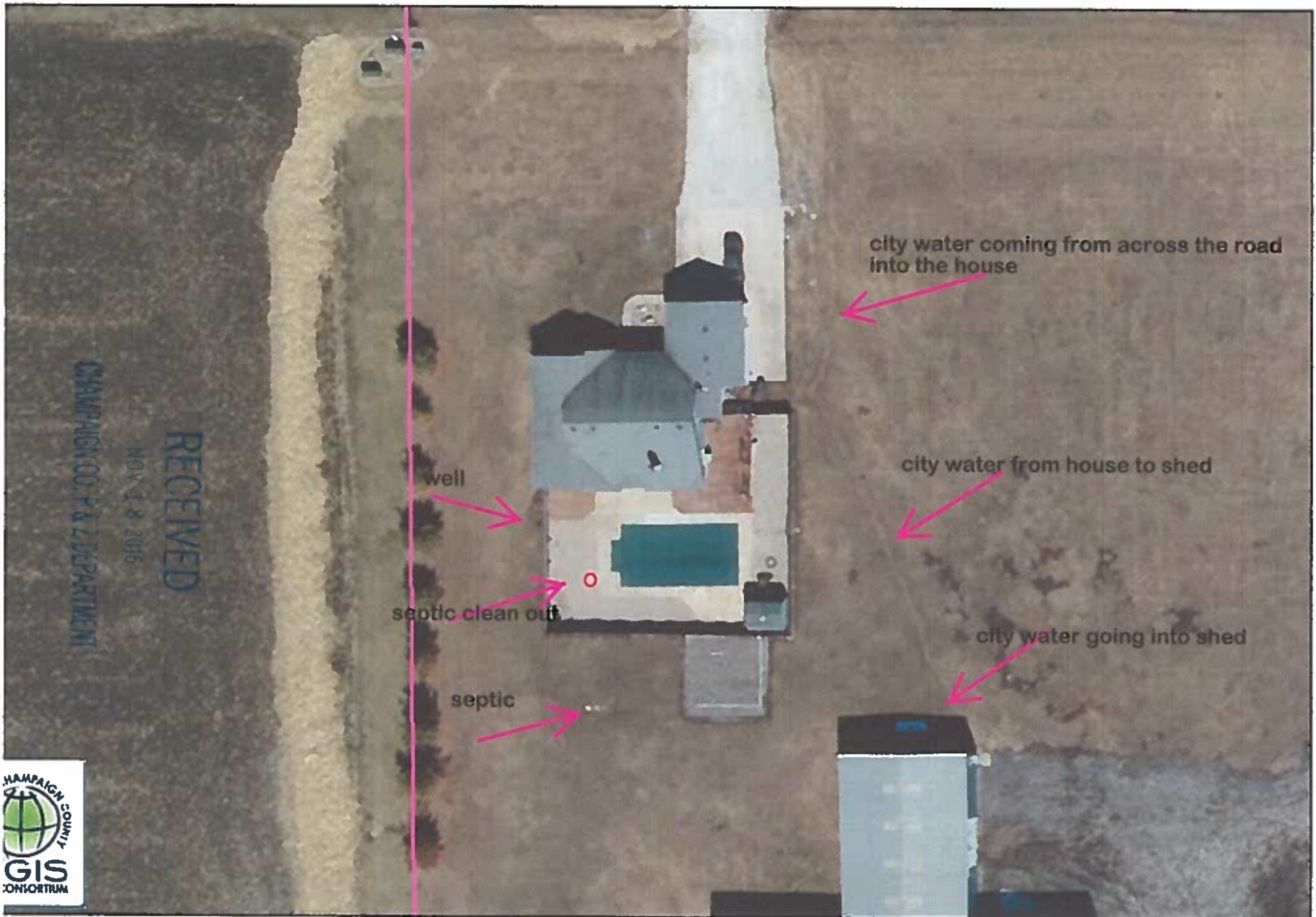
Zoning Map

Case 864-S-16
 April 27, 2017



0 200 400 800 Feet

Champaign County
 Department of
**PLANNING &
 ZONING**



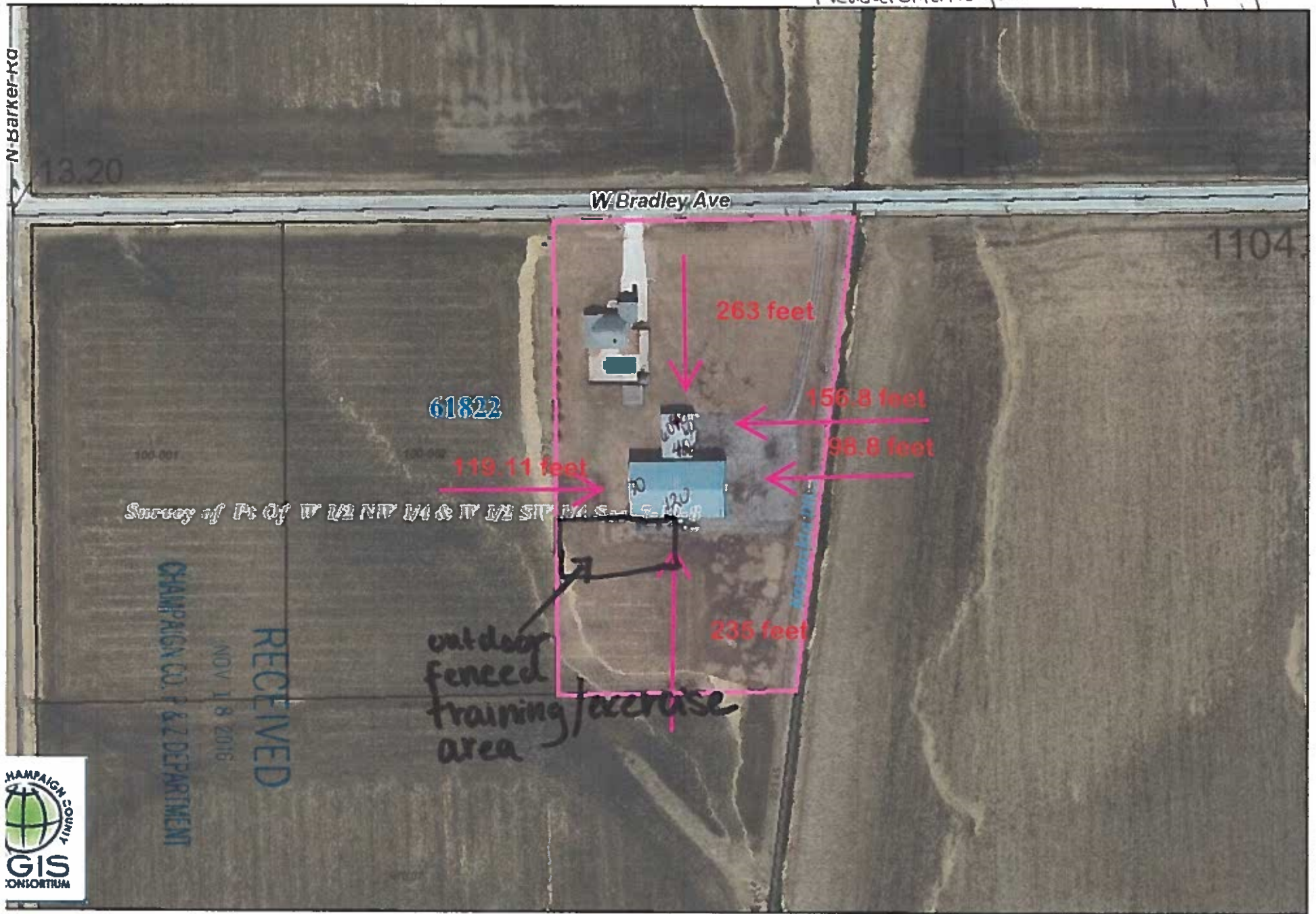
5
Feet

This map 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 map 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 map and information contained herein. The use of this map constitutes acknowledgement of this disclaimer.



6001 W Bradley Rd, C

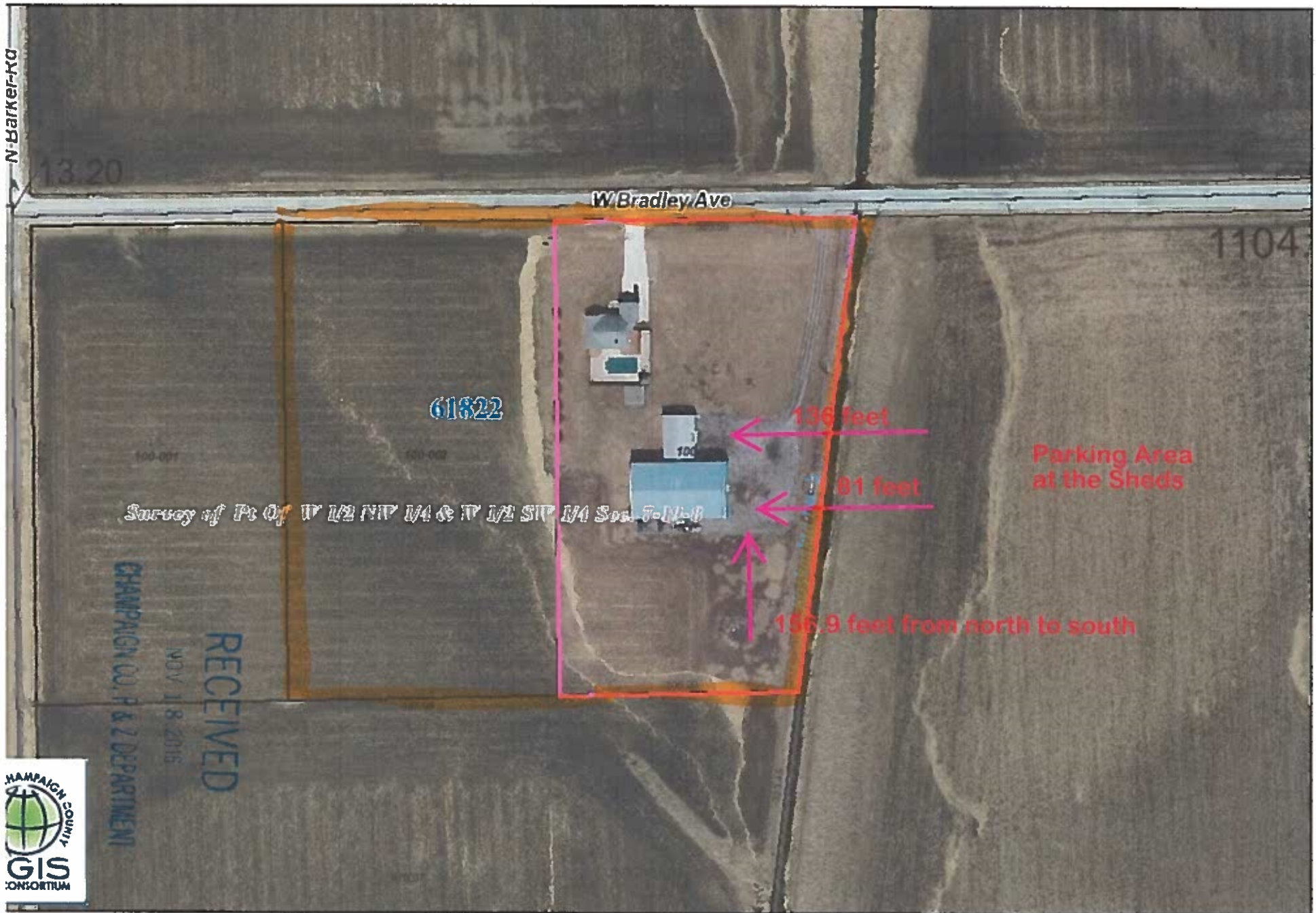
Measurements from shed to property line



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Survey of Pt Of W 1/2 NW 1/4 & W 1/2 SW 1/4 Sec. 7-11-8

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Connie Berry

From: Heather Bradham <hbradham@gmail.com>
Sent: Friday, November 18, 2016 4:52 PM
To: Susan Chavarria; Connie Berry
Subject: Special Use Permit Letter
Attachments: Heather_Bradham_Zoning_Letter Signed.pdf

Hi Susan,

Here is the signed letter of the current owners of 6001 W Bradley Rd Champaign, IL.

Please let me know if there is anything else you need.

Thanks you,
Heather Bradham

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NOV 18 2016

CHAMPAIGN CO. P & Z DEPARTMENT

TO: Champaign County Planning & Zoning

RE: Heather Bradham
6001 W Bradley Road
Champaign, IL 61822

To whom it may concern,

We have received an offer to purchase our property at 6001 W Bradley Road, Champaign, IL 61822 from Heather Bradham. This offer is contingent on the zoning board's approval for her to have her dog agility training business here. With the zoning approval we have every intention to complete the sale to Heather Bradham in early 2017.

Please feel free to contact us if you have any questions.

Thanks,

DocuSigned by:

10141JFF0873458
Kevin Cooper

217-202-8801
11/18/2016 | 2:31:04 PM CST

DocuSigned by:

11A124A411C0400
Diane Cooper

217-202-8848
11/18/2016 | 2:29:57 PM CST

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NOV 18 2016

CHAMPAIGN CO. P & Z DEPARTMENT

Susan Burgstrom

From: Osman, Paul <Paul.Osman@Illinois.gov>
Sent: Tuesday, January 10, 2017 9:56 AM
To: Susan Burgstrom
Cc: Jamie Hitt; Altman, Steve
Subject: RE: fencing in flood hazard area

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JAN 10 2017

CHAMPAIGN CO. P & Z DEPARTMENT

Susan...

The entire parcel is in the floodplain. There is no floodway delineated, however, given the rural location, a state permit will not be required.

However, per the Champaign County floodplain ordinance, a local permit will still be required. The LOMA on the structure (not the parcel) suggests the ground elevations may already be at or near the flood level. I would suggest they first survey the fence location to see if the site is even below the flood elevation. If the site is already above the flood elevation...there is nothing further to do! Easy!

The Champaign County floodplain ordinance is vague-by-design regarding fences. The ordinance basically says the fence cannot block or obstruct water or increase flooding on neighboring property. This was done intentionally to give you (the local official) the authority to regulate fences based on site specific conditions. In some cases a fence will cause no problems (rural location or shallow flooding). In other cases a fence may cause problems (an urban location or deep or rapid flooding).

Just looking at the map...it does not appear to me that a relatively small dog run would cause an adverse impact at this location. But...that is your call based on the specific site.

Feel free to call me if you have questions. FYI... I am leaving in 30 minutes to drive up to northern IL.

Paul

*Paul A. Osman, Manager
Statewide Floodplain Programs/National Flood Insurance Program
Illinois Office of Water Resources
217-782-4428
paul.osman@illinois.gov*

From: Susan Burgstrom [mailto:sburgstrom@co.champaign.il.us]
Sent: Tuesday, January 10, 2017 9:19 AM
To: Osman, Paul
Subject: [External] fencing in flood hazard area

Paul,

We asked a zoning case client to contact Steve Altman yesterday regarding her proposed dog training facility. The response she came back to us with was useful but didn't answer our main question. Jamie Hitt referred me to you as our

usual contact for floodplain questions. Our main question is, what specifications would be required by IDNR/OWR, if any, for the fencing she wants to install around the dog training activity area because it is in the SFHA.

The property is located at 6001 W Bradley Road, outside the City of Champaign, and is mostly in the Flood Hazard Area. The property received a LOMA, Case 06-05-BR83A dated October 26, 2006, which says that a structure was removed from the SFHA; it is not clear from the documentation what structure was removed. The client plans to put a 100' x 100' wire mesh fenced area on the southwest corner of the existing shed, as shown in the attached map.

Staff has notes from a previous case where IDNR/OWR required 6" x 6" openings along the bottom of the fence that was below BFE. We're looking for direction on whether that would apply to this situation, or if there is some other requirement. If so, given that this is a dog training facility, we are looking for how to require such a fence, that would also have a design that does not allow dogs to escape. Any help would be appreciated.

Thanks,
Susan

Susan Burgstrom, AICP, PCED
Senior Planner
Champaign County Planning and Zoning
1776 East Washington Street
Urbana, IL 61802
217-819-4086
www.co.champaign.il.us

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Susan Burgstrom

From: Heather Bradham <hbradham@gmail.com>
Sent: Wednesday, February 08, 2017 9:25 PM
To: Susan Burgstrom; Susan Burgstrom
Subject: Update on 6001 W Bradley Ave Champaign Property Fencing
Attachments: 06-05-BR83A-170894.pdf; MX-M623U_20170203_180803.pdf; Hartke 6001 W Bradley Survey Prep.docx.pdf; Untitled 1.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Susan,

I located the Elevation Certificate for the 6001 W. Bradley Ave. Champaign property and spoke to Ed Clancy, the engineer, who performed the Elevation Certificate. I've attached it and the LOMA too.

I have been consulting with Ted Hartke from Harkte Engineering and Surveying. I shared with him the Elevation Certificate and LOMA and he provided these three maps of the property to share with you. Here is what Ted Hartke said regarding the maps he provided:

"The base flood elevation is determined on Berns Clancy and Associates certificate that the BFE elevation is 706.2 feet.

Go to page 1 of my attachment. See how the 706' contour line wraps around your house and the 708' contour line is up near your shed.

(Appears your shed is elevated 2' higher than the ground elevation around your house.)

Go to page 2 of my attachment. See how the flood line shaded blue area nearly follows the 706' contour line as shown on my attachment on page 2. I agree with Berns and Clancy which estimates the flood elevation is approximately 706.2'

I feel this will give a large and adequate space for you to have room to excersize dogs or fence in other livestock without having any adverse issues due to flooding or fence wash-out or any other property damage."

Please let me know if this information is what you need or if you need anything else from me regarding the fencing issue.

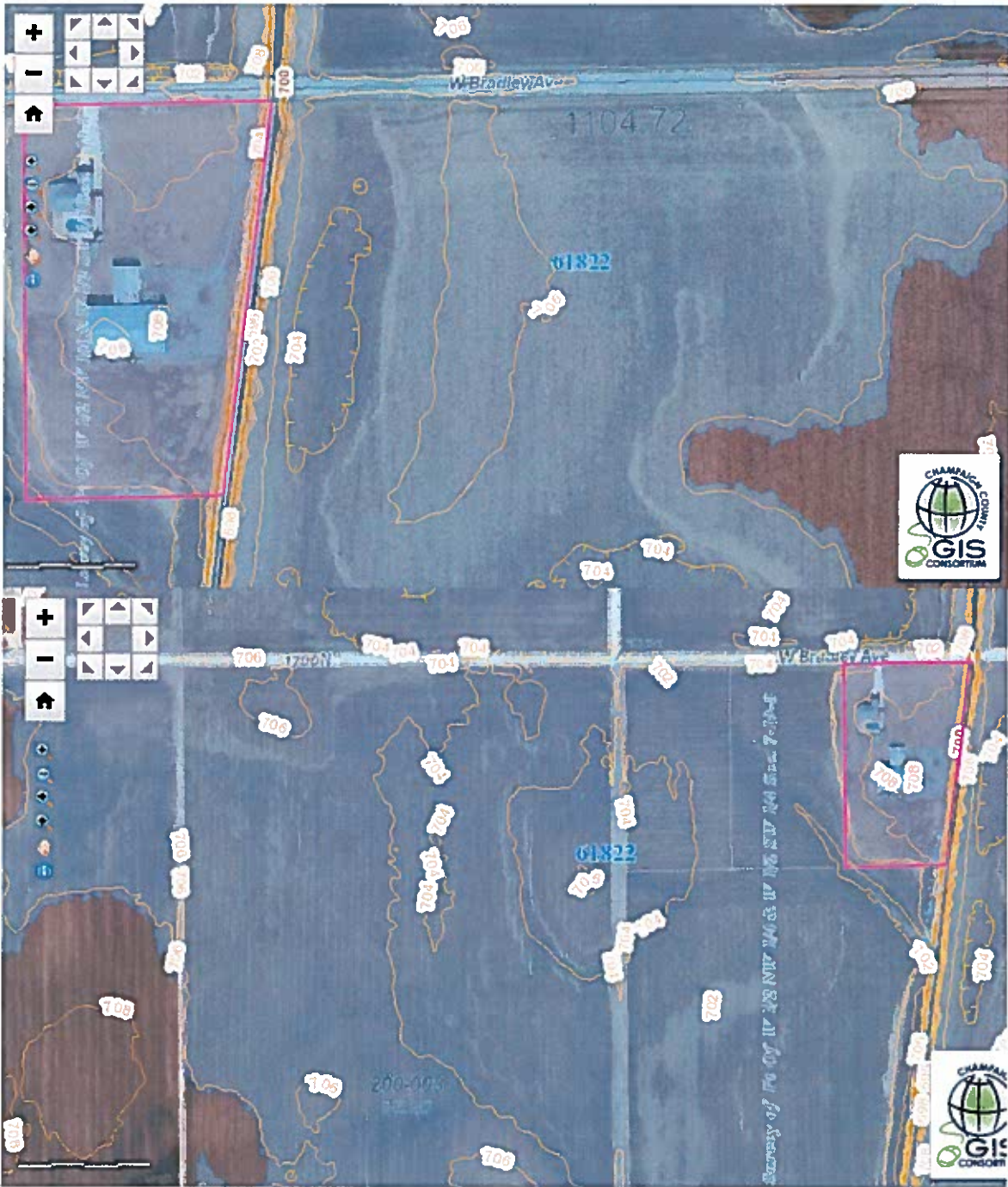
Thank you for your help!
Heather Bradham

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10-002

08 2017

Survey of Pt. of W 1/2 NE 1/4 Sec. 5, T124N, R10E, S16E

This could be your new fenced area



Federal Emergency Management Agency
Washington, D.C. 20472

**LETTER OF MAP AMENDMENT
DETERMINATION DOCUMENT (REMOVAL)**

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	CHAMPAIGN COUNTY, ILLINOIS (Unincorporated Areas)	A portion of Section 7, Township 19 North, Range 8 East, Third Principal Meridian, as described in the Warranty Deed – Tenancy by the Entirety recorded as Document No. 2002R02510, in the Office of the Recorder, Champaign County, Illinois
	COMMUNITY NO.: 170894	
AFFECTED MAP PANEL	NUMBER: 1708940175B	
	DATE: 3/1/1984	
FLOODING SOURCE: KASKASKIA DITCH		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 40.127, -88.348 SOURCE OF LAT & LONG: PRECISION MAPPING STREETS 4.0 DATUM: NAD 83

DETERMINATION

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NGVD 29)	LOWEST ADJACENT GRADE ELEVATION (NGVD 29)	LOWEST LOT ELEVATION (NGVD 29)
-	-	-	6001 West Bradley Avenue	Structure	C	-	706.4 feet	-

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

PORTIONS REMAIN IN THE SFHA
ZONE A
STUDY UNDERWAY

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Amendment for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the structure(s) on the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document amends the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, 3601 Eisenhower Avenue, Suite 130, Alexandria, VA 22304-6439.

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William R. Blanton Jr.
William R. Blanton Jr., CFM, Chief
Engineering Management Section
Mitigation Division

CHAMPAIGN CO. P & Z DEPARTMENT



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL) ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

PORTIONS OF THE PROPERTY REMAIN IN THE SFHA (This Additional Consideration applies to the preceding 1 Property.)

Portions of this property, but not the subject of the Determination/Comment document, may remain in the Special Flood Hazard Area. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

ZONE A (This Additional Consideration applies to the preceding 1 Property.)

The National Flood Insurance Program map affecting this property depicts a Special Flood Hazard Area that was determined using the best flood hazard data available to FEMA, but without performing a detailed engineering analysis. The flood elevation used to make this determination is based on approximate methods and has not been formalized through the standard process for establishing base flood elevations published in the Flood Insurance Study. This flood elevation is subject to change.

STUDY UNDERWAY (This Additional Consideration applies to all properties in the LOMA DETERMINATION DOCUMENT (REMOVAL))

This determination is based on the flood data presently available. However, the Federal Emergency Management Agency is currently revising the National Flood Insurance Program (NFIP) map for the community. New flood data could be generated that may affect this property. When the new NFIP map is issued it will supersede this determination. The Federal requirement for the purchase of flood insurance will then be based on the newly revised NFIP map.

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CHAMPAIGN CO. P & Z DEPARTMENT

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 338-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, 3601 Eisenhower Avenue, Suite 130, Alexandria, VA 22304-6439.

William R. Blanton Jr.

William R. Blanton Jr., CFM, Chief
Engineering Management Section
Mitigation Division



BERNS, CLANCY AND ASSOCIATES

PROFESSIONAL CORPORATION

ENGINEERS • SURVEYORS • PLANNERS

THOMAS B. BERNs
EDWARD L. CLANCY
CHRISTOPHER BILLING

DONALD WAUTHIER

BRIAN CHAILLE
DENNIS CUMMINS
MEG GRIFFIN

MICHAEL BERNs
OF COUNSEL

August 14, 2006

Ms. Diane Cooper
6001 West Bradley Avenue
Champaign, Illinois 61822

**RE: FLOOD ELEVATION FORM
FEDERAL EMERGENCY MANAGEMENT AGENCY, LOT 17,
PLAT OF SURVEY OF A PART OF
THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF
SECTION 7, TOWNSHIP 19 NORTH,
RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN
CHAMPAIGN COUNTY, ILLINOIS (6001 WEST BRADLEY AVENUE)**

Dear Ms. Cooper:

In response to your request, we performed the fieldwork and completed the "Federal Emergency Management Agency Elevation Form" for subject site. We enclose one (1) original and two (2) copies of the Elevation Form.

Please remit to us \$250.00 for the fieldwork, reduction and completion of the Elevation Form as requested.

We appreciate the opportunity to be of service to you and should you have any questions or comments, or need any additional information, please contact us.

Sincerely,
BERNS, CLANCY AND ASSOCIATES, P.C.

Edward L. Clancy, P.E., L.S., Vice President

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ELC:mp
Enclosures
0337013370 le 1.doc

8/14/06
[Handwritten initials]

U.S. DEPARTMENT OF HOMELAND SECURITY - FEDERAL EMERGENCY MANAGEMENT AGENCY ELEVATION FORM	<i>OMB. B. NO. 1668-0015 Expires August 31, 2007</i>
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PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this form is estimated to average 1.25 hours per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the needed data, and completing, reviewing, and submitting the form. You are not required to respond to this collection of information unless a valid OMB control number appears in the upper right corner of this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing this burden to: Information Collections Management, U.S. Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW, Washington DC 20472, Paperwork Reduction Project (1660-0015). Submission of the form is required to obtain or retain benefits under the National Flood Insurance Program. **Please do not send your completed survey to the above address.**

This form must be completed for requests and must be completed and signed by a registered professional engineer or licensed land surveyor. A DHS - FEMA National Flood Insurance Program (NFIP) Elevation Certificate may be submitted in addition to this form for single structure requests.

For requests to remove a structure on natural grade OR on engineered fill from the Special Flood Hazard Area (SFHA), submit the lowest adjacent grade (the lowest ground touching the structure), including an attached deck or garage. For requests to remove an entire parcel of land from the SFHA, provide the lowest lot elevation; or, if the request involves an area described by metes and bounds, provide the lowest elevation within the metes and bounds description.

1. NFIP Community Number: 1708940175 B Property Name or Address: Ms Diane Cooper 6001 West Bradley Avenue, Champaign Illinois 61822
2. Are the elevations listed below based on existing or proposed conditions? (Check one)
3. What is the elevation datum? NGVD 1929 If any of the elevations listed below were computed using a datum different than the datum used for the effective Flood Insurance Rate Map (FIRM) (e.g., NGVD 29 or NAVD 88), what was the conversion factor?
Local Elevation +/- ft. = FIRM Datum
4. Please provide the Latitude and Longitude of the most upstream edge of the structure (in decimal degrees):
Indicate Datum: NAD83 NAD27 40.1275° Lat. 88.3472° Long.
Please provide the Latitude and Longitude of the most upstream edge of the property (in decimal degrees):
Indicate Datum: NAD83 NAD27 40.1271° Lat. 88.3482° Long.
5. For the existing or proposed structures listed below, what are the types of construction? (check all that apply)
 crawl space slab on grade basement/enclosure other (explain)
6. Has DHS - FEMA identified this area as subject to land subsidence or uplift? (see instructions) Yes No
If yes, what is the date of the current releveling? / (month/year)

Lot Number	Block Number	Lowest Lot Elevation	Lowest Adjacent Grade To Structure	Base Flood Elevation	BFE Source	For DHS - FEMA Use Only
<u>17</u>	—	—	<u>706.4^{ft}</u>	<u>706.2^{ft}</u>	<u>Champaign County Dept of Planning & Zoning</u>	

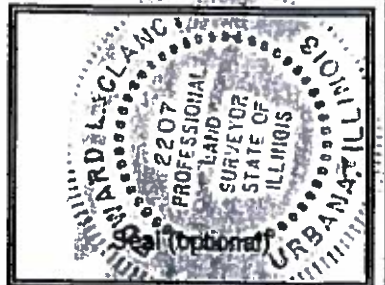
This certification is to be signed and sealed by a licensed land surveyor, registered professional engineer, or architect authorized by law to certify elevation information. All documents submitted in support of this request are correct to the best of my knowledge. I understand that any false statement may be punishable by fine or imprisonment under Title 18 of the United States Code, Section 1001.

Certifier's Name: <u>Edward h. Clancy</u>	License No.: <u>2207</u>	Expiration Date: <u>November 30, 2006</u>
Company Name: <u>Berns, Clancy & Assoc.</u>	Telephone No.: <u>217-384-1144</u>	Fax No.: <u>217-384-3355</u>
Signature: <u>Edward h. Clancy</u>	Date: <u>August 14, 2006</u>	

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CHAMPAIGN CO P & Z DEPARTMENT



Susan Burgstrom

From: Heather Bradham <hbradham@gmail.com>
Sent: Tuesday, February 14, 2017 11:27 AM
To: Susan Burgstrom
Subject: Re: questions for Zoning Case 864-S-16

Hi Susan,

1. I am not planning on adding onto the barn. It is the perfect size for what I am wanting to do with it.
2. Yes I am planning to install handicapped accessible parking next to the building by following the zoning guidelines.
3. Yes I am planning on keeping the farmland in production.

Thanks!
Heather

On Feb 14, 2017, at 10:21 AM, Susan Burgstrom <sburgstrom@co.champaign.il.us> wrote:

Hi Heather,

I just have a few questions at this point for your zoning Special Use case:

1. Are you planning on doing any remodeling to the barn?
2. Are you planning to install handicapped accessible parking next to the building, which would require pavement, markings, and signs?
3. For the farmland that has been in production on the 10 acres, do you plan to continue keeping it in production? If not, what do you propose to do with that acreage?

Thanks,
Susan

Susan Burgstrom, AICP, PCED
Senior Planner
Champaign County Planning and Zoning
1776 East Washington Street
Urbana, IL 61802
217-819-4086
www.co.champaign.il.us

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Case 864-S-16 Images



From Kaskaskia Ditch bridge on Bradley Avenue facing southwest



From Bradley Avenue facing southeast

Case 864-S-16 Images



From Bradley Avenue facing south



From Kaskaskia Ditch bridge on Bradley Avenue facing southwest

Case 864-S-16 Images



From existing gravel area east of barn, facing northwest



From east side of smaller part of barn, facing west

Case 864-S-16 Images



From east side of barn facing north toward Kaskaskia Ditch bridge on Bradley Avenue



From adjacent farm access path facing east

Susan Burgstrom

From: Susan Burgstrom
Sent: Wednesday, March 01, 2017 1:49 PM
To: 'Phil Van Ness'
Subject: RE: Special Use Permit Application by Heather Bradham for 6001 West Bradley Rd.

The fence will require a Floodplain Development Permit if Heather decides at some point to construct one. The permit would have to be approved prior to construction, which can take several weeks. It's not going to change the conversation for the case from our standpoint, because we want to include any planned improvements to the Special Use approval. There will still be floodplain discussion even if she doesn't want to build the fence now.

Thanks,
Susan

From: Phil Van Ness [mailto:pvanness@webberthies.com]
Sent: Wednesday, March 01, 2017 11:03 AM
To: Susan Burgstrom <sburgstrom@co.champaign.il.us>
Subject: RE: Special Use Permit Application by Heather Bradham for 6001 West Bradley Rd.

Susan:

One last question: it appears that my client isn't fully committed to fencing anything at this point. If she takes the fence off the table for now, would she be required to apply to the County for approval of a fence later on [assuming, of course, that the fence remains well outside the special flood hazard area]? I am not saying she will take the fence off the table but it seems really secondary to what her immediate plans and uses are right now.

Phillip R. Van Ness
Webber & Thies, P.C.
202 Lincoln Square
PO Box 189
Urbana, IL 61803-0189
Tel: 217/367-1126
Fax: 217/367-3752

RECEIVED
MAR 01 2017
CHAMPAIGN CO. P & Z DEPARTMENT

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From: Susan Burgstrom [mailto:sburgstrom@co.champaign.il.us]
Sent: Tuesday, February 28, 2017 8:19 AM
To: Phil Van Ness
Subject: RE: Special Use Permit Application by Heather Bradham for 6001 West Bradley Rd.

Susan Burgstrom

From: Manuel, Jonathon - NRCS-CD, Champaign, IL <Jonathon.Manuel@il.nacdnet.net>
Sent: Monday, April 10, 2017 7:46 AM
To: Susan Burgstrom
Subject: RE: NRR required?

Hello,

This person stopped in back in November and told me about what was going on. I don't think she gave me the correct address for the property as I could not find one with fencing already in place that would allow her to keep dogs.

However, if no land disturbance is going on than I don't think an NRI would be appropriate. These NRI's where originally a third party check for Zoning boards to make sure that things were being looked at to protect the land and water.

Jonathon Manuel CPESC-IT
Resource Conservationist
Champaign County Soil and Water Conservation District

RECEIVED

APR 10 2017

CHAMPAIGN CO. P & Z DEPARTMENT

From: Susan Burgstrom [mailto:sburgstrom@co.champaign.il.us]
Sent: Friday, April 07, 2017 4:23 PM
To: Manuel, Jonathon - NRCS-CD, Champaign, IL <Jonathon.Manuel@il.nacdnet.net>
Subject: NRR required?

Hi Jonathon,

I have a Special Use Permit case for a 10 acre property on West Bradley Road along the west side of the Kaskaskia Ditch. Best prime farmland, LE 100. It is for a dog training facility that would make use of the existing barn and house, no new construction, no new land disturbance. The petitioner plans to keep the remaining acreage in farmland production like it is now. I checked ECOCAT and there are no endangered species identified. Could you please let me know if you would prefer to do a NRR on this, or if one would not be necessary?

Thanks!
Susan

Susan Burgstrom, AICP, PCED
Senior Planner
Champaign County Planning and Zoning
1776 East Washington Street
Urbana, IL 61802
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www.co.champaign.il.us

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PRELIMINARY DRAFT

864-S-16

**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: ***{April 27, 2017}***

Petitioners: **Heather Bradham and Kevin Cooper**

**Authorize a Dog Training Facility as a Kennel, as a Special Use in the AG-1
Agriculture Zoning District, with the following waiver:**

Request: **A waiver for a side yard of 117 feet in lieu of the minimum required
200 feet side yard for a Kennel, as per Section 6.1 of the Zoning
Ordinance.**

Table of Contents

General Application Information.....2 - 5
Specific Ordinance Requirements.....5 - 11
Special Use Evidence11 - 24
Documents of Record..... 25
Case 864-S-16 Finding of Fact26 - 28
Case 864-S-16 Final Determination..... 29

PRELIMINARY DRAFT

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **April 27, 2017**, the Zoning Board of Appeals of Champaign County finds that:

1. Co-petitioner Kevin Cooper owns the subject property. Co-petitioner Heather Bradham has a contract to purchase the property, contingent upon the approval of Special Use Permit 864-S-16. Mr. and Mrs. Cooper have signed an agreement that states this, which is a Document of Record.
2. The subject property is a 10 acre tract comprised of Lots 16 and 17 of a Plat of Survey in the West Half of the Northwest Quarter and the West Half of the Southwest Quarter of Section 7 of Township 19 North, Range 8 East of the Third Principal Meridian in Champaign Township and commonly known as the residence at 6001 West Bradley Road, Champaign, 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 Bondville, a municipality with zoning. Municipalities with zoning are notified of Special Use Permit cases, but do not have protest rights in these cases.
 - B. The subject property is located within Champaign Township, which does not have a Planning Commission.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is a 10 acre tract zoned AG-1 Agriculture. Land use is residential and agricultural.
 - B. Land surrounding the subject property is zoned AG-1 Agriculture and is agricultural in use.
 - C. The property abuts the west side of the Kaskaskia Ditch and is in Zone A of the Flood Hazard Area.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the site plan of the proposed Special Use:
 - A. Existing structures include:
 - (1) One 1,980 square feet single family dwelling unit;
 - (2) One 10,800 square feet detached storage building;
 - (3) One in-ground pool;
 - (4) One 120 square feet detached storage shed next to the pool;
 - (5) City water connecting to the house and smaller part of the existing shed;
 - (6) A large gravel area on the east side of the large storage building; and
 - (7) A well and septic field south of the house.

PRELIMINARY DRAFT**Case 864-S-16****Page 3 of 29**

- B. The Petitioner proposes no other improvements with the exception of a fenced activity area to the southwest of the barn; however, the fencing is not proposed for the near future.
- (1) The Petitioner stated on the application: “The outdoor training/exercise area will be 100 feet by 100 feet and 200 feet from the property line on all sides. It will have a 6 feet wire mesh fence. No evergreens or trees are planned to be put on the property line as a noise barrier due to their being no residential neighbors. The outdoor training/exercise area is the only change I am adding to the property”.
 - a. In an email received March 2, 2017, Phillip Van Ness, Attorney for Ms. Bradham, stated, “Heather is advising me that she has abandoned plans for an outside fenced area. She may revive that discussion someday (in which case she’d apply for a Floodplain Development Permit), but it simply isn’t a significant component of her business model or plans. Her business is amply served by the large buildings already on the premises.”
 - (2) Regarding the proposed fenced activity area and potential flooding:
 - a. Berns, Clancy and Associates completed a Flood Elevation Form for Ms. Diane Cooper (current owner) on August 14, 2006. The Base Flood Elevation was determined to be 706.2 feet.
 - b. FEMA issued a Letter of Map Amendment (LOMA) on October 26, 2006, in which they removed the house from the Special Flood Hazard Area.
 - c. FEMA FIRM panel 17019C0290D, effective date October 2, 2013, shows the entire subject property within the Special Flood Hazard Area.
 - d. In an email received January 10, 2017, Paul Osman, Manager of Statewide Floodplain Programs/National Flood Insurance Program, Illinois Office of Water Resources, stated the following:
 - (a) A state permit for construction of the fence in the floodway will not be required; however, a local permit will still be required as per the Champaign County Special Flood Hazard Areas Ordinance.
 - (b) “The Champaign County floodplain ordinance is vague-by-design regarding fences. The ordinance basically says the fence cannot block or obstruct water or increase flooding on neighboring property. This was done intentionally to give you (the local official) the authority to regulate fences based on site specific conditions. In some cases a fence will cause no problems (rural location or shallow flooding). In other cases a fence may cause problems (an urban location or deep or rapid flooding).”
 - (c) Referring to the site map provided to him, Mr. Osman said that “it does not appear to me that a relatively small dog run would cause an adverse impact at this location. But that is your call based on the specific site.”
 - e. Ms. Bradham consulted with Ted Hartke from Hartke Engineering and Surveying regarding the proposed fenced activity area as it relates to

PRELIMINARY DRAFT

potential flooding. In an email received February 8, 2017, Ms. Bradham forwarded the following information from Mr. Hartke:

- (a) "The base flood elevation is determined on Berns Clancy and Associates certificate that the BFE elevation is 706.2 feet."
- (b) Referring to page 1 of his attachment, Mr. Hartke stated, "see how the 706 feet contour line wraps around your house and the 708 feet contour line is up near your shed. (Appears your shed is elevated 2 feet higher than the ground elevation around your house.)"
- (c) Referring to page 2 of his attachment, Mr. Hartke stated, "see how the flood line shaded blue area nearly follows the 706 feet contour line as shown on my attachment on page 2. I agree with Berns and Clancy which estimates the flood elevation is approximately 706.2 feet."
- (d) Mr. Hartke stated, "I feel this will give a large and adequate space for you to have room to exercise dogs or fence in other livestock without having any adverse issues due to flooding or fence wash-out or any other property damage."

- f. A special condition has been proposed to require the petitioner to apply for a Floodplain Development Permit for any future construction, including the fenced activity area.

C. The Petitioner provided the following information regarding proposed operations:

- (1) The dog grooming facility will be located in the smaller portion of the existing machine shed (40 feet by 60 feet) and take up about 400 square feet. There will be two groomers (Ms. Bradham will be one of the groomers) and one dog bather.
- (2) Hours of operation for dog grooming will be Monday through Friday, 8 am to 5 pm by appointment. There will be a maximum of 10 dogs during the day, with 4 to 5 dogs in the morning and then 4 to 5 different dogs in the afternoon.
- (3) The dog training facility will be located in the larger portion (70 feet by 120 feet) of the existing machine shed.
- (4) Ms. Bradham anticipates teaching 5 to 10 classes per week, Monday through Thursday evenings. She also anticipates teaching private lessons during the evenings Monday through Friday.
- (5) Classes would consist of a maximum of 8 dog/handler (owner) teams per 1 hour.
- (6) Private lessons are 1 dog/handler (owner) per half hour or hour.
- (7) Seminars would be from 8 am to 5 pm with a maximum of 10 dog/handler (owner) for the whole day.

PRELIMINARY DRAFT**Case 864-S-16**

Page 5 of 29

- (8) Fun matches would be either on the weekend or Friday evening, taking approximately 3 hours and would consist of 15 to 25 people on the property at one time. A fun match is described as a mock trial for training their dog to prepare for trialing at an event.
 - (9) Due to the size of the facility, a small agility trial could be held at the property that would be run 8 am to 5 pm Fridays, Saturdays, and/or Sundays. A trial is a competitive canine sporting event sanctioned by various organizations, such as the American Kennel Club, that requires pre-entry and has a limited number of competitors.
 - (10) Ms. Bradham would live on the property, running her small business from the property.
 - (11) The only animals on the property overnight would be her own dogs and they are inside dogs. Ms. Bradham does not want to board any animals.
 - (12) There will be no added buildings and/or structures to the property and her business can run in the existing building on the property.
- D. In an email received February 14, 2017, Ms. Bradham provided the following information:
- (1) She is planning to install handicap accessible parking next to the building.
 - (2) She is planning on keeping the existing farmland in production.
- E. The following Zoning Use Permits were issued on the subject property:
- (1) ZUPA 366-96-01FP was approved on January 8, 1997 for construction of a single family home with attached garage and a 10,800 square feet detached stable.
 - a. Zoning Use Permit #366-96-01FP included the following special condition of approval: “An as-built elevation certificate will be required on this project prior to occupancy. If more than 2 feet of foundation is exposed above grade (exterior or interior), flood vents must be provided.”
 - (2) ZUPA 268-06-01FP was approved on September 28, 2006 for construction of an in-ground pool and 120 square feet detached storage shed.
 - a. Zoning Use Permit #268-06-01FP included the following special condition of approval: “Any future construction or change to ground level will require a Floodplain Development Permit from the Planning and Zoning Department and natural ground elevations of the area where the construction or change to the ground will occur, from an Illinois licensed engineer, that must be submitted to the Department prior to any work being done.”

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding the requested Special Uses in the AG-1 Zoning District:
 - A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
 - (1) “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

PRELIMINARY DRAFT

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

- (2) “ACCESSORY STRUCTURE” is a STRUCTURE on the same LOT with the MAIN OR PRINCIPAL STRUCTURE, or the main or principal USE, either DETACHED from or ATTACHED to the MAIN OR PRINCIPAL STRUCTURE, subordinate to and USED for purposes customarily incidental to the MAIN OR PRINCIPAL STRUCTURE or the main or principal USE.
- (3) “ACCESSORY USE” is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
- (4) “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.
- (5) “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.
- (6) “AREA, LOT” is the total area within the LOT LINES.
- (7) “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;

PRELIMINARY DRAFT**Case 864-S-16****Page 7 of 29**

- 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.
- (8) “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.
- (9) “BUILDING, ATTACHED” is a BUILDING having two walls in common with other BUILDINGS.
- (10) “BUILDING, DETACHED” is a BUILDING having no walls in common with other BUILDINGS.
- (11) “BUILDING, MAIN or PRINCIPAL” is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
- (12) “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.
- (13) “DWELLING, SINGLE FAMILY” is a DWELLING containing one DWELLING UNIT.
- (14) “GRADE” is the average of the elevations of the surface of the ground measured at all corners of a BUILDING.
- (15) “KENNEL” is a LOT or PREMISES on which six or more dogs or six or more cats (or any combination thereof) at least six months of age are kept, boarded, bred, or retained for compensation; or a LOT or PREMISES on which dogs and/or cats are raised and offered for sale, adoption, or exchange, with or without compensation.
- (16) “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.
- (17) “LOT LINES” are the lines bounding a LOT.
- (18) “PARKING SPACE” is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (19) “PUBLIC WATER SUPPLY SYSTEM” is any system, other than an individual well, that is operated by a municipality, governmental agency, or a public utility for the purpose of furnishing potable water.
- (20) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.

PRELIMINARY DRAFT

- (21) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (22) “STRUCTURE” is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.
- (23) “SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
 - a. The site features or site location will not detract from the proposed use;
 - b. The site will not create a risk to health, safety or property of the occupants, the neighbors or the general public;
 - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
 - d. Necessary infrastructure is in place or provided by the proposed development; and
 - e. Available public services are adequate to support the proposed development effectively and safely.
- (24) “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.
- (25) “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.
- (26) “YARD” is an OPEN SPACE, other than a COURT, of uniform width or depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.
- (27) “YARD, FRONT” is a YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each but a STREET RIGHT-OF-WAY both such YARDS shall be classified as front YARDS.

PRELIMINARY DRAFT**Case 864-S-16**

Page 9 of 29

- (28) “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.
- (29) “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.
- B. Section 5.2 authorizes a “Kennel” as a Special Use only in the CR, AG-1, AG-2 and B-4 Zoning Districts, and by-right in the I-1 and I-2 Zoning Districts.
- C. 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) Section 6.1.3: Schedule of Standard Conditions for Specific Types of Special Uses includes standard conditions that apply specifically to kennels:
- a. Enclosed KENNELS shall not permit animals to be kept either temporarily or permanently outside the KENNEL. One SINGLE FAMILY DWELLING may be permitted on the site provided it is for occupancy by the OWNER or employee of the KENNEL.
 - b. KENNELS where animals are kept temporarily or permanently outside of the KENNEL shall adhere to the following requirements:
 - (a) Provide a 6 feet wire mesh fence to encompass outdoor animal exercise and/or training area.

PRELIMINARY DRAFT

- (b) Any outdoor animal exercise and/or training area shall be 200 feet from any adjacent residential STRUCTURE and/or USE and shall have a noise buffer of evergreen shrubs or trees a minimum of four feet in HEIGHT installed separating the exercise and/or training area from any adjacent residential STRUCTURE and/or USE. Measurements shall be made from LOT LINE of an adjacent residential STRUCTURE and/or USE.
 - (c) Maintain a SIDE YARD setback and a REAR YARD setback of 200 feet.
- D. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
 - (1) That the Special Use is necessary for the public convenience at that location;
 - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
 - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements is 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.
 - (6) That the SPECIAL USE Permit shall authorize USE, CONSTRUCTION and operation only in a manner that is fully consistent with all testimony and evidence submitted by the petitioner or petitioner's agent(s).

PRELIMINARY DRAFT**Case 864-S-16**
Page 11 of 29

- E. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:
- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
 - a. That the waiver is in accordance with the general purpose and intent of the ordinance; and
 - b. That the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
 - (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:
 - a. Special conditions and circumstances 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.
 - b. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction.
 - c. The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.
- 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, **“The location of the property is near the interstates, on a main road close to town with no residential neighbors.”**
 - B. The subject property is 1.1 miles from the Village of Bondville, 1.75 miles from the City of Champaign, and 2.7 miles from the Village of Mahomet.

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

PRELIMINARY DRAFT

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
- A. The Petitioner has testified on the application, **“The property is located on a main road surrounded by farmland with no residential neighbors to disturb with noise from the business. The business will be using the existing machine shed on the property.”**
- B. Regarding traffic, the following evidence is provided:
- (1) The subject property fronts Bradley Road (CR 1700N), just east of CR 600E.
 - (2) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2011 in the vicinity of the subject property. Bradley Road east of the Kaskaskia Ditch had an ADT of 800.
 - a. The pavement width at the location where the ADT was counted is approximately 24 feet with no shoulder.
 - (3) Traffic volumes are expected to increase, with the worst case scenario being:
 - a. 20 vehicle trips per day, Monday through Friday from 8 am to 5 pm for dog grooming;
 - b. 16 vehicle trips per evening class Monday through Thursday, with 1 to 2 classes per evening;
 - c. 20 vehicle trips per day, Monday through Friday from 8 am to 5 pm for seminars; the possibility of fun matches would be very few per calendar year due to the work involved;
 - d. 50 vehicle trips for fun matches on Friday evenings or during the weekend; the possibility of fun matches would be very few per calendar year due to the work involved;
 - e. Small agility trials might occur from 8 am to 5 pm on Fridays, Saturdays, and/or Sundays, which may include up to 60 attendees; the possibility of trials would be very few per calendar year due to the work involved.
 - f. Based on this information, traffic volumes could increase by 40 on a weekday, by 32 on weekday evenings, and by 120 on weekends (for those infrequent special events). The possible weekday increase is less than 5% of the 2011 ADT.
 - (4) The Champaign Township Road Commissioner has been notified of this case, but no comments have been received.
- C. Regarding fire protection on the subject property, the subject property is located within the Bondville Fire Protection District, which contracts with the Scott Fire Protection District out of Seymour. The Scott Fire Chief has been notified of this case but no comments have been received.

PRELIMINARY DRAFT**Case 864-S-16**
Page 13 of 29

- D. The subject property is located within the mapped floodplain.
- (1) Berns, Clancy and Associates completed a Flood Elevation Form for Ms. Diane Cooper (current owner) on August 14, 2006. The Base Flood Elevation was determined to be 706.2 feet.
 - (2) FEMA issued a Letter of Map Amendment (LOMA) on October 26, 2006, in which they removed the house from the Special Flood Hazard Area.
 - (3) FEMA FIRM panel 17019C0290D, effective date October 2, 2013, shows the entire subject property within the Special Flood Hazard Area.
 - (4) In an email received January 10, 2017, Paul Osman, Manager of Statewide Floodplain Programs/National Flood Insurance Program, Illinois Office of Water Resources, stated the following:
 - a. A state permit for construction of the fence in the floodway will not be required; however, a local permit will still be required as per the Champaign County Special Flood Hazard Areas Ordinance.
 - b. “The Champaign County floodplain ordinance is vague-by-design regarding fences. The ordinance basically says the fence cannot block or obstruct water or increase flooding on neighboring property. This was done intentionally to give you (the local official) the authority to regulate fences based on site specific conditions. In some cases a fence will cause no problems (rural location or shallow flooding). In other cases a fence may cause problems (an urban location or deep or rapid flooding).”
 - c. Referring to the site map provided to him, Mr. Osman said that “it does not appear to me that a relatively small dog run would cause an adverse impact at this location. But that is your call based on the specific site.”
 - (5) Ms. Bradham consulted with Ted Hartke from Hartke Engineering and Surveying regarding the proposed fenced activity area as it relates to potential flooding. In an email received February 8, 2017, Ms. Bradham forwarded the following information from Mr. Hartke:
 - a. “The base flood elevation is determined on Berns Clancy and Associates certificate that the BFE elevation is 706.2 feet.”
 - b. Referring to page 1 of his attachment, Mr. Hartke stated, “see how the 706 feet contour line wraps around your house and the 708 feet contour line is up near your shed. (Appears your shed is elevated 2 feet higher than the ground elevation around your house.)”
 - c. Referring to page 2 of his attachment, Mr. Hartke stated, “see how the flood line shaded blue area nearly follows the 706 feet contour line as shown on my attachment on page 2. I agree with Berns and Clancy which estimates the flood elevation is approximately 706.2 feet.”

PRELIMINARY DRAFT

- d. Mr. Hartke stated, "I feel this will give a large and adequate space for you to have room to exercise dogs or fence in other livestock without having any adverse issues due to flooding or fence wash-out or any other property damage."
- E. The subject property is considered BEST PRIME FARMLAND. The soil on the subject property consists of 152A Drummer silty clay loam and 198A Elburn silt loam, and has an average LE of 100.
 - (1) Ms. Bradham plans to keep the farmland on the subject property in production, per her email received by staff on February 14, 2017.
 - (2) Ms. Bradham proposes no new construction, with the exception of a possible fenced activity area, which would not disturb farmland in production.
 - (3) In an email received April 10, 2017, Jonathon Manuel with Champaign County Soil and Water Conservation District stated that no Natural Resource Report is necessary because there is no planned land disturbance.
- F. Regarding outdoor lighting on the subject property, the petitioner stated in the application that no additional lighting will be needed.
- G. Regarding wastewater treatment and disposal on the subject property:
 - (1) There is a septic system connected to the residence, but not to the storage building.
 - (2) The petitioner has no plans to install restroom facilities in the storage building.
- H. Regarding adequacy of water for the proposed Special Use:
 - (1) The house and the smaller part of the existing barn are connected to city water. No additional infrastructure will be needed to serve the petitioner's needs.
- I. Regarding life safety considerations related to the proposed Special Use:
 - (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
 - a. The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
 - b. The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
 - c. The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional

PRELIMINARY DRAFT**Case 864-S-16**
Page 15 of 29

designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.

- d. Compliance with the Code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
 - e. Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
 - f. The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required.
 - g. The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - h. The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - i. When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.
 - j. Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked.
- (2) The petitioners propose no new buildings or structures, so the requirement regarding 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 is not applicable.
- J. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such

PRELIMINARY DRAFT

as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

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

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application:
- (1) Regarding the 40 feet by 60 feet small attached machine shed: **“Well water - an outside faucet on the north side of the small shed, to the west of the propane tank. Inside the small shed along the west wall, about center along the wall is a hydrant style faucet with a rock drain around it (under the pallet racking). There is another hydrant style faucet along the west wall 3 feet from the north corner. City water – there is an outside faucet style (for a garden hose) on the inside of the north wall, near the walk in door. The piping continues to the northwest corner.”**
 - (2) Regarding the large 70 feet by 120 feet machine shed: **“no water. No additional lighting will be needed. No additional parking will be needed due to the current parking lot meeting the requirements for spaces per this size of the building.”**
 - (3) Regarding the outdoor training/exercise area: **“The outdoor training/exercise area will be 100 feet by 100 feet and 200 feet from the property line on all sides. It will have a 6 feet wire mesh fence. No evergreens or trees are planned to be put on the property line as a noise barrier due to their being no residential neighbors. The outdoor training/exercise area is the only change I am adding to the property.”**
 - a. In an email received March 2, 2017, Phillip Van Ness, Attorney for Ms. Bradham, stated, “Heather is advising me that she has abandoned plans for an outside fenced area. She may revive that discussion someday (in which case she’d apply for a Floodplain Development Permit), but it simply isn’t a significant component of her business model or plans. Her business is amply served by the large buildings already on the premises.”
- B. Regarding compliance with the *Zoning Ordinance*:
- (1) The subject property is 10 acres. The lot was not part of a tract that had a lot area greater than 12 acres as of January 1, 1998, so the property is not subject to the Best Prime Farmland maximum of 3 acres in area.
 - (2) A Kennel is a USE that has been deemed appropriate in the AG-1 Agriculture Zoning District provided that a Special Use Permit is authorized.
 - (3) The proposed site plan complies with all setback requirements with the exception of the 200 feet minimum side yard required for the Kennel Special Use. The east

PRELIMINARY DRAFT**Case 864-S-16**
Page 17 of 29

side yard measures 117 feet, which is the reason for the proposed waiver. The land east of the property is in agricultural production and has no residence.

- (4) Regarding parking on the subject property for the proposed dog training and grooming facility:
- a. A Kennel, for the purpose of establishing minimum Zoning Ordinance requirements, can be considered a commercial use.
 - b. Commercial uses not specifically listed in the Zoning Ordinance must provide 1 space per every 200 square feet of floor area or portion thereof.
 - c. The proposed dog training and grooming facility will be the determining square footage for calculating parking. The barn is 10,800 square feet in area; this floor area would require 54 parking spaces at least 9 feet by 20 feet in dimension.
 - d. The 2014 Champaign County aerial photography shows an existing gravel area east of the barn that is approximately 17,000 square feet; this is sufficient area for 56 parking spaces, compliant with the Zoning Ordinance.
 - e. In an email received February 14, 2017, Ms. Bradham stated that she is planning to install handicap accessible parking next to the building.
 - f. No screening is required around the parking area as per Section 7.4.1 C.4.
- (5) Regarding the required fencing around an outdoor animal exercise and/or training area:
- a. In the Special Use Permit application, Ms. Bradham stated, “The outdoor training/exercise area will be 100 feet by 100 feet and 200 feet from the property line on all sides. It will have a 6 feet tall wire mesh fence.”
 - b. See Item 8.D.(4) regarding potential flooding issues with the proposed fenced activity and training area.
- (6) Regarding the required noise buffer of evergreen shrubs or trees a minimum of four feet in height separating the exercise and/or training area from any adjacent residential structure and/or use:
- a. The nearest residence is approximately 0.5 mile southwest of the subject property.
 - b. In the Special Use Permit application, Ms. Bradham stated, “No evergreens or trees are planned to be put on the property line as a noise barrier due to there being no residential neighbors.”
- C. Regarding compliance with the *Stormwater Management and Erosion Control Ordinance*: The subject property is exempt from the Ordinance because no construction is proposed.
- D. Regarding the *Special Flood Hazard Areas Ordinance*:

PRELIMINARY DRAFT

- (1) The petitioner proposes to construct a fence around an outdoor activity area. The Ordinance states that a fence is considered development, and therefore requires completion of a Floodplain Development Permit. A special condition has been added based on this requirement.
 - (2) ZUPA 366-96-01FP was approved on January 8, 1997 for construction of a single family home with attached garage and a 10,800 square feet detached stable.
 - a. Zoning Use Permit #366-96-01FP included the following special condition of approval: “An as-built elevation certificate will be required on this project prior to occupancy. If more than 2 feet of foundation is exposed above grade (exterior or interior), flood vents must be provided.”
 - (3) ZUPA 268-06-01FP was approved on September 28, 2006 for construction of an in-ground pool and 120 square feet detached storage shed.
 - a. Zoning Use Permit #268-06-01FP included the following special condition of approval: “Any future construction or change to ground level will require a Floodplain Development Permit from the Planning and Zoning Department and natural ground elevations of the area where the construction or change to the ground will occur, from an Illinois licensed engineer, that must be submitted to the Department prior to any work being done.”
- E. Regarding the Subdivision Regulations, the subject property is located in the Village of Bondville subdivision jurisdiction. The subdivision was recorded on July 11, 1977 at the Champaign County Recorder of Deeds. Staff made several requests to the Village of Bondville for verification of subdivision approval, but no response was received.
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-1 Agriculture District:
- (1) A Kennel is a USE that has been deemed appropriate in the AG-1 Agriculture Zoning District provided that a Special Use Permit is authorized.
 - (2) The visual character of the subject property will not change.
 - (3) The proposed Special Use seems unlikely to create any significant traffic impacts but no Traffic Impact Assessment has been made.
 - (4) There will be no significant drainage impacts because the proposed Special Use will not significantly increase the impervious area on the subject property. Further, it is exempt from the *Stormwater Management and Erosion Control Ordinance*.
- G. Regarding accessibility, it is not clear if the proposed use is subject to the Illinois Accessibility Code. A Special Condition has been added to ensure compliance with state accessibility regulations.

PRELIMINARY DRAFT**Case 864-S-16**
Page 19 of 29**GENERALLY REGARDING WHETHER THE SPECIAL USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE**

10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:
- A. A KENNEL may be authorized by the ZBA in the AG-1 Agriculture Zoning District as a Special Use provided all other zoning requirements and standard conditions are met or waived.
- B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the *Zoning Ordinance*:
- (1) Subsection 5.1.14 of the Ordinance states the general intent of the AG-1 District and states 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. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the *Zoning Ordinance*:
- (1) Paragraph 2 .0 (a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.
- This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements with the exception of the side yard requirements for the Kennel Special Use. A waiver is required for approval of this side yard.
- (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the Ordinance is conserving the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.
- In regards to the value of nearby properties, it is unclear what impact the proposed SUP will have on the value of nearby properties. The subject property is surrounded by agricultural land, and the nearest residence is 0.5 mile to the southwest.
- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS.

Based on the information provided under Item 8.B., traffic volumes could increase by 40 on a weekday, by 32 on weekday evenings, and by 120 on weekends (for

PRELIMINARY DRAFT

those infrequent special events). The possible weekday increase is less than 5% of the 2011 ADT of 800 vehicles during a weekday 24-hour period.

- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding the hazards to persons and damage to PROPERTY resulting from the accumulation of runoff from storm or flood waters.

The requested Special Use Permit is exempt from the Champaign County *Stormwater Management and Erosion Control Ordinance*. The petitioner proposes to construct a fence around an outdoor activity area in the future. The Ordinance states that a fence is considered development, and therefore requires completion of a Floodplain Development Permit. A special condition has been added based on this requirement. No drainage problems from the proposed Special Use are anticipated.

- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.
- a. In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
 - b. In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

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 with the exception of the aforementioned side yard for the Kennel Special Use.

- (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.

PRELIMINARY DRAFT**Case 864-S-16**
Page 21 of 29

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 nonconforming conditions.

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

This purpose is not relevant to the proposed Special Use Permit because it relates to nonconforming buildings, structures, or uses that existed on the date of the adoption of the Ordinance and all structures on the property are in conformance with the Zoning Ordinance.

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the Ordinance is protecting the most productive AGRICULTURAL lands from haphazard and unplanned intrusions of urban USES.

The subject property is located in the AG-1 Agriculture District and the proposed use will maintain rural characteristics. The petitioner plans to keep the existing farmland in production.

- (10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the Ordinance is protecting natural features such as forested areas and watercourses.
- a. The subject property does not contain any natural features. The Kaskaskia Ditch is adjacent to the subject property. A preliminary consultation using IDNR's EcoCAT system showed no endangered or threatened species in the area.
 - b. In an email received April 10, 2017, Jonathon Manuel with Champaign County Soil and Water Conservation District stated that no Natural Resource Report is necessary because there is no planned land disturbance.

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

The subject property is located in the AG-1 Agriculture District, will serve a nearby population, and will not require any new public utilities or public infrastructure.

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

The subject property is located in the AG-1 Agriculture District and serves the agricultural nature of the rural area by requiring no further development to the property's rural character.

PRELIMINARY DRAFT

- (13) Paragraph 2.0 (r) of the Ordinance states that one purpose of the Ordinance is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed use in this case is not related to this purpose.

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: **“Not applicable.”**
 - B. The existing use on the property is a conforming use.

GENERALLY REGARDING OTHER CONSIDERATIONS RELATED TO THE WAIVERS OF STANDARD CONDITIONS

12. Regarding the necessary waiver of standard conditions:
- A. Waive the standard condition of Section 6.1.3 of the Zoning Ordinance that requires a side yard of 200 feet for the Kennel Special Use:
 - (1) The proposed site plan complies with all setback requirements with the exception of the 200 feet minimum side yard required for the Kennel Special Use. The east side yard measures 117 feet. The land east of the property is in agricultural production and has no residence.
 - (2) The petitioner proposes to utilize existing buildings that were constructed with approval by the Zoning Department. She does not propose any new construction.

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

13. 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. Without the proposed waiver, for a side yard of 117 feet in lieu of 200 feet for the Kennel special use:
 - (1) The existing building to be used as a dog training facility is 117 feet from the Kaskaskia ditch.
 - (2) The petitioner signed a contract to purchase the property from Mr. Cooper due to its compatibility with her dog training facility needs, including that an existing building is available. The petitioner does not want to construct a new building.
 - (3) Without the proposed waiver, the petitioner would be unlikely to purchase the land from Mr. Cooper.

PRELIMINARY DRAFT

Case 864-S-16
Page 23 of 29

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

14. 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. Ms. Bradham has been in contact with staff for over 5 years as she looked for suitable properties for the dog training facility and residence. She wanted to be sure that the property and use would comply with the Zoning Ordinance.
 - B. The applicant signed a contract to purchase the property contingent upon approval of the Special Use Permit.

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

15. Regarding the *Zoning Ordinance* requirement that the waivers of standard conditions of the Special Use will be in harmony with the general purpose and intent of the ordinance:
 - A. Regarding the proposed waiver, for a side yard of 117 feet in lieu of 200 feet for the Kennel special use: The requested waiver (variance) is 59% of the minimum required, for a variance of 41%.

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

16. Regarding the Zoning Ordinance requirement for a finding that the granting of the waiver (variance) will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
 - A. The Champaign Township Road Commissioner has been notified of this case and no comments have been received.
 - B. The Scott Fire Protection District has been notified of this case and no comments have been received.
 - C. Considerations of public health, safety, and welfare for the proposed special use are discussed under Item 8 and are also applicable to the proposed waivers.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

17. Regarding proposed special conditions of approval:
 - A. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

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

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

PRELIMINARY DRAFT

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

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

That all state accessibility requirements have been met.

- C. **For any future construction, including a fenced activity area for the dog training facility, the petitioner shall apply for a Floodplain Development Permit through the Zoning Department.**

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

That any construction on the property complies with the Champaign County Special Flood Hazard Areas Ordinance.

- D. **This Special Use Permit shall expire if no dog training occurs during any consecutive 365 day period, except when the dog training facility is actively marketed for sale or rent by posting a sign on the front LOT LINE of the property.**

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

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

- E. **No outdoor dog training or dog exercise related to the Special Use shall occur on the subject property if a dwelling is established on any part of the west parcel (Lot 16).**

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

That the Special Use will continue to comply with Section 6.1.3 regarding standard conditions for a Kennel.

PRELIMINARY DRAFT**Case 864-S-16**
Page 25 of 29**DOCUMENTS OF RECORD**

1. Application for Special Use Permit received November 18, 2016, with attachments:
 - A Site Plan (3 pages) received November 18, 2016
 - B Letter from Kevin and Diane Cooper, current owners, received November 18, 2016
2. Email from Paul Osman, Illinois Office of Water Resources, received January 10, 2017
3. Email from Heather Bradham received February 8, 2017, with attachments:
 - A Aerial photos with contour lines from Ted Hartke
 - B Diagram showing possible fenced activity area from Ted Hartke
 - C Letter of Map Amendment dated October 26, 2006, received February 8, 2017
 - D Letter and Elevation Form from Berns, Clancy and Associates dated August 14, 2006, received February 8, 2017
4. Email from Heather Bradham received February 14, 2017
5. Email from Attorney Phillip Van Ness received March 2, 2017
6. Email from Jonathon Manuel received April 10, 2017
7. Preliminary Memorandum dated April 20, 2017, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan (3 pages) received November 18, 2016
 - C Letter from Kevin and Diane Cooper, current owners, received November 18, 2016
 - D Email from Paul Osman, Illinois Office of Water Resources, received January 10, 2017
 - E Email from Heather Bradham received February 8, 2017
 - F Email from Heather Bradham received February 14, 2017
 - G Email from Attorney Phillip Van Ness received March 2, 2017
 - H Email from Jonathon Manuel received April 10, 2017
 - I Site Images taken January 25, 2017
 - J Draft Summary of Evidence, Finding of Fact, and Final Determination dated April 27, 2017

PRELIMINARY DRAFT

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **864-S-16** held on **April 27, 2017**, 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.
- 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.

PRELIMINARY DRAFT

Case 864-S-16
Page 27 of 29

- 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. ***SUBJECT TO THE FOLLOWING WAIVER OF STANDARD CONDITIONS:***
- A. Regarding the waiver of Section 6.1 of the Zoning Ordinance, for a side yard of 117 feet in lieu of the minimum required 200 feet side yard for a Kennel:
- (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because:
 - (2) 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:
 - (3) 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:
 - (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
 - (5) The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION}* *{IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:
7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:***
- A. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

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

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

PRELIMINARY DRAFT

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

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

That all state accessibility requirements have been met.

- C. **For any future construction, including a fenced activity area for the dog training facility, the petitioner shall apply for a Floodplain Development Permit through the Zoning Department.**

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

That any construction on the property complies with the Champaign County Special Flood Hazard Areas Ordinance.

- D. **This Special Use Permit shall expire if no dog training occurs during any consecutive 365 day period, except when the dog training facility is actively marketed for sale or rent by posting a sign on the front LOT LINE of the property.**

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

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

- E. **No outdoor dog training or dog exercise related to the Special Use shall occur on the subject property if a dwelling is established on any part of the west parcel (Lot 16).**

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

That the Special Use will continue to comply with Section 6.1.3 regarding standard conditions for a Kennel.

PRELIMINARY DRAFT

Case 864-S-16
Page 29 of 29

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 **864-S-16** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicants Heather Bradham and Kevin Cooper, to authorize the following:

Authorize a Dog Training Facility as a Kennel, as a Special Use in the AG-1 Agriculture Zoning District.

SUBJECT TO THE FOLLOWING WAIVER OF STANDARD CONDITIONS:

Authorize a waiver for a side yard of 117 feet in lieu of the minimum required 200 feet side yard for a Kennel, as per Section 6.1 of the Zoning Ordinance.

SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:

- A. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**
- B. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the Petitioner has ensured compliance with the Illinois Accessibility Code.**
- C. **For any future construction, including a fenced activity area for the dog training facility, the petitioner shall apply for a Floodplain Development Permit through the Zoning Department.**
- D. **This Special Use Permit shall expire if no dog training occurs during any consecutive 365 day period, except when the dog training facility is actively marketed for sale or rent by posting a sign on the front LOT LINE of the property.**
- E. **No outdoor dog training or dog exercise related to the Special Use shall occur on the subject property if a dwelling is established on any part of the west parcel (Lot 16).**

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

SIGNED:

ATTEST:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date