

CASE NO. 877-V-17

PRELIMINARY MEMORANDUM
JULY 26, 2017

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

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

Petitioners: Illini FS, a division of Growmark, Inc., via agent Matt Busby, and including the Illini FS Board of Directors: Jim Young, President; Chris Hausman, Vice-President; Cory Green, Secretary; Jason Hansens; Scott Kesler; Steve Ludwig; Brian Macke; Gary Romoser; and Mark Shepherd.

Request: Authorize a variance from the Zoning Ordinance on a property in the I-1 Light Industry Zoning District:

Part A: Authorize a setback for an existing principal building of 84 feet from the street centerline of a state highway in lieu of the minimum required 85 feet, per Section 5.3 of the Zoning Ordinance.

Part B: Authorize a side yard for an existing principal building of 9.82 feet in lieu of the minimum required 10 feet per Section 5.3 of the Zoning Ordinance.

Part C: Authorize a rear yard of 12 feet 4 inches for an existing accessory structure in lieu of the minimum required 20 feet, per Section 7.2.3 A.3. of the Zoning Ordinance.

Part D: Authorize 5 wall mounted signs that occupy 27% of the wall surface not on a frontage (west) in lieu of the maximum allowed 3 wall mounted signs that occupy no more than 15% of the wall surface on a frontage, per Section 7.3.6 of the Zoning Ordinance.

Subject Property: A tract in part of the Northwest Quarter of the Northwest Quarter of Section 2, Township 21N Range 8E of the Third Principal Meridian in Condit Township and commonly known as the Illini FS Dewey facility, 1009 CR 3000N, Dewey.

Site Area: 7.38 acres

Time Schedule for Development: As soon as possible

**Prepared by: Susan Burgstrom
Senior Planner**

**John Hall
Zoning Administrator**

BACKGROUND

Illini FS applied for and received Zoning Use Permit #17-17-01 for a building addition in early 2017. Site review by P&Z Staff found that two of their buildings do not meet minimum yard requirements. Special conditions were added to the ZUP approval to remedy the yard encroachments. A variance is required to allow the encroachments so that those buildings can be replaced in the future if necessary.

Illini FS would like to install 5 logo signs on the west wall of its westernmost building. Illini FS is visible to customers from its north frontage on US 136 (CR 3000N), and CR 1000E to the west. The property does not have frontage on CR 1000E. A variance is required to put signs on a wall that is not a frontage (facing a public right-of-way). In addition, the Zoning Ordinance only allows up to 3 signs per frontage; Illini FS is limited to 3 signs without a variance.

The Zoning Ordinance also limits maximum area of the signs not to exceed 15% of the frontage wall square footage. Per the requested variance, the 5 signs total 734.5 square feet, or about 27% of the maximum allowable sign area. This assumes that the western wall (not a frontage) dimensions would be used to calculate the 15% area limitation.

Illini FS has outdoor storage and operations that are within 1,000 feet of a residential use. Section 7.6 of the Zoning Ordinance requires a Type D screen to obscure or conceal any part of any yard used for outdoor storage and/or outdoor operations which is visible within 1,000 feet from a residential use and/or visible from any major street. There are 2 residences within 1,000 feet of the subject property, and US 136 is classified as a major street. A special condition is proposed that requires the petitioner to install a Type D screen.

EXTRATERRITORIAL JURISDICTION

The subject property is not located within the one and one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning. Municipalities do not have protest rights on a variance and are not notified of such cases.

The subject property is located within Condit Township, which does not have a Plan Commission. Township Plan Commissions have protest rights on a variance and are notified of such cases.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Agriculture retail facility	I-1 Light Industry
North	Agriculture	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
West	Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

SPECIAL CONDITIONS

- A. Within 90 days of approval of Case 877-V-17, all outdoor storage and operations visible from adjacent residences, including stockpiles and equipment, must be screened with a Type D Screen to obscure or conceal any part of any yard used for outdoor storage and/or outdoor operations.**

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

That outdoor storage and operations are in compliance with Section 7.6 of the Zoning Ordinance.

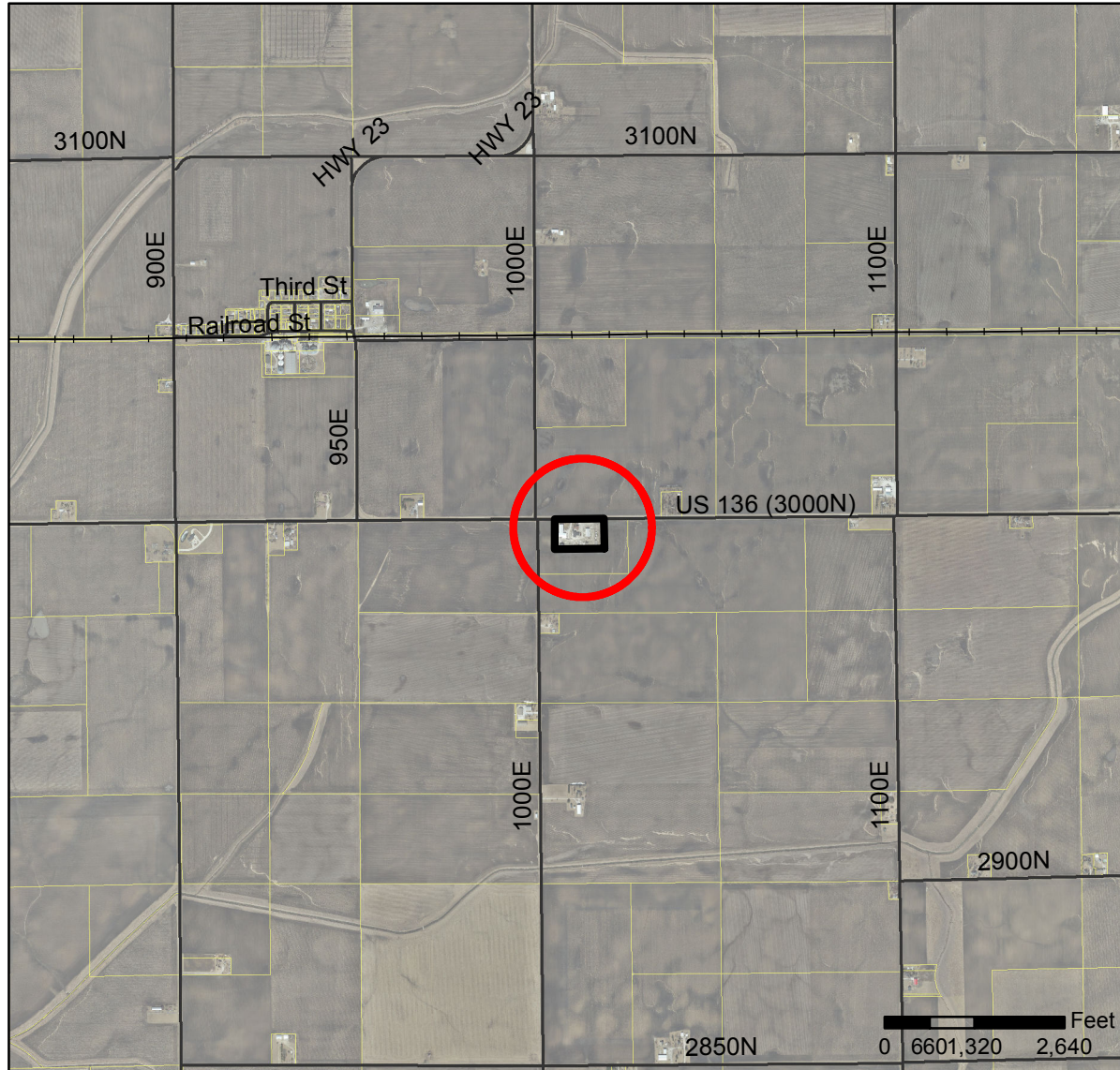
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan from ZUPA #17-17-01, approved January 26, 2017
- C Wall sign diagram received May 15, 2017
- D Annotated Site Map created by staff on July 20, 2017
- E ALTA/ACSM Land Title Survey received April 25, 2017
- F Zoning Use Permit #17-17-01, including special conditions of approval
- G Images of Subject Property taken July 8, 2017
- H Draft Summary of Evidence, Finding of Fact, and Final Determination

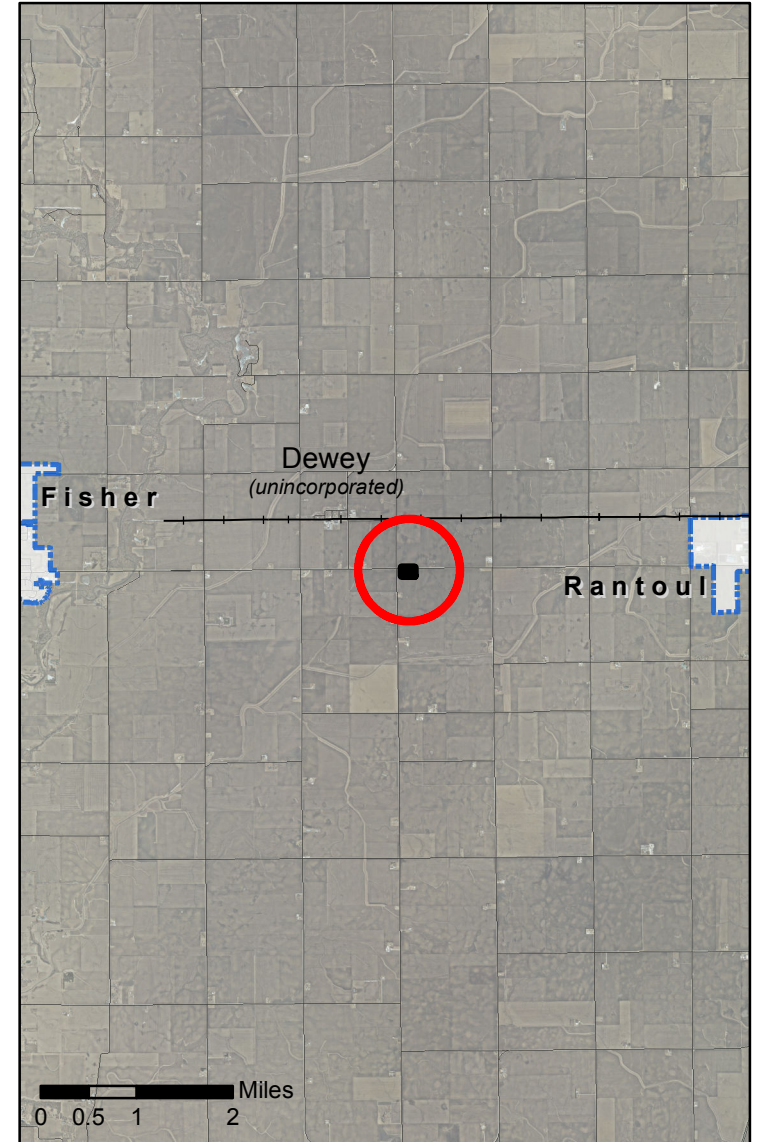
Location Map

Case 877-V-17
August 3, 2017

Subject Property



Property location in Champaign County



Legend

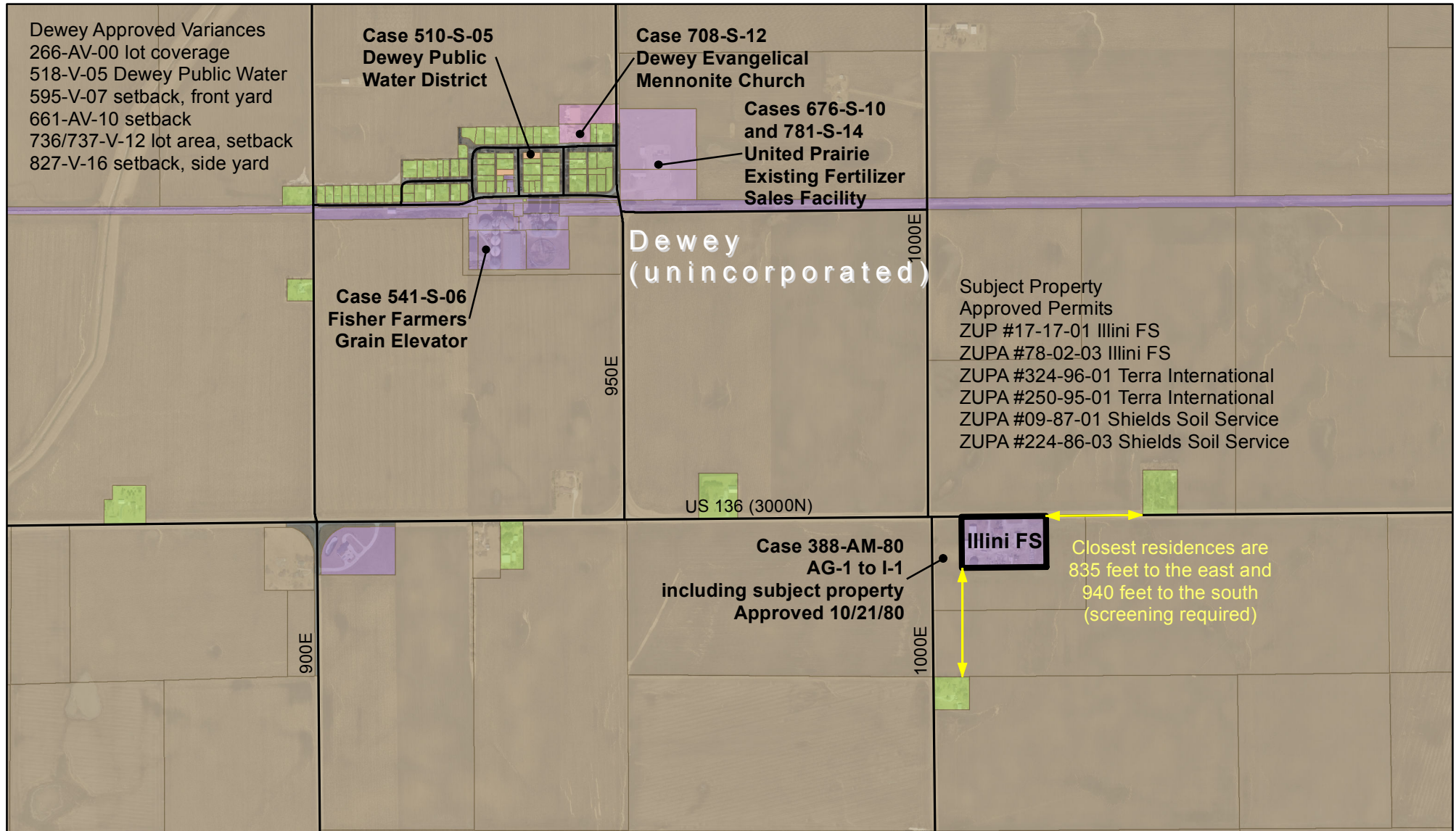
-  Subject Property
-  Municipal Boundary
-  Parcels
-  Railroads



Champaign County
Department of
PLANNING &
ZONING

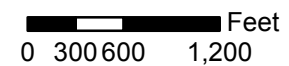
Land Use Map

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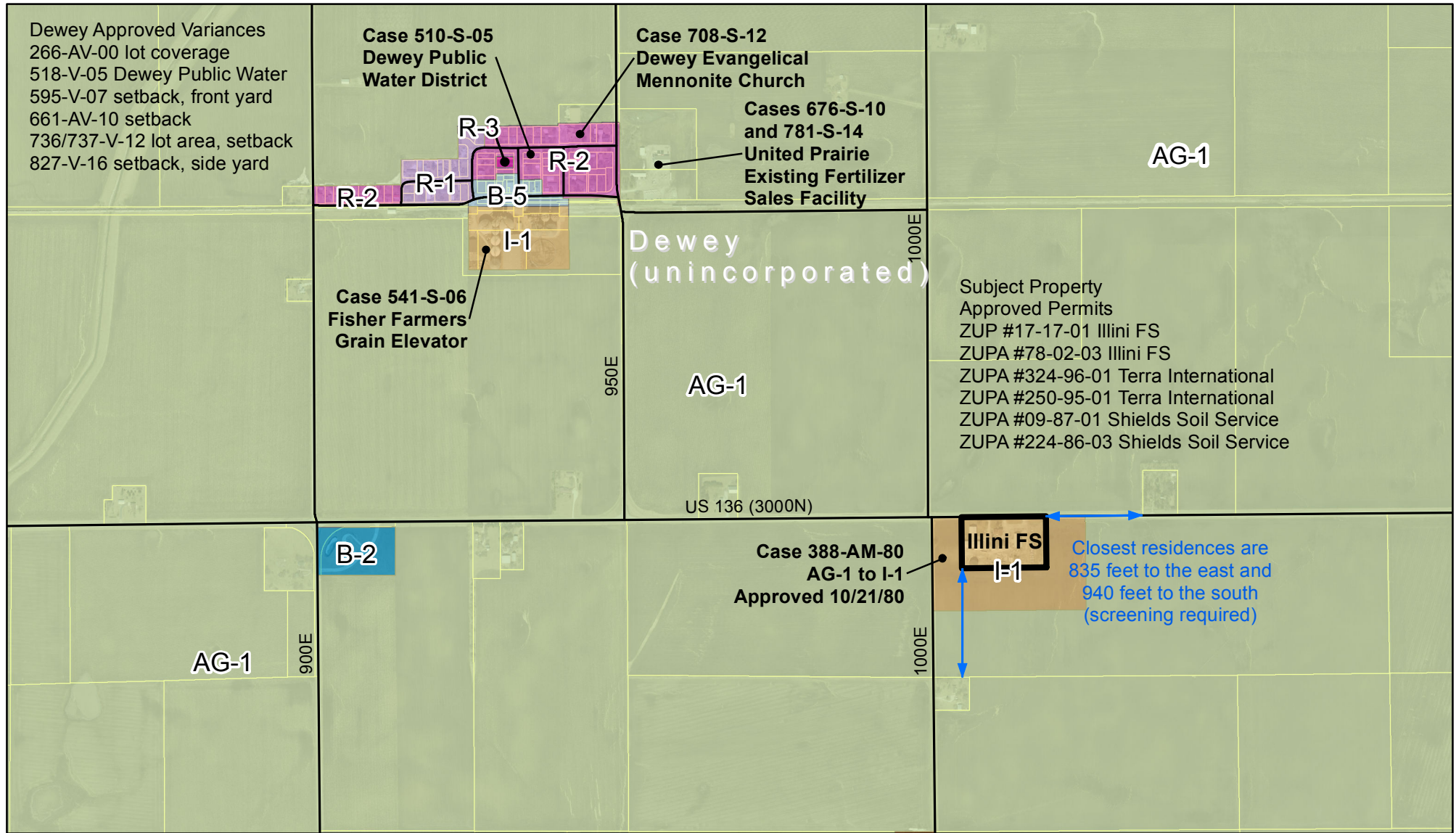
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- Subject Property
- Commercial/Rail
- Agriculture
- Municipal/Township/Public Utility
- SF Residential
- Church





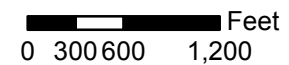
Zoning Map

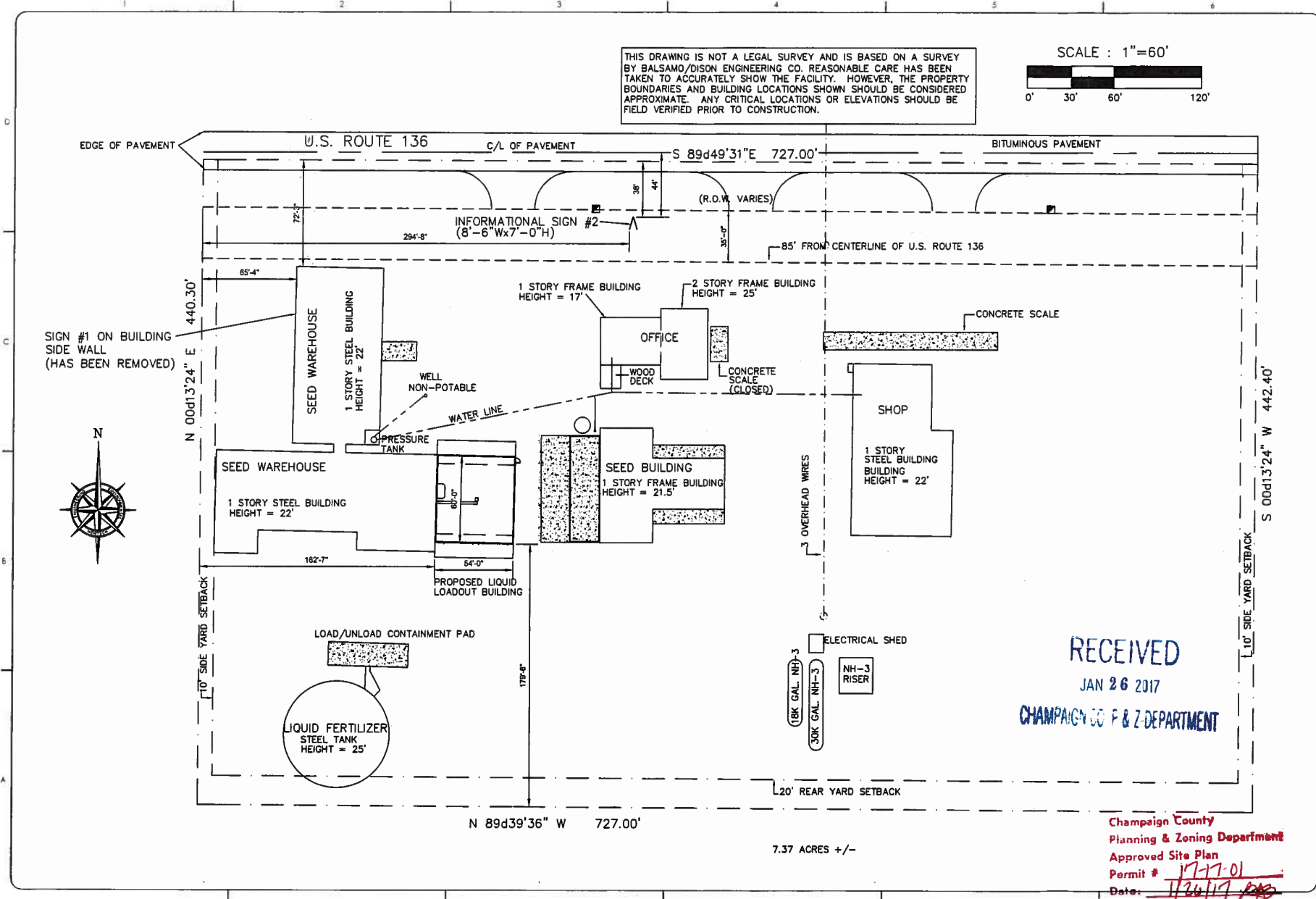
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Legend

-  Subject Property
-  Parcels





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2/20/17 KMG
2/20/17 KMG

1 Added Sign Information
2 Updated Office Building Height

Consultant

NewTech
Engineering & Environmental
A Subsidiary of GROWMARK, Inc.
P.O. Box 2500 • Bloomington, IL 61702
Ill. Prof. Des. Firm Lic. # 184-004160 • Exp. 04/30/17

Project: Illinois
Dewey, IL
Site Plan

Drawn By: KMG
Checked By: KMG
Date: 12/23/16

Rev No: 0
Scale: 1" = 60'-0"

Dwg File: Dewey-pp-County12-23-16

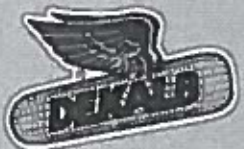
Sheet Reference No. G-001
Sht. 1 of 1

Champaign County
Planning & Zoning Department
Approved Site Plan
Permit # 17-17-01
Date: 1/24/17

RECEIVED

MAY 15 2017

CHAMPAIGN CO. P & Z DEPARTMENT



InVision Sign

Shown 197.5" w x 82.6" t
Made from (3) Panels
(3) Color Vinyl Applied

Dekalb Sign

Shown 165" w x 88" t
Made from (3) Panels
(3) Color Vinyl Applied

Illini FS Sign

Shown 340" w x 131.85" t
Made from (8) Panels
(2) Color Vinyl Applied

Asgrow Sign

Shown 127.5" w x 96" t
Made from (3) Panels
(3) Color Vinyl Applied

HiSoy Sign

Shown 190" w x 94" t
Made from (4) Panels
(3) Color Vinyl Applied

Annotated Site Map

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August 3, 2017



Legend

 Subject Property

0 20 40 80 Feet



ZONING USE PERMIT

No.: 17-17-01

Application Date: 01/17/17

Township: Condit Section: 2 Receipt #: 5432

P.I.N.: 07-08-02-100-007 Fee: \$2,985.00

Location (Address, directions, etc.): 1009 County Road 3000N, Dewey, Illinois

Owner/s: Illini FS

Issued to: Owner: X Agent: Zoning District: I-1 Lot Area: 7.38 acres

Legal Description: A tract of land located in the NW 1/4 of Section 2, Condit Township

Project Is To: construct an addition to an existing building for a chemical load out, and to authorize the following that were constructed without Zoning Use Permits: additions to 4 buildings, a scale, an anhydrous ammonia control building, and a liquid storage tank

Use Is: Accessory: X Principal: Conforming: X Non-Conforming:

By: Appeal #: Special Use #: Variance #:

Special Conditions: SEE REVERSE FOR SPECIAL CONDITIONS OF APPROVAL

Standard Conditions

1. This permit is issued with the understanding that all construction, use and occupancy will be in compliance with the application as filed with the Planning and Zoning Department, and with all provisions of the Champaign County Zoning Ordinance.

2. This Zoning Use Permit expires if the work described in the application has not begun within 180 consecutive days from issuance or if the work is not substantially completed within 365 consecutive days from issuance.

3. As evidenced in the Zoning Use Permit Application, the owner has expressly granted permission for representatives of the Champaign County Department of Planning & Zoning to enter the premises at reasonable times for the purpose of inspection to ensure compliance with the Champaign County Zoning Ordinance.

4. A Zoning Compliance Certificate must be obtained from the Department of Planning and Zoning, in writing, prior to occupancy or use of the work or structures covered by this permit (Section 9.1.3).

Date: 1/26/17

Signed By: 

Zoning Administrator
Authorized Agent

1. The door threshold height and levered door hardware of the proposed addition shall be verified prior to the issuance of a Zoning Compliance Certificate.
2. No signs are authorized under this permit. Installation or placement of signs requires an amendment to this Zoning Use Permit or a separate Zoning Use Permit.
3. The applicant is required to request and obtain a Variance from the Champaign County Zoning Board of appeals to authorize the side and rear yard encroachments of the structures outlined in Special Conditions 4 and 5. The Variance application and fee must be submitted within 6 months of the issuance of Zoning Use Permit 17-17-01.

Construction of the proposed addition outlined in Zoning Use Permit 17-17-01 can commence with the provision that the applicant abides by any reasonable condition imposed by the Champaign County Zoning Board of Appeals with respect to the approval of the requested Variance.

4. The liquid fertilizer tank in the Southwest corner of the subject property encroaches into the rear yard by 7.7 feet. The tank was constructed prior to the creation of the 7.38 acre tract and cannot be reconstructed in the same location should it become damaged or destroyed without obtaining a variance from the Champaign County Zoning Board of Appeals.
5. The 1 story steel building which is where the proposed chemical load out addition will be attached, encroaches into the side yard by .18 feet at the Southwest corner of the building, and is not 85 feet from the centerline of U.S. Route 136 as required by the *Champaign County Zoning Ordinance*. The building was constructed prior to the creation of the 7.38 acre tract and cannot be reconstructed in the location should it become damaged or destroyed, without first obtaining a variance from the Champaign County Zoning Board of Appeals.
6. The two story office building addition was constructed prior to 1983. Should the building become damaged or destroyed by any means, the second story cannot be reconstructed unless it is in compliance with the Illinois Environmental Barriers Act.
7. If the building will have a floor drain or a private sewage system or well, permits must be obtained from the Champaign County Public Health Department. Information can be found at www.c-uphd.org in the Environmental Health section. Phone: 217-363-3269.

877-V-17 Site Images



Subject property from US 136 facing east



Subject property from intersection of US 136 and CR 1000E, facing southeast

877-V-17 Site Images



West side yard, facing south from US 136



West side yard, from south end of property facing north

877-V-17 Site Images



Rear yard, southwest corner of property



Front yard, from west access drive facing west

877-V-17 Site Images



Nearest residential property (behind trees), from east access drive facing east



View of Illini FS from nearest residential property, facing west

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

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

Date: ***{August 3, 2017}***

Petitioners: **Illini FS, a division of Growmark, Inc., via agent Matt Busby, and including the Illini FS Board of Directors: Jim Young, President; Chris Hausman, Vice-President; Cory Green, Secretary; Jason Hansens; Scott Kesler; Steve Ludwig; Brian Macke; Gary Romoser; and Mark Shepherd.**

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Part D: Authorize 5 wall mounted signs that occupy 27% of the wall surface not on a frontage (west) in lieu of the maximum allowed 3 wall mounted signs that occupy no more than 15% of the wall surface on a frontage, per Section 7.3.6 of the Zoning Ordinance.

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **August 3, 2017**, the Zoning Board of Appeals of Champaign County finds that:

1. Illini FS, Inc., owns the subject property. Illini FS, a division of Growmark, Inc., includes the Illini FS Board of Directors: Jim Young, President, 1310 N CR 2450 E, Newman IL 61942; Chris Hausman, Vice-President, 948 CR 100 N, Pesotum IL 61863; Cory Green, Secretary, 131 Wilshire Dr, Tuscola IL 61953; Jason Hansens, 994 CR 2400 N, Champaign IL 61822; Scott Kesler, 2770 CR 1800 N, Ogden IL 61859; Steve Ludwig, 9 Harding Place, Danville IL 61832; Brian Macke, 109 Seven Acre Rd, Marshall IL 62441; Gary Romoser, 16589 E 350 N Rd, Ridge Farm IL 61870; and Mark Shepherd, 6173 E 1950 N RD, Fithian IL 61844.
2. The subject property is a 7.38 acre tract in part of the Northwest Quarter of the Northwest Quarter of Section 2, Township 21N Range 8E of the Third Principal Meridian in Condit Township and commonly known as the Illini FS Dewey facility, 1009 CR 3000N, Dewey.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is not located within the one and one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning.
 - B. The subject property is located within Condit Township, which does not have a Plan Commission. Township Plan Commissions have protest rights on a variance and are notified of such cases.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is a 7.38 acre lot and is currently zoned I-1 Light Industry. Land use is an agricultural retail site.
 - B. Land surrounding the subject property is zoned AG-1 Agriculture and is in agricultural production.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan for the subject property:
 - A. The Petitioner's Site Plan includes the Site Plan from ZUPA #17-17-01 approved January 26, 2017, and the photo of signs with measurements received May 15, 2017. The approved Site Plan indicates the following existing facilities:
 - (1) One seed warehouse with liquid loadout building, approximately 18,633 square feet (subject of variance Parts A, B and D);
 - (2) One liquid fertilizer steel tank (subject of variance Part C) with adjacent load/unload containment pad;
 - (3) One seed building, approximately 4,612 square feet;
 - (4) One office, approximately 2,932 square feet;

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- (5) One concrete scale adjacent to office;
 - (6) One shop, approximately 7,458 square feet;
 - (7) One concrete scale north of the shop; and
 - (8) One electrical shed, 2 ammonia tanks and one ammonia riser, south of shop.
- B. The photo of signs with measurements received May 15, 2017, includes the following signs, in order from left to right:
- (1) InVision sign, 16.46 feet by 6.89 feet (113.41 square feet);
 - (2) Dekalb sign, 13.75 feet by 7.33 feet (100.79 square feet);
 - (3) Illini FS sign, 28.33 feet by 10.99 feet (311.35 square feet);
 - (4) Asgrow sign, 10.65 feet by 8 feet (85.04 square feet); and
 - (5) Hisoy sign, 15.83 feet by 7.83 feet (123.95 square feet).
 - (6) Total sign area is 734.5 square feet.
 - (7) Total west side face is 2,725.25 square feet.
- C. Regarding operations, Illini FS has outdoor storage and operations that are within 1,000 feet of a residential use. Section 7.6 of the Zoning Ordinance requires a Type D screen to obscure or conceal any part of any yard used for outdoor storage and/or outdoor operations which is visible within 1,000 feet from a residential use and/or visible from any major street. There are 2 residences within 1,000 feet of the subject property, and US 136 is classified as a major street.
- D. The following are Previous Zoning Use Permits for the subject property, which are also shown on the Annotated Site Map created by staff on July 20, 2017:
- (1) ZUPA #17-17-01 was approved on January 26, 2017, to construct an addition to an existing building for a chemical load out, and to authorize the following that were constructed without Zoning Use Permits: additions to 4 buildings, a scale, an anhydrous ammonia control building, and a liquid storage tank.
 - (2) ZUPA #78-02-03 was approved for Illini FS, Inc., on March 28, 2002, to remove an existing anhydrous ammonia tank and replace it with an anhydrous ammonia tank being relocated from the Illini FS plant in Fisher.
 - (3) ZUPA #324-96-01 was approved for Terra International on November 26, 1996, to construct an addition to an existing storage building.
 - (4) ZUPA #250-95-01 was approved for Terra International, Inc., on September 7, 1995, for constructing a covered and enclosed loading dock.
 - (5) ZUPA #09-87-01 was approved for Shields Soil Service on January 9, 1987, for construction of a detached storage building (warehouse).

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- (6) ZUPA #224-86-03 was approved for Shields Soil Service on August 18, 1986, for additions to an existing storage building.
- E. Prior Zoning Cases for the subject property include:
- (1) Case 388-AM-80, approved by the County Board on October 21, 1980, changed the zoning of 24.24 acres, including the subject property, from AG-1 Agriculture to I-1 Light Industry in order to operate a bulk fertilizer plant and trucking business.
- F. The required variance is as follows:
- (1) Part A: Authorize a setback for an existing principal building of 84 feet from the street centerline of a state highway in lieu of the minimum required 85 feet, per Section 5.3 of the Zoning Ordinance.
- (2) Part B: Authorize a side yard for an existing principal building of 9.82 feet in lieu of the minimum required 10 feet per Section 5.3 of the Zoning Ordinance.
- (3) Part C: Authorize a rear yard of 12 feet 4 inches for an existing accessory structure in lieu of the minimum required 20 feet, per Section 5.3 of the Zoning Ordinance.
- (4) Part D: Authorize 5 wall mounted signs that occupy 27% of the wall surface not on a frontage (west) in lieu of the maximum allowed 3 wall mounted signs that occupy no more than 15% of the wall surface on a frontage, per Section 7.3.6 of the Zoning Ordinance.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

6. Regarding authorization for the proposed variance:
- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Variance (capitalized words are defined in the Ordinance):
- (1) "ACCESSORY STRUCTURE" is a STRUCTURE on the same LOT within the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, subordinate to and USED for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE or the main or principal USE.
- (2) "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,

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without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.

- (3) “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, animals, and chattels.
- (4) “ESTABLISHMENT” is a business, retail, office, or commercial USE. When used in the singular this term shall be construed to mean a single USE, BUILDING, STRUCTURE, or PREMISES of one of the types here noted.
- (5) “FRONTAGE” is that portion of a LOT abutting a STREET or ALLEY.
- (6) “HEIGHT” as applied to a story is the vertical measurement between the surface of any floor and the surface of the floor next above it, or if there is no floor above, then the vertical measurement between the surface of the floor and the ceiling next above it.

As applied to a BUILDING is the vertical measurement from GRADE to a point midway between the highest and lowest points of the roof.

As Applied to an Enclosed or Unenclosed STRUCTURE:

STRUCTURE, DETACHED: The vertical measurement from the average level of the surface of the ground immediately surrounding such STRUCTURE to the uppermost portion of such STRUCTURE.

STRUCTURE, ATTACHED: Where such STRUCTURE is attached to another STRUCTURE and is in direct contact with the surface of the ground, the vertical measurement from the average level of the surface of the ground immediately adjoining such STRUCTURE to the uppermost portion of such STRUCTURE shall be the HEIGHT. Where such STRUCTURE is attached to another STRUCTURE and is not in direct contact with the surface of the ground, the vertical measurement from the lowest portion of such STRUCTURE to the uppermost portion shall be the HEIGHT.

- (7) “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.
- (8) “SCREEN” is a STRUCTURE or landscaping element of sufficient opaqueness or density and maintained such that it completely obscures from view throughout its height the PREMISES upon which the screen is located.
- (9) “SIGN” is any name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a BUILDING, STRUCTURE, or land which is placed out-of-doors and in view of the general public and which directs attention to a product, place, activity, person, institution, or business.

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- (10) “SIGN, ON-PREMISES” is SIGN which relates solely to a USE, business or profession conducted upon, or to a principal commodity, service, or entertainment sold, provided, or offered upon the PREMISES where the sign is located or on a LOT adjacent to the PREMISES advertised. Such SIGNS shall be ACCESSORY USES of a PROPERTY.
- (11) “SIGN, WALL OR WALL MOUNTED” is a SIGN displayed on or visible through a wall of a BUILDING or STRUCTURE so as to be seen primarily from the direction facing that wall of the BUILDING or STRUCTURE. A wall SIGN attached to the exterior wall of a BUILDING or STRUCTURE does not project more than 20 inches therefrom.
- (12) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (13) “STORAGE” is the presence of equipment, or raw materials or finished goods (packaged or bulk) including goods to be salvaged and items awaiting maintenance or repair and excluding the parking of operable vehicles.
- (14) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
 - (a) MAJOR STREET: Federal or State highways.
 - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
 - (c) MINOR STREET: Township roads and other local roads.
- (15) “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.
- (16) “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.
- (17) “VARIANCE” is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or the Zoning BOARD of Appeals are permitted to grant.
- (18) “YARD” is an OPEN SPACE, other than a COURT, of uniform depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.

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- (19) “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.
- (20) “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. The I-1 Light Industry DISTRICT is established to provide for storage and manufacturing USES not normally creating a nuisance discernible beyond its property line.
- C. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
- a. That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
 - b. That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
 - c. That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
 - d. That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
 - e. That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
- (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9 D.2.
- D. Minimum SETBACK from a MAJOR STREET in the I-1 Light Industry District is established in Section 5.3 of the *Zoning Ordinance* as 85 feet.
- E. Minimum SIDE YARD for in the I-1 Light Industry District is established in Section 5.3 of the *Zoning Ordinance* as 10 feet.
- F. Minimum REAR YARD for an accessory structure in the I-1 Light Industry District is established in Section 5.3 of the *Zoning Ordinance* as 20 feet.
- G. Section 7.3.1 of the *Zoning Ordinance* states that the area of a Sign shall be computed as follows:

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- (1) Flat Sign: the area of the smallest geometric figure (circle, ellipse, triangle, square, rectangle, or other quadrilateral); or
 - (2) Volumetric Sign: The area of the smallest geometric figure encompassing the maximum projected area of the volume on a flat plane which completely encloses the extreme limits of the SIGN including any frame, structural trim or other material forming an integral part of the display as used to differentiate such sign from the background against which it is placed. Such measurement shall exclude the necessary supports or uprights on which the SIGN is placed unless the supports or uprights constitute part of the display.
- H. Section 7.3.6 of the Zoning Ordinance limits wall-mounted on-premises advertising signs in the business and industrial districts as follows:
- (1) Three wall-mounted on-premises signs are allowed per frontage provided as follows:
 - a. Maximum area is 15% of the area of wall surface per frontage;
 - b. No sign may project above the wall upon which the sign is mounted; and
 - c. No sign may project beyond the edges of the wall upon which it is mounted.
- I. Section 7.6 establishes the following conditions for Outdoor Storage and/or Outdoor Operations:
- (1) Part 7.6.1 states that “Outdoor STORAGE and/or OPERATIONS shall be allowed in all DISTRICTS only as ACCESSORY USES unless permitted as a principal USE in Section 5.2 and shall be allowed in any YARD in all DISTRICTS subject to the provisions of Section 7.2 without a permit provided that outdoor STORAGE and/or outdoor OPERATIONS shall not be located in any required off-street PARKING SPACES or LOADING BERTHS.
 - (2) Part 7.6.2 states that “a Type D SCREEN shall be located so as to obscure or conceal any part of any YARD used for outdoor STORAGE and/or outdoor OPERATIONS which is visible within 1,000 feet from any of the following circumstances:
 - a. Any point within the BUILDING RESTRICTION LINE of any LOT located in any R DISTRICT or any LOT occupied by a DWELLING conforming as to USE or occupied by a SCHOOL; church or temple; public park or recreational facility; public library, museum, or gallery; public fairgrounds; nursing home or HOSPITAL; recreational business USE with outdoor facilities; or
 - b. Any designated urban arterial street or MAJOR STREET.”

GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

7. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
 - A. The Petitioner has testified on the application, **“Illini FS purchased this property, buildings and solution tank in 2000 from Terra Industries. The solution tank and**

building that are in question were already there. It would be cost prohibitive to move the tank and the building to meet the setback requirements.”

- B. In order to construct an addition to the seed warehouse (ZUPA #17-17-01), the applicant was required to request and obtain a Variance to authorize the side and rear yard encroachments. Construction of the proposed addition could commence with the provision that the applicant abides by any reasonable condition imposed by the Champaign County Zoning Board of Appeals with respect to the approval of the requested Variance.
- C. The seed warehouse that is the subject of Part B of the proposed variance, and the liquid fertilizer tank that is the subject of Part C of the proposed variance, were constructed prior to the creation of the 7.38 acre tract, and cannot be reconstructed in the location should they become damaged or destroyed, without first obtaining a variance from the Champaign County Zoning Board of Appeals.
- D. Regarding setback from the centerline of US136, in the Approved Site Plan from ZUPA #17-17-01, P&Z Staff noted that there may be an error in the distance between the seed warehouse and the street centerline.
- (1) Staff requested a field measurement from Illini FS to verify the distance. On July 14, 2017, the Petitioner reported a distance of 84 between the north wall of the seed warehouse and the street centerline of US136.
- E. Regarding the number of permitted signs:
- (1) The subject property has one frontage on US 136 (CR 3000N).
- (2) The subject property is surrounded by farmland, but is only 255 feet east of CR 1000E. By definition this cannot be a second frontage, but the wall where the signs would be placed faces CR 1000E and is clearly visible from both CR 1000N and US 136. Signs placed on the one US136 frontage would not be as visible as signs placed on the west side of the building.

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

8. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
- A. The Petitioner has testified on the application:
- (1) **“It would be cost prohibitive to move the solution tank and building to meet the setback regulation on this site. This would greatly impact our ability to continue doing business at the Dewey site.”**
- (2) **“We would like a variance for placing seed signs on this building (the seed warehouse). We decided to have new signs designed for the building that had a more modern look and better color. These signs were already produced before we learned that there were size restrictions and a total number of signs per one side limitation. Since we already spent the money for these signs we are asking for a variance to put up these five signs.”**

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- B. In order to construct an addition to the seed warehouse (ZUPA #17-17-01), the applicant was required to request and obtain a Variance to authorize the side and rear yard encroachments. Construction of the proposed addition could commence with the provision that the applicant abides by any reasonable condition imposed by the Champaign County Zoning Board of Appeals with respect to the approval of the requested Variance.
- C. The seed warehouse that is the subject of Part B of the proposed variance, and the liquid fertilizer tank that is the subject of Part C of the proposed variance, were constructed prior to the creation of the 7.38 acre tract, and cannot be reconstructed in the location should they become damaged or destroyed, without first obtaining a variance from the Champaign County Zoning Board of Appeals.

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

9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
- A. The Petitioner has testified on the application:
- (1) **“As stated earlier, the solution tank and building were present when we purchase the property. We have not made any modifications or additions that impacts the setback requirements.”**
 - (2) **“We would like a variance for placing seed signs on this building (the seed warehouse). We decided to have new signs designed for the building that had a more modern look and better color. These signs were already produced before we learned that there were size restrictions and a total number of signs per one side limitation. Since we already spent the money for these signs we are asking for a variance to put up these five signs.”**

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

10. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
- A. The Petitioner has testified on the application, **“This property has been an ag retail site for many years. Illini FS purchased this location to continue to be able to serve the needs of growers in the Dewey area. The grower who owns the property around our lot was the original owner of this ag retail site. They sold the site with the intention of this site to serve the needs of growers in the Dewey area. The current situation (not meeting the required setbacks) has not impacted the grower around our facility and has not negatively impacted our ability to continue to operate the facility. Thus, we feel a variance on the setback requirements allows Illini FS to continue to operate and does not impact the owner of the property around our lot.”**
- B. Regarding Part A of the proposed Variance, for a setback for an existing principal building of 84 feet from the street centerline of a state highway in lieu of the minimum required 85 feet: the setback is 98.8% of the minimum required, for a variance of 1.8%.

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- C. Regarding Part B of the proposed Variance, for a side yard for an existing principal building of 9.82 feet in lieu of the minimum required 10 feet: the side yard is 98.2% of the minimum required, for a variance of 1.8%.
- D. Regarding Part C of the proposed Variance, for a rear yard of 12 feet 4 inches for an existing accessory structure in lieu of the minimum required 20 feet: the rear yard is 61.5% of the minimum required, for a variance of 38.5%.
- E. Regarding Part D of the proposed Variance, for 5 wall mounted signs on one frontage (west, not a frontage) in lieu of the maximum allowed 3 wall mounted signs, there is a 67% variance for the number of signs and a 100% variance for not placing the signs on a frontage.
- F. Regarding Part A of the proposed variance for setback: the Zoning Ordinance does not clearly state the considerations that underlie the minimum setback requirements. Presumably, the setback from street centerline is intended to ensure the following:
- (1) Adequate separation from roads.
 - (2) Allow adequate area for road expansion and right-of-way acquisition.
 - (3) Parking, where applicable.
- G. Regarding Parts B and C of the proposed Variance, the Zoning Ordinance does not clearly state the considerations that underlie the side yard and rear yard requirements. In general, the side and rear yards are presumably intended to ensure the following:
- (1) Adequate light and air: The subject property is in commercial use. The surrounding properties are in agricultural production.
 - (2) Separation of structures to prevent conflagration: The subject property is within the Sangamon Valley Fire Protection District and the station in Fisher is approximately 4.6 road miles from the subject property.
 - (3) Aesthetics: Aesthetic benefit may be a consideration for any given yard and can be very subjective.
- H. Regarding Part D of the proposed Variance, the Zoning Ordinance does not clearly state the considerations that underlie limits on sign area. In Zoning Case 752-AT-91 regarding sign regulations (withdrawn), the only public purpose that was suggested for sign regulations was to minimize the detrimental aesthetics of overly large signs particularly in areas expected to have a high density of signs while recognizing that sign size is related to the business need to attract customers that are driving by and the general relationship that the higher the speed limit the larger the sign area must be to be readable to passing customers.
- I. The requested variance with 5 signs compares to the maximum wall sign area authorized by the Ordinance as follows:
- (1) The subject property has one frontage and the west wall where the proposed signs would be located is 2,725.25 square feet in area. 15% of that wall area calculates to 409.09 square feet.

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- (2) With the requested variance, all 5 signs total 734.54 square feet, or about 179% of the maximum allowable sign area.

J. The proposed variance meets all other requirements of the Zoning Ordinance.

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

- 11. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
 - A. The Petitioner used the same response noted in Item 10A above.
 - B. The Condit Township Road Commissioner has been notified of this variance but no comments have been received.
 - C. The Sangamon Valley Fire Protection District has been notified of this variance but no comments have been received.
 - D. No comments have been received to date regarding the proposed variance.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

- 12. Generally regarding and other circumstances which justify the Variance, the Petitioner did not provide a response to this question.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

- 13. Regarding proposed special conditions of approval:
 - A. **Within 90 days of approval of Case 877-V-17, all outdoor storage and operations visible from adjacent residences, including stockpiles and equipment, must be screened with a Type D Screen to obscure or conceal any part of any yard used for outdoor storage and/or outdoor operations.**

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

That outdoor storage and operations are in compliance with Section 7.6 of the Zoning Ordinance.

PRELIMINARY DRAFT**DOCUMENTS OF RECORD**

1. Variance Application received April 25, 2017, with attachment:
 - A ALTA/ACSM Land Title Survey
 - B Site Plan (same as Approved Site Plan from ZUPA #17-17-01)
2. Site Plan from ZUPA #17-17-01, approved January 26, 2017
3. Wall sign diagram received May 15, 2017
4. Zoning Use Permit #17-17-01, including special conditions of approval
5. Email from Matt Busby received July 20, 2017
6. Preliminary Memorandum dated July 27, 2017, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan from ZUPA #17-17-01, approved January 26, 2017
 - C Wall sign diagram received May 15, 2017
 - D Annotated Site Map created by staff on July 20, 2017
 - E ALTA/ACSM Land Title Survey received April 25, 2017
 - F Zoning Use Permit #17-17-01, including special conditions of approval
 - G Images of Subject Property taken July 8, 2017
 - H Draft Summary of Evidence, Finding of Fact, and Final Determination

PRELIMINARY DRAFT

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **877-V-17** held on **August 3, 2017**, the Zoning Board of Appeals of Champaign County finds that:

1. Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because: _____
2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because: _____
3. The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because: _____
4. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:

5. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{WILL / WILL NOT}* be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because: _____
6. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:

7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***
 - A. **Within 90 days of approval of Case 877-V-17, all outdoor storage and operations visible from adjacent residences, including stockpiles and equipment, must be screened with a Type D Screen to obscure or conceal any part of any yard used for outdoor storage and/or outdoor operations.**

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

That outdoor storage and operations are in compliance with Section 7.6 of the Zoning Ordinance.

FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval in Section 9.1.9.C *{HAVE/HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Variances requested in Case **877-V-17** are hereby *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* to the petitioner, **Illini FS, Inc.**, to authorize the following variance in the I-1 Light Industry Zoning District:

Part A: Authorize a setback for an existing principal building of 84 feet from the street centerline of a state highway in lieu of the minimum required 85 feet, per Section 5.3 of the Zoning Ordinance.

Part B: Authorize a side yard for an existing principal building of 9.82 feet in lieu of the minimum required 10 feet per Section 5.3 of the Zoning Ordinance.

Part C: Authorize a rear yard of 12 feet 4 inches for an existing accessory structure in lieu of the minimum required 20 feet, per Section 7.2.3 A.3. of the Zoning Ordinance.

Part D: Authorize 5 wall mounted signs that occupy 27% of the wall surface not on a frontage (west) in lieu of the maximum allowed 3 wall mounted signs that occupy no more than 15% of the wall surface on a frontage, per Section 7.3.6 of the Zoning Ordinance.

{SUBJECT TO THE FOLLOWING CONDITION(S):}

- A. Within 90 days of approval of Case 877-V-17, all outdoor storage and operations visible from adjacent residences, including stockpiles and equipment, must be screened with a Type D Screen to obscure or conceal any part of any yard used for outdoor storage and/or outdoor operations.**

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date