

# **CASES 035-AM-21, 036-S-21 & 041-V-22**

**SUPPLEMENTAL MEMORANDUM #5**

*April 5, 2023*

**Petitioner:** Jeffrey Jenkins, d.b.a. Walnut Grove MHP

**Request:**

Case 035-AM-21

Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the R-5 Manufactured Home Park Zoning District in order to operate the proposed Special Use with waivers in related Zoning Case 036-S-21

Case 036-S-21

Authorize the expansion and use of an existing nonconforming manufactured home park with 12 existing plus 8 proposed manufactured home sites in the R-5 Manufactured Home Park Zoning District, contingent upon the rezoning of the subject property in related case 035-AM-21 and including the waivers of standard conditions as listed on the legal advertisement (other waivers may be necessary).

Case 041-V-22

Authorize a variance for a 9.68-acre lot in lieu of the maximum allowed 3 acres in area for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.

**Location:** A 9.68-acre tract in the Northwest Quarter of the Northwest Quarter of Section 10, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township and commonly known as Walnut Grove MHC with an address of 1513 CR 2300N, Urbana.

**Site Area:** 9.68 acres

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

**Prepared by:** Susan Burgstrom, Senior Planner  
John Hall, Zoning Administrator

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***STATUS***

These cases were continued from the March 16, 2023 ZBA meeting. All information requested by the Board to date has been received from the petitioner.

Attachments B and C are revised Summaries of Evidence, Findings of Fact and Final Determinations for these cases.

**PROPOSED SPECIAL CONDITIONS - AMENDED**

The following are special conditions proposed for Map Amendment Case 035-AM-21:

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

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

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

- B. **The Map Amendment is contingent upon approval of Case 036-S-21.**

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

**That the Special Use is consistent with the Zoning Ordinance and ZBA recommendations.**

- C. The petitioner shall achieve full compliance with the Illinois Department of Public Health within one year of approval of Map Amendment Case 035-AM-21 or the rezoning will be void.**

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

**To ensure compliance with IDPH regulations and licensing that provide a greater assurance of public health and safety and ensure that County regulations and IDPH regulations are coordinated in a reasonable manner.**

The following are special conditions proposed for Special Use Permit Case 036-S-21:

- A. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioners have 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 condition stated above is required to ensure the following:

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

- B. **No parking signs shall be posted along all streets in the manufactured home park.**

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

**That there is always adequate emergency vehicle access.**

- C. **Each new home on proposed sites 15 through 20 shall be established pursuant to a Zoning Use Permit that may include all homes on one combined permit or individual homes on individual permits at a fee of \$33 per each site plus a Zoning Compliance Certificate fee of \$33 per each site.**

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

To clarify the permits that are required to ensure conformance with the Zoning Ordinance.

- D. Certification from the County Health Department or the Illinois Department of Public Health that the septic system on the subject property has sufficient capacity for the existing and proposed homes is a requirement for approval of the Zoning Use Permit.

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

That the solid waste system conforms to the requirements of the Zoning Ordinance and any applicable health regulations.

- E. The manufactured home park shall be compliant at all times with ~~the requirement for licensing from the~~ Illinois Department of Public Health ~~requirements and relevant government entity. A copy of the license for 20 home sites shall be submitted to the P&Z Department within one year of approval of Zoning Case 036-S-21. At the time of application for a Zoning Use Permit, the petitioner shall provide a copy of the following from Illinois Department of Public Health:~~
- (1) Approved IDPH construction permit for homes 15 through 20; and
  - (2) Approved IDPH license for 20 homes.

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

To ensure compliance with IDPH regulations and licensing that provide a greater assurance of public health and safety and ensure that County regulations and IDPH regulations are coordinated in a reasonable manner.

- F. Within two years, the petitioner shall develop the recreation area in accordance with the most recent version of the *Illinois Mobile Home Park Act (210 ILCS 115)* and the Illinois Department of Public Health *Manufactured Home Community Code (77 Ill. Adm. Code 860)*.

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

That the manufactured home park conforms to State of Illinois requirements.

- G. The east road in the manufactured home park shall ~~be widened to 24 feet wide and shall~~ connect to the existing interior road between home sites 16 and 17.

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

To provide efficient and safe traffic circulation.

- H. Homes on sites 17 through 20 shall meet the following requirements:
- (1) Homes shall be no larger than 16 feet by 68 feet.
  - (2) Homes shall be 15 feet from the eastern interior road.
  - ~~(3) Homes shall be set on concrete pads.~~

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

**That new home sites meet the requirements of the Zoning Ordinance.**

- I. **Within one year of the approval of Case 036-S-21, the petitioner shall construct a monolithically paved outdoor area of a minimum 160 square feet in area with a minimum dimension of 8 feet and a two-foot wide monolithically paved sidewalk to the entrance of each home.**

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

**That all home sites meet the requirements of the Zoning Ordinance.**

- ~~J. **Within one year of the approval of Case 036-S-21, the petitioner shall construct a three-foot wide monolithically paved sidewalk from the existing cul-de-sac to the recreation area.**~~

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

~~**That the required recreation area meets the requirements of the Zoning Ordinance.**~~

- ~~J. **The petitioner shall achieve full compliance with the Illinois Department of Public Health within one year of approval of Special Use Permit case 036-S-21 or the Special Use Permit will become void and the P&Z Department will begin enforcement action.**~~

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

~~**To mitigate violations on the subject property.**~~

- ~~K. **Within 30 days of approval of Special Use Permit case 036-S-21, the petitioner shall record a Miscellaneous Document at the Champaign County Recorder of Deeds which states that approvals for the rezoning in Case 035-AM-21 and the Special Use Permit in Case 036-S-21 will become void if IDPH approval is not received within one year of approval of cases 035-AM-21 and 036-S-21.**~~

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

~~**That future potential purchasers of the subject property are aware of the conditions established from the zoning cases.**~~

- ~~L. **All new "as-built" private accessway paving must be certified by an Illinois Licensed Professional Engineer to comply with "...Section 16.3.3d. of the Subdivision Ordinance and the current standard specifications of the Illinois Department of Transportation."**~~

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

~~**That new roads comply with County ordinances.**~~

**M. Any new electrical hook-ups shall be done by a licensed electrical contractor and:**

**(1) The installing electrician shall certify in writing that the electrical hook-ups for home sites 17 through 20 meet the National Electrical Code requirements.**

**(2) The installing electrician shall inspect the electrical hook-ups for home sites 13 through 16 and provide a written opinion on whether the hook-ups appear to meet the National Electrical Code requirements.**

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

**That electrical hook-ups comply with Zoning Ordinance requirements.**

There are no proposed special conditions for Variance Case 041-V-22.

**ATTACHMENTS**

- A Legal advertisement
- B Revised Summary of Evidence, Finding of Fact, and Final Determination for Case 035-AM-21 dated April 13, 2023
- C Revised Summary of Evidence, Finding of Fact, and Final Determination for Cases 036-S-21 and 041-V-22 dated April 13, 2023

**LEGAL PUBLICATION: WEDNESDAY, AUGUST 31, 2022**

**CASES 035-AM-21, 036-S-21 & 041-V-22**

NOTICE OF A PUBLIC HEARING IN REGARD TO A REZONING, A SPECIAL USE PERMIT WITH WAIVERS, AND A VARIANCE ON PROPERTY IN UNINCORPORATED CHAMPAIGN COUNTY, UNDER THE PROVISIONS OF THE CHAMPAIGN COUNTY ZONING ORDINANCE.

Jeffrey Jenkins, 13426 Maverick, Marion, IL, d.b.a. Walnut Grove MHC, has filed petitions for a Zoning Map Amendment, a Special Use Permit with Waivers, and a Variance under the provisions of the Champaign County Zoning Ordinance on property in unincorporated Champaign County. The petitions are on file in the office of the Champaign County Department of Planning and Zoning, 1776 East Washington Street, Urbana, Illinois.

A public hearing will be held **Thursday, September 15, 2022, at 6:30 p.m.** prevailing time in the Shields-Carter Meeting Room, Brookens Administrative Center, 1776 East Washington Street, Urbana, at which time and place the Champaign County Zoning Board of Appeals will consider petitions for the following:

**CASE 035-AM-21**

Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the R-5 Manufactured Home Park Zoning District in order to operate the proposed Special Use with waivers in related Zoning Case 036-S-21, on the subject property described below.

**CASE 036-S-21**

Authorize the expansion and use of an existing nonconforming manufactured home park with 12 existing plus 8 proposed manufactured home sites in the R-5 Manufactured Home Park Zoning District, contingent upon the rezoning of the subject property in related case 035-AM-21 and including the following waivers of standard conditions (other waivers may be necessary):

Part A: Authorize a waiver from Section 6.2.2. B. for having 20 home sites in lieu of the minimum required 24 home sites in an existing manufactured home park.

Part B: Authorize a waiver from Section 6.2.1 C.2., for a Site Plan that does not include the number, location, and size of all Manufactured Home Sites.

Part C: Authorize a waiver from Section 6.2.2 C.3. for not providing screening along all boundary lines abutting existing residential development.

Part D: Authorize a Manufactured Home Park with recreation space totaling less than the minimum required 8 percent of gross site area, per Section 6.2.2 D.

Part E: Authorize a waiver from Section 6.2.2 E.1., for a Site Plan that does not include the limits of each Manufactured Home Site.

Part F: Authorize a minimum setback (yard) of 11 feet in lieu of 15 feet between the manufactured home and the manufactured home site boundary adjacent to private accessways, per Section 6.2.2 E.2.a. for proposed home sites 15 through 20.

Part G: Authorize a minimum setback (yard) of 15 feet in lieu of 20 feet between the entrance side of the manufactured home and the manufactured home site boundary, per Section 6.2.2 E.2.b., for existing home site 2.

Part H: Authorize a minimum side yard of 9 feet in lieu of 10 feet, per Section 6.2.2 E.2.c. for existing home site 3.

Part I: Authorize a waiver from having a manufactured home stand or pad on each home site made of concrete slabs or runways with ground anchors, per Section 6.2.2 E.4.

Part J: Authorize no outdoor paved living space in lieu of an outdoor living space of at least 160 square feet with a minimum dimension of 8 feet, per Section 6.2.2 E.5. for all existing and proposed home sites.

Part K: Authorize a minimum pavement width of 19 feet for existing private accessways in lieu of the minimum required 24 feet for minor streets, per Section 6.2.2 F.5.

Part L: Authorize a waiver from Section 6.2.2 F.6., with respect to paving materials, curbs and gutters, grading, intersections, offsets, and radii of curvature, that the provisions of the Subdivision Ordinance shall apply to existing private accessways.

Part M: Authorize a waiver from Section 6.2.2 H.1., for not having individual walks to each manufactured home stand that are paved and a minimum of two feet in width.

Part N: Authorize a waiver from Section 6.2.3 A., for having a private water system that can furnish a minimum of 150 gallons per day per manufactured home at a minimum pressure of 20 pounds per square inch.

Part O: Authorize a waiver for the electrical system to comply with the latest edition of the National Electric Code, per Section 6.2.3 D.1.

#### **CASE 041-V-22**

Authorize a variance for a 9.68 acres lot in lieu of the maximum allowed 3 acres in area for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance, on the subject property described below:

#### **SUBJECT PROPERTY**

A 9.68-acre tract in the Northwest Quarter of the Northwest Quarter of Section 10, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township and commonly known as Walnut Grove MHC with an address of 1513 CR 2300N, Urbana.

All persons interested are invited to attend said hearing and be heard. If you would like to submit comments or questions before the meeting, please call the P&Z Department at 217-384-3708 or email [zoningdept@co.champaign.il.us](mailto:zoningdept@co.champaign.il.us) no later than 4:30 pm the day of the meeting. The hearing may be continued and reconvened at a later time.

Ryan Elwell, Chair

Champaign County Zoning Board of Appeals

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

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Final Determination: ***{RECOMMEND ENACTMENT / RECOMMEND DENIAL}***

Date: ***~~September 15, 2022~~ ~~December 1, 2022~~ ~~February 16, 2023~~ ~~March 16, 2023~~  
April 13, 2023***

Petitioners: **Jeffrey Jenkins, d.ba. Walnut Grove MHC**

Request: **Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the R-5 Manufactured Home Park Zoning District in order to operate the proposed Special Use with waivers in related Zoning Case 036-S-21.**

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## **FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **September 15, 2022, December 1, 2022 February 16, 2023, March 16, 2023 and April 13, 2023**, the Zoning Board of Appeals of Champaign County finds that:

(Note: \* indicates items of evidence that are identical to evidence in Cases 036-S-21 and 041-V-22)

- \*1. Jeffrey Jenkins, 13426 Maverick, Marion, IL is the sole owner of Walnut Grove MHC.
- \*2. The subject property is a 9.68-acre tract in the Northwest Quarter of the Northwest Quarter of Section 10, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township and commonly known as Walnut Grove MHC with an address of 1513 CR 2300N, Urbana.
- \*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 of a municipality with zoning. Municipalities with zoning have protest rights in Map Amendment cases.
  - \*B. The subject property is located within Somer Township, which does not have a Planning Commission.
4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner has indicated: **“Special use conforming.”**
5. Regarding comments by the petitioner when asked on the petition what other circumstances justify the rezoning the petitioner has indicated the following: **“Use of land amicably.”**

### ***GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY***

- \*6. Land use and zoning on the subject property and in the vicinity are as follows:
  - \*A. The 9.68-acre subject property is in the AG-1 Agriculture zoning district and is in use as a non-conforming Manufactured Home Park.
  - \*B. Land surrounding the subject property is zoned AG-1 Agriculture and is in agricultural production.
  - \*C. There is one residence west of the manufactured home park.
- \*7. Regarding the site plan and proposed operations of the subject property:
  - \*A. The topographic survey created by Farnsworth Group, received August 9, 2022, indicates the following existing conditions and proposed improvements:
    - \* (1) Existing buildings and structures include:
      - \*a. 16 manufactured homes; and
      - \*b. A septic system between home sites 3 and 4.
    - \* (2) Proposed improvements include:
      - \*a. Four additional sites on the east side of the subject property.

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- \*B. A revised Site Plan received November 22, 2022 indicates the following changes:
- \* (1) The east road has been indicated as oil and chip.
  - \* (2) There is a connecting road between the spur road and the east road.
  - \* (3) Existing and proposed patios and decks have been annotated.
  - \* (4) The well house, pressure tank and septic have been annotated.
  - \* (5) The approximate location of the discharge line from the sand filter has been added.
  - \* (6) Home sites 15 through 20 show a 16-foot separation between the front of the home and the east road.
  - \* (7) The 1.03-acre recreation area has been moved slightly west and shows a garden area on the south side.
  - \* (8) A note has been added regarding the concrete runners under home sites 17 through 20.
  - \* (9) A proposed 30" concrete sidewalk has been added to most of the homes, and existing landscaping areas are shown for those homes that do not have a proposed sidewalk.
- \*C. A revised Site Plan received February 6, 2023, indicates the following changes:
- \* (1) The footing detail at the bottom of the site plan shows a 32-inch depth rather than the 27-inch depth shown on the November 22, 2022 revised Site Plan.
  - \* (2) The petitioner extended the proposed oil-and-chip east road south to the proposed recreation area.
- \*D. A revised Site Plan received March 13, 2023, includes four sheets and indicates the following changes:
- \* (1) Sheet 1 shows parallel parking along the east access drive.
  - \* (2) Sheet 2: Electric shows the Ameren lines, electrical meters and indoor junction boxes for home sites 13 through 20.
  - \* (3) Sheet 3: Sewer shows existing and future septic system lines for home sites 1 through 20.
  - \* (4) Sheet 4: Water shows existing and future water lines for home sites 1 through 20.
- \*E. The following are previous Zoning Use Permits on the subject property:
- \* (1) The following information was provided by the Illinois Department of Public Health:
    - \*a. 12 home sites were constructed under an Illinois Department of Public Health permit issued February 3, 1972.

- \*b. Four homes were added to the site without permits (home sites 13 through 16).

**GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS**

- 8. Regarding the existing and proposed zoning districts:
  - A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:
    - (1) The AG-1 Agriculture Residence 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 R-5, MANUFACTURED HOME Park DISTRICT is intended to accommodate MANUFACTURED HOME PARKS and their associated USES in a medium density housing environment.
  - B. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
    - (1) There are 13 types of uses authorized by right in the AG-1 District and there are 13 types of uses authorized by right in the R-5 District:
      - a. There are 2 uses authorized by right in the AG-1 District that are also authorized by right in the R-5 District:
        - (a) Subdivisions totaling three lots or less; and
        - (b) Agriculture, including customary accessory uses.
      - b. The following 5 uses are authorized by right in the R-5 District and not at all in the AG-1 District:
        - (a) MANUFACTURED HOME in MANUFACTURED HOME PARK;
        - (b) Institution of an Educational, Philanthropic or Eleemosynary Nature; and
        - (c) Country club or golf course;
        - (d) Country Club Clubhouse; and
        - (e) Lodge or private club.
      - c. The following 6 uses are authorized by right in the R-5 District but require a Special Use Permit in the AG-1 District:
        - (a) SUBDIVISIONS totaling more than three LOTS or with new STREETS or PRIVATE ACCESSWAYS;
        - (b) Elementary SCHOOL, Jr. High SCHOOL, or High SCHOOL;
        - (c) Church, Temple or church related TEMPORARY USES on church PROPERTY;
        - (d) Municipal or GOVERNMENT building;
        - (e) Police station or fire station; and
        - (f) Library, museum, or gallery.
    - (2) There are 46 types of uses authorized by Special Use Permit (SUP) in the AG-1 District, and 9 types of uses authorized by SUP in the R-5 District:

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- a. The following 6 uses may be authorized by SUP in both the AG-1 District and the R-5 District:
- (a) Residential Planned Unit Development;
  - (b) Artificial lake of 1 or more acres;
  - (c) Township Highway Maintenance Garage;
  - (d) Adaptive reuse of government buildings for any use permitted by right in B-1, B-2, B-3, B-4, B-5 and I-1;
  - (e) Electrical substation; and
  - (f) Telephone exchange.
- b. The following 36 uses may be authorized by Special Use Permit in the AG-1 District and not at all in the R-5 District:
- (a) HOTEL – No more than 15 LODGING UNITS;
  - (b) Major RURAL SPECIALTY BUSINESS;
  - (c) Mineral Extraction, Quarrying, topsoil removal and allied activities;
  - (d) Penal or correctional institution;
  - (e) Public park or recreational facility;
  - (f) Sewage disposal plant or lagoon;
  - (g) Private or commercial transmission and receiving towers (including antennas) over 100' in HEIGHT;
  - (h) Radio or Television Station;
  - (i) RESIDENTIAL AIRPORTS;
  - (j) RESTRICTED LANDING AREAS;
  - (k) HELIPORT-RESTRICTED LANDING AREAS;
  - (l) Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer;
  - (m) Livestock Sales Facility and Stockyards;
  - (n) Slaughter Houses
  - (o) Grain Storage Elevator and Bins;
  - (p) ADULT USE CANNABIS CULTIVATION CENTER;
  - (q) ADULT USE CANNABIS CRAFT GROWER;
  - (r) Agronomic Research and Training Facility;
  - (s) Riding Stable;
  - (t) Commercial Fishing Lake;
  - (u) Cemetery or Crematory;
  - (v) Pet Cemetery;
  - (w) KENNEL;
  - (x) VETERINARY HOSPITAL;
  - (y) OFF-PREMISES SIGN beyond 660' of the edge of the RIGHT-OF-WAY of an interstate highway;
  - (z) Contractor's Facilities (with No Outdoor STORAGE Nor Outdoor OPERATIONS);
  - (aa) Contractor's Facilities (with Outdoor STORAGE and/or Outdoor OPERATIONS);
  - (bb) AGRICULTURAL DRAINAGE CONTRACTOR Facility with no Outdoor STORAGE and/or Outdoor OPERATIONS;
  - (cc) AGRICULTURAL DRAINAGE CONTRACTOR Facility with Outdoor STORAGE and/or Outdoor OPERATIONS;

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- (dd) SMALL SCALE METAL FABRICATING SHOP;
  - (ee) Gas Turbine Peaker;
  - (ff) BIG WIND TURBINE TOWER (1-3 BIG WIND TURBINE TOWERS);
  - (gg) WIND FARM;
  - (hh) PV SOLAR FARM;
  - (ii) Sawmills and Planing Mills, and related activities; and
  - (jj) Pre-Existing Industrial Uses (Existing prior to October 10, 1973).
- c. The following 3 uses may be authorized by SUP in the R-5 District and not at all in the AG-1 District:
- (a) MANUFACTURED HOME PARK;
  - (b) HOSPITAL; and
  - (c) Private Kindergarten or Day Care Facility.
- (3) Any proposed Special Use Permit can be evaluated on a case-by-case basis for compatibility with adjacent AG-1 uses.

**GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES**

9. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
- A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:  
“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows...”
  - B. The LRMP defines Goals, Objectives, and Policies as follows:
    - (1) Goal: an ideal future condition to which the community aspires
    - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
    - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
  - C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.”

**REGARDING RELEVANT LRMP GOALS & POLICIES**

(Note: bold italics typeface indicates staff’s recommendation to the ZBA)

10. LRMP Goal 1 is entitled “Planning and Public Involvement” and states:

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**Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.**

Goal 1 is always relevant to the review of the LRMP Goals, Objectives, and Policies in land use decisions but the proposed rezoning will **NOT IMPEDE** the achievement of Goal 1.

11. LRMP Goal 2 is entitled “Governmental Coordination” and states:

**Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.**

Goal 2 has two objectives and three policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 2.

12. LRMP Goal 3 is entitled “Prosperity” and states:

**Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.**

Goal 3 has three objectives and no policies. The proposed amendment will **HELP ACHIEVE** Goal 3 for the following reasons:

- A. The three objectives are:

- (1) Objective 3.1 is entitled “Business Climate” and states: Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.
- (2) Objective 3.2 is entitled “Efficient County Administration” and states: “Champaign County will ensure that its regulations are administered efficiently and do not impose undue costs or delays on persons seeking permits or other approvals.”
- (3) Objective 3.3 is entitled “County Economic Development Policy” and states: “Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRMP.”

- B. Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of these objectives, the proposed rezoning will allow the petitioner to improve the MANUFACTURED HOME PARK on the subject property with proper zoning and to continue to serve residents of Champaign County and therefore the proposed rezoning can be said to **HELP ACHIEVE** Goal 3.

13. LRMP Goal 4 is entitled “Agriculture” and states:

**Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.**

Goal 4 has 9 objectives and 22 policies. Objectives 4.4, 4.5, 4.6, 4.8, and 4.9 and their policies are considered not relevant to the proposed amendment. The proposed amendment will **HELP ACHIEVE** the Goal 4 for the following reasons:

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- A. Objective 4.1 states, “Champaign County will strive to minimize the fragmentation of the County’s agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.”

The proposed rezoning will **HELP ACHIEVE** Objective 4.1 because of the following:

- (1) Policy 4.1.1 states, “**Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.**”

The proposed rezoning will **HELP ACHIEVE** Policy 4.1.1 because:

- a. The land is best prime farmland and consists of 152A Drummer silty clay loam, and 149A Brenton silt loam, and has an average LE Score of 100.
  - b. Approximately four of the 9.68 acres has been a manufactured home park since 1972, and the rest remained in agricultural production.
  - c. With the proposed expansion of the manufactured home park to 20 sites, approximately 0.8 additional acres will be removed from production, leaving 4.88 acres in production.
- (2) Policy 4.1.6 states, “**Provided that the use, design, site and location are consistent with County policies regarding:**
- i. **suitability of the site for the proposed use;**
  - ii. **adequacy of infrastructure and public services for the proposed use;**
  - iii. **minimizing conflict with agriculture;**
  - iv. **minimizing the conversion of farmland; and**
  - v. **minimizing the disturbance of natural areas, then,**
- a) **on best prime farmland, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of by-right development) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or**
  - b) **on best prime farmland, the County may authorize non-residential discretionary development; or**
  - c) **the County may authorize discretionary review development on tracts consisting of other than best prime farmland.”**

The proposed rezoning will **HELP ACHIEVE** Policy 4.1.6 because:

- a. Existing residential plus proposed discretionary residential development will total less than 12 acres.
- b. Regarding compliance with policies having to do with the suitability of the site for the proposed use, the ZBA has recommended that the proposed

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rezoning will **HELP ACHIEVE** Policy 4.3.2 regarding site suitability on best prime farmland.

- c. Regarding compliance with policies having to do with the adequacy of infrastructure and public services for the proposed use, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.3.3 regarding public services and Policy 4.3.4 regarding infrastructure.
  - d. Regarding compliance with policies having to do with minimizing conflict with agriculture, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policies 4.2.1, 4.2.2, 4.2.3, and 4.2.4.
  - e. Regarding compliance with policies having to do with minimizing the disturbance of natural areas, there are no natural areas on the subject property and the proposed amendment **WILL NOT IMPEDE** the achievement of Goal 8.
- (3) Policy 4.1.8 states, **“The County will consider the LESA rating for farmland protection when making land use decisions regarding a discretionary development.”**

The proposed rezoning will **HELP ACHIEVE** Policy 4.1.8 because:

- a. The land is best prime farmland and consists of 152A Drummer silty clay loam, and 149A Brenton silt loam, and has an average LE Score of 100.
  - b. The Site Assessment (SA) portion of the LESA analysis for the subject property scored 158 out of 200 points.
  - c. The total LESA Score of 258 for the subject property receives the lowest protection rating in LESA, which is “very high rating for protection.”
  - d. Approximately four of the 9.68 acres has been a manufactured home park since 1972, and the rest remained in agricultural production.
  - e. With the proposed expansion of the manufactured home park to 20 sites, approximately 0.8 additional acres will be removed from production, leaving 4.88 acres in production.
- B. Objective 4.2 is entitled “Development Conflicts with Agricultural Operations” and states, “Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.”

The proposed rezoning will **HELP ACHIEVE** Objective 4.2 because of the following:

- (1) **Policy 4.2.1 states, “The County may authorize a proposed business or other non-residential *discretionary review* development in a rural area if the proposed development supports agriculture or involves a product or service that is better provided in a *rural* area than in an urban area.”**



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The proposed rezoning will **HELP ACHIEVE** Policy 4.2.1 for the following reasons:

- a. The Land Resource Management Plan (LRMP) provides no guidance regarding what products or services are better provided in a rural area and therefore that determination must be made in each zoning case.
- b. MANUFACTURED HOME PARKS are appropriate uses in both urban and rural areas.

(2) **Policy 4.2.2 states, “The County may authorize *discretionary review* development in a rural area if the proposed development:**

- a. **is a type that does not negatively affect agricultural activities; or**
- b. **is located and designed to minimize exposure to any negative affect caused by agricultural activities; and**
- c. **will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.”**

The proposed rezoning will **HELP ACHIEVE** Policy 4.2.2 for the following reasons:

- a. The manufactured home park and the proposed expansion are sited on land that is not in row crop production and will not interfere with agricultural activities, nor is it likely to be negatively affected by agricultural activities.

(3) **Policy 4.2.3 states, “The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.”**

The proposed rezoning will **HELP ACHIEVE** Policy 4.2.3 for the following reasons:

- a. The Petitioner understands that this is a rural area where agricultural activities take place and does not seek to inhibit agricultural activities.
- b. A copy of Champaign County Right to Farm Resolution No. 3425 is attached to this map amendment to document the current and future owners’ recognition of the Right to Farm.

(4) **Policy 4.2.4 states, “To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all *discretionary review* consider whether a buffer between existing agricultural operations and the proposed development is necessary.”**

The proposed rezoning will **HELP ACHIEVE** Policy 4.2.4 for the following reason:

- a. The manufactured home park will not create nuisance conditions or inhibit adjacent agricultural activities. A buffer between the use and nearby agriculture is not warranted.

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- C. Objective 4.3 is entitled “Site Suitability for Discretionary Review Development” and states: “Champaign County will require that each discretionary review development is located on a suitable site.”

The proposed rezoning will **HELP ACHIEVE** Objective 4.3 because of the following:

- (1) **Policy 4.3.2 states, “On best prime farmland, the County may authorize a discretionary review development provided the site with proposed improvements is well-suited overall for the proposed land use.**

The proposed rezoning will **HELP ACHIEVE** Policy 4.3.2 for the following reasons:

- a. The land is best prime farmland and consists of 152A Drummer silty clay loam, and 149A Brenton silt loam, and has an average LE Score of 100.
- b. The manufactured home park area has not been in row crop production for decades. The proposed expansion area on the east side was in crop production as of the County’s 2020 aerial photo.
- c. Approximately 4 of the 9.68 acres remains in crop production currently.
- d. The proposed development of four additional home sites would not require any special construction methods or engineering and is therefore well-suited overall.

- (2) **Policy 4.3.3 states, “The County may authorize a discretionary review development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.”**

The proposed rezoning will **HELP ACHIEVE** Policy 4.3.3 for the following reasons:

- a. The subject property is located approximately 1.9 road miles from the Thomasboro Fire Protection District Station. The District was notified of the case and no comments were received.

- (3) **Policy 4.3.4 states, “The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.”**

The proposed rezoning will **HELP ACHIEVE** Policy 4.3.4 for the following reason:

- a. No improvements to public infrastructure are required for the proposed development.

- D. Objective 4.7 is entitled “Right to Farm Resolution” and states, “Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.”

- (1) The proposed rezoning will **HELP ACHIEVE** Objective 4.7 because of the following:

- a. A special condition has been added regarding Right to Farm Resolution 3425.

14. LRMP Goal 5 is entitled “Urban Land Use” and states as follows:

**Champaign County will encourage urban development that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.**

Goal 5 has 3 objectives and 15 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 5.

15. LRMP Goal 6 is entitled “Public Health and Safety” and states as follows:

**Champaign County will ensure protection of the public health and public safety in land resource management decisions.**

Goal 6 has 4 objectives and 7 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 6.

- A. Objective 6.1 is entitled “Protect Public Health and Safety” and states, “**Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.**”

The proposed rezoning will **HELP ACHIEVE** Objective 6.1 because of the following:

- (1) Policy 6.1.2 states, “**The County will ensure that the proposed wastewater disposal and treatment systems of discretionary development will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality.**”

The proposed rezoning will **HELP ACHIEVE** Policy 6.1.2 for the following reasons:

- \*a. A private treatment system consisting of three septic tanks collects sewage from the MANUFACTURED HOME PARK.
- \*b. The petitioner is responsible for working with the Champaign County Health Department and the Illinois Department of Public Health regarding a compliant septic system. A special condition has been added to ensure compliance.

16. LRMP Goal 7 is entitled “Transportation” and states as follows:

**Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.**

Goal 7 has 2 objectives and 7 policies. The proposed amendment will **HELP ACHIEVE** Goal 7 for the following reasons:

- A. Objective 7.1 states, “Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.”

The proposed rezoning will **HELP ACHIEVE** Objective 7.1 because of the following:

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- (1) Policy 7.1.1 states, “**The County will include traffic impact analyses in discretionary review development proposals with significant traffic generation.**”

The proposed rezoning will **HELP ACHIEVE** Policy 7.1.1 because:

- \*a. The subject property is just east of US 45 North, approximately one mile south of the Village of Thomasboro.
  - \*(a) CR 2300N in the vicinity of the subject property is a two-lane oil-and-chip road that is approximately 22 feet wide.
- \*b. The traffic generated by the proposed use will not significantly increase with the addition of four home sites.
  - \*(a) Generally the Zoning Department assumes ten vehicle trips per day for a residence. The proposed four new home sites would thus increase traffic by about 40 trips per day.
- \*c. Regarding the general traffic conditions at this location and the level of existing traffic and the likely increase from the proposed Special Use in related case 036-S-21:
  - \*(a) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). CR 2300N east of US 45 North did not have a count available, suggesting it is a road with minimal traffic volume.
  - \*(b) Staff believes that CR 2300N operates within its design capacity, and that the proposed increase would still function at an acceptable level, although no formal Traffic Impact Analysis has been done.

- B. The proposed amendment will **NOT IMPEDE** the achievement of Objective 7.2 and Policies 7.2.1, 7.2.2, 7.2.3, 7.2.4, 7.2.5, and 7.2.6.

17. LRMP Goal 8 is entitled “Natural Resources” and states as follows:

**Champaign County will strive to conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.**

Goal 8 has 9 objectives and 36 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 8.

18. LRMP Goal 9 is entitled “Energy Conservation” and states as follows:

**Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.**

The proposed amendment will **NOT IMPEDE** the achievement of Goal 9.

19. LRMP Goal 10 is entitled “Cultural Amenities” and states as follows:

**Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.**

The proposed amendment ***WILL NOT IMPEDE*** the achievement of Goal 10.

**GENERALLY REGARDING THE LASALLE FACTORS**

20. In the case of *LaSalle National Bank of Chicago v. County of Cook* the Illinois Supreme Court reviewed previous cases and identified six factors that should be considered in determining the validity of any proposed rezoning. Those six factors are referred to as the *LaSalle* factors. Two other factors were added in later years from the case of *Sinclair Pipe Line Co. v. Village of Richton Park*. The *Champaign County Zoning Ordinance* does not require that map amendment cases be explicitly reviewed using all of the *LaSalle* factors but it is a reasonable consideration in controversial map amendments and any time that conditional zoning is anticipated. The proposed map amendment compares to the *LaSalle* and *Sinclair* factors as follows:

A. ***LaSalle* factor: The existing uses and zoning of nearby property.** Table 1 below summarizes the land uses and zoning of the subject property and nearby properties.

**Table 1. Land Use and Zoning Summary**

Direction	Land Use	Zoning
Onsite	Manufactured Home Park, Agriculture	AG-1 Agriculture (proposed rezoning to R-5)
North	Agriculture	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
West	Agriculture, Residential	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

B. ***LaSalle* factor: The extent to which property values are diminished by the particular zoning restrictions.** Regarding this factor:

- (1) It is impossible to establish values without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.
- (2) This area is primarily agricultural and residential in use; the subject property has been in use as a Manufactured Home Park since the 1970s.
- (3) Regarding the value of nearby residential properties:
  - a. It is unknown if the existing manufactured home park and proposed expansion would impact nearby property values.

C. ***LaSalle* factor: The extent to which the destruction of property values of the plaintiff will promote the health, safety, morals, and general welfare of the public.** Regarding this factor:

- (1) There has been no evidence submitted regarding property values.

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- (2) Should the rezoning not be approved, the petitioner could still have 12 existing home sites, would have to remove 4 illegally placed homes, and could keep the remainder of the land in agricultural production.
- D. **LaSalle factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.** Regarding this factor:
- (1) The proposed rezoning will provide additional lower cost housing opportunities for the area.
- E. **LaSalle factor: The suitability of the subject property for the zoned purposes.** The subject property is suitable for the zoned purposes. The subject property has been a manufactured home park since 1972. It is not suitable in its current AG-1 zoning district and would be suitable in the proposed R-5 zoning district.
- F. **LaSalle factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.** Regarding this factor:
- (1) The subject property continues to be in use as a Manufactured Home Park.
- (2) The subject property and its surroundings have maintained the same uses for years.
- G. **Sinclair factor: The need and demand for the use.** Regarding this factor:
- (1) If the petitioners did not perceive a demand in the local market for this type of housing, they would not seek to expand the existing manufactured home park.
- H. **Sinclair factor: The extent to which the use conforms to the municipality's comprehensive planning.**
- (1) The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** the Champaign County Land Resource Management Plan.
- I. Overall, the proposed map amendment **IS CONSISTENT** with the LaSalle and Sinclair factors.

**REGARDING THE PURPOSE OF THE ZONING ORDINANCE**

21. The proposed amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:
- A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan, if approved with the required waivers in Special Use Permit Case 036-S-21, appears to be in compliance with those requirements.

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- \*B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.
- \* (1) Provided that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent properties, there should be no significant effect on the value of nearby properties.
- \* (2) In regards to the value of the subject property, it is not clear if the requested Special Use Permit would have any effect. Regarding the effect on the value of the subject property:
- \*a. The subject property has been a manufactured home park since 1972; if the rezoning is denied, the original 12 home sites can continue to be used but sites 13 through 20 will not be permitted.
- C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.
- (1) Probable traffic impacts are reviewed under Policy 7.1.1.
- (2) Staff believes that area roads would still function at an acceptable level, although no formal Traffic Impact Analysis has been done.
- \*D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.
- The subject property is not in a Special Flood Hazard Area and is exempt from the *Storm Water Management and Erosion Control Ordinance*.
- \*E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.
- (1) 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.
- (2) 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.
- F. 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.

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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, contingent upon approval of the waivers in related Case 036-S-21.

- \*G. Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the ordinance; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate any problematic conditions.

- \*H. Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent 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.

The Petitioners seek to bring the existing manufactured home park into compliance by applying for the rezoning and a Special Use Permit. They also seek waivers in order to bring the property into full compliance.

- \*I. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.
- (1) The proposed Special Use in related Case 036-S-21 does not meet the definition of “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
  - (2) The subject property has been a manufactured home park since the 1970s.

- \*J. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The subject property does not contain any natural features.

- \*K. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development



of urban areas to minimize the cost of development of public utilities and public transportation facilities.

(1) The proposed Special Use in related Case 036-S-21 does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.

(2) The proposed development will not require investment in additional public utilities.

\*L. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

(1) The proposed use will remove approximately 0.8 acre from agricultural production.

(2) The proposed use will maintain the character of the existing area.

\*M. Paragraph 2.0 I of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed rezoning and proposed Special Use will not hinder the development of renewable energy sources.

**REGARDING SPECIAL CONDITIONS OF APPROVAL**

22. Proposed Special Conditions of Approval:

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

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

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

B. **The Map Amendment is contingent upon approval of Case 036-S-21.**

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

**That the Special Use is consistent with the Zoning Ordinance and ZBA recommendations.**

**C. The petitioner shall achieve full compliance with the Illinois Department of Public Health within one year of approval of Map Amendment Case 035-AM-21 or the rezoning will be void.**

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

**To ensure compliance with IDPH regulations and licensing that provide a greater assurance of public health and safety and ensure that County regulations and IDPH regulations are coordinated in a reasonable manner.**

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## DOCUMENTS OF RECORD

1. Applications for Map Amendment and Special Use Permit received December 20, 2021, with attachments:
  - A Illinois Department of Public Health License for 20 sites
  - B Boundary Survey by Round Table Design
  - C Illinois Department of Public Health license for Walnut Grove MHC
2. Topographic Survey by Farnsworth Group received August 9, 2022
3. Email from Andrew Frierdich, IDPH, received December 29, 2021, with attachment:
  - Cease-and-desist letter from the Illinois Department of Public Health received December 29, 2021
4. Email from Andrew Frierdich, IDPH, received December 30, 2021
5. Email from Jeffrey Jenkins received January 24, 2022 regarding septic system
6. Fax from Cary Ware, Illinois Dept. of Public Health, received January 30, 2014, with attachments:
  - A Construction permit dated February 3, 1972 for 12 home sites
7. Natural Resource Information Report by Champaign County Soil & Water Conservation District received January 21, 2022
8. Preliminary Memorandum dated September 7, 2022, with attachments:
  - A Legal advertisement
  - B Case Maps (Location, Land Use, Zoning)
  - C Topographic Survey by Farnsworth Group received August 9, 2022
  - D Boundary Survey by Round Table Design received December 20, 2021
  - E Annotated 2020 aerial photo of Walnut Grove MHC
  - F Annotated 2020 aerial photo: alternative option for sites 17-20 created by P&Z Staff on September 6, 2022
  - G Illinois Department of Public Health license for Walnut Grove MHC received December 20, 2021
  - H Email string from Andrew Frierdich, IDPH, received December 29 & 30, 2021, with attachment:
    - Cease-and-desist letter from the Illinois Department of Public Health received December 29, 2021
  - I Email from Jeffrey Jenkins received January 24, 2022 regarding septic system
  - J Construction permit dated February 3, 1972 for 12 home sites
  - K Natural Resource Information Report by Champaign County Soil & Water Conservation District received January 21, 2022
  - L Zoning Ordinance Section 6.2: Manufactured Home Parks *(available on ZBA meetings website)*
  - M LRMP Land Use Goals, Objectives, and Policies *(available on ZBA meetings website)*
  - N LRMP Appendix of Defined Terms *(available on ZBA meetings website)*
  - O Site photos taken August 10, 2022
  - P Summary of Evidence, Finding of Fact, and Final Determination for Case 035-AM-21
  - Q Summary of Evidence, Finding of Fact, and Final Determination for Cases 036-S-21 and 041-V-22 dated September 15, 2022

9. Photo handed out by Mr. Jenkins at September 15, 2022 ZBA meeting
10. Supplemental Memorandum #1 dated November 22, 2022, with attachments:
  - A Legal advertisement
  - B Revised Site Plan received November 22, 2022
  - C Revised Summary of Evidence, Finding of Fact, and Final Determination for Case 035-AM-21 dated December 1, 2022
  - D Revised Summary of Evidence, Finding of Fact, and Final Determination for Cases 036-S-21 and 041-V-22 dated December 1, 2022
11. IDPH handout *Expanding or Constructing a Manufactured Home Community (on ZBA meetings website)*
12. Mobile Home Park Act (210 ILCS 115/1) (on ZBA meetings website)
13. Manufactured Home Community Code (77 IAC Part 860) (on ZBA meetings website)
14. Manufactured Home Installation Code (77 IAC Part 870) (on ZBA meetings website)
15. Application to alter a Manufactured Home Park (on ZBA meetings website)
16. Supplemental Memorandum #2 dated February 8, 2023, with attachments:
  - A Legal advertisement
  - B Revised Site Plan received February 6, 2023
17. Email from Jeff Jenkins received February 6, 2023
18. Email from Jeff Jenkins received February 10, 2023
19. Email from Jeff Jenkins received February 14, 2023
20. Email 2 from Jeff Jenkins received February 14, 2023
21. Email from Jeff Jenkins received February 15, 2023
22. Letter from AmerenIL received February 15, 2023
23. Letter from Waters Electric received February 15, 2023
24. Supplemental Memorandum #3 dated March 8, 2023, with attachments:
  - A Legal advertisement
  - B Email from Jeff Jenkins received February 27, 2023
  - C Letter from Illiana Construction received February 27, 2023
25. Revised Site Plan sheets received March 13, 2023:
  - 1 Parking
  - 2 Electric
  - 3 Sewer

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26. Supplemental Memorandum #4 dated March 16, 2023, with attachments:

A Legal advertisement

B Four revised Site Plan sheets received March 13, 2023

C Revised Summary of Evidence, Finding of Fact, and Final Determination for Case 035-AM-21 dated March 16, 2023

D Revised Summary of Evidence, Finding of Fact, and Final Determination for Cases 036-S-21 and 041-V-22 dated March 16, 2023

27. Septic report by Bacon, Farmer & Workman received March 16, 2023

28. Supplemental Memorandum #5 dated April 13, 2023, with attachments:

A Legal advertisement

B Revised Summary of Evidence, Finding of Fact, and Final Determination for Case 035-AM-21 dated April 13, 2023

C Revised Summary of Evidence, Finding of Fact, and Final Determination for Cases 036-S-21 and 041-V-22 dated April 13, 2023

## SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **September 15, 2022, December 1, 2022, February 16, 2023, March 16, 2023 and April 13, 2023**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the Land Resource Management Plan because:
  - A. Regarding Goal 3 Prosperity:
    - (1) Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of the Goal 3 objectives, the proposed rezoning will allow the petitioner to utilize the property somewhat more intensively and continue business operations in Champaign County.
    - (2) Based on achievement of the above and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment **WILL HELP ACHIEVE** Goal 3 Prosperity.
  - B. Regarding Goal 4 Agriculture:
    - (1) It will **HELP ACHIEVE** Objective 4.1 requiring minimization of the fragmentation of farmland, conservation of farmland, and stringent development standards on best prime farmland because of the following:
      - a. Policy 4.1.1, which states that commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils (see Item 13.A.(1)).
      - b. Policy 4.1.6 requiring that the use, design, site and location are consistent with policies regarding suitability, adequacy of infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas (see Item 13.A.(2)).
      - c. Policy 4.1.8 requiring that the County consider the LESA rating for farmland protection when making land use decisions regarding a discretionary development (see Item 13.A.(3)).
    - (2) It will **NOT IMPEDE** Objective 4.2 requiring discretionary development to not interfere with agriculture because of the following:
      - a. Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 13.B.(1)).
      - c. Policy 4.2.3 requiring that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land (see Item 13.B.(2)).

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- d. Policy 4.2.4 requiring that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary (see Item 13.B.(3)).
- (3) It will ***HELP ACHIEVE*** Objective 4.3 requiring any discretionary development to be on a suitable site because of the following:
    - a. Policy 4.3.2 requiring a discretionary development on best prime farmland to be well-suited overall (see Item 13.C.(1)).
    - b. Policy 4.3.3 requiring existing public services be adequate to support the proposed development effectively and safely without undue public expense (see Item 13.C.(2)).
    - c. Policy 4.3.4 requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 13.C.(3)).
  - (4) It will ***HELP ACHIEVE*** Objective 4.7 requiring affirmation of the Champaign County Right to Farm Resolution (see Item 13.D.(1)).
  - (5) Based on achievement of the above Objectives and Policies, the proposed map amendment will ***HELP ACHIEVE*** Goal 4 Agriculture.
- C Regarding Goal 6 Public Health and Public Safety:
- (1) It will ***HELP ACHIEVE*** Objective 6.1 requiring that development in unincorporated areas of the County will not endanger public health or safety because of the following:
    - a. Policy 6.1.2 requiring sufficient and safe wastewater disposal (see Item 15.A.(1)).
- D. Regarding Goal 7 Transportation:
- (1) The proposed amendment will ***HELP ACHIEVE*** Goal 7 Transportation because it will ***HELP ACHIEVE*** the following:
    - a. Policy 7.1.1 requiring traffic impact analyses for projects with significant traffic generation. (see Item 16.A.(1)).
- E. The proposed amendment ***WILL NOT IMPEDE*** the following LRMP goal(s):
- Goal 1 Planning and Public Involvement
  - Goal 2 Governmental Coordination
  - Goal 5 Urban Land Use
  - Goal 8 Natural Resources
  - Goal 9 Energy Conservation
  - Goal 10 Cultural Amenities
- F. Overall, the proposed map amendment will ***HELP ACHIEVE*** the Land Resource Management Plan.

2. The proposed Zoning Ordinance map amendment ***IS CONSISTENT*** with the *LaSalle* and *Sinclair* factors because of the following:
  - A. It is impossible to establish property values without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.
  - B. There has been no evidence submitted regarding property values. This area is primarily agricultural and residential in use, and the subject property has been a manufactured home park since 1972.
  - C. The gain to the public of the proposed rezoning would be allow the petitioner to provide lower cost housing for the community.
  - D. The subject property is occupied and in use as a manufactured home park.
  - E. The ZBA has recommended that the proposed rezoning will ***HELP ACHIEVE*** the Champaign County Land Resource Management Plan.
3. The proposed Zoning Ordinance map amendment will ***HELP ACHIEVE*** the purpose of the Zoning Ordinance because:
  - A. Establishing the special use as proposed by the Petitioner, which requires rezoning to R-5, ***WILL*** lessen and avoid congestion in the public streets (Purpose 2.0 (c) see Item 21.C.).
  - B. Establishing the R-5 District at this location ***WILL*** help classify, regulate, and restrict the location of the uses authorized in the R-5 District (Purpose 2.0 (i) see Item 21.G.).
  - C. The proposed rezoning and proposed Special Use ***WILL NOT*** hinder the development of renewable energy sources (Purpose 2.0(r) Item 21.M).
4. The proposed Zoning Ordinance map amendment is subject to the following special conditions:
  - A. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

The special condition stated above is required to ensure the following:  
**Conformance with Policy 4.2.3 of the Land Resource Management Plan.**
  - B. **The Map Amendment is contingent upon approval of Case 036-S-21.**

The special condition stated above is required to ensure the following:  
**That the Special Use is consistent with the Zoning Ordinance and ZBA recommendations.**
  - C. **The petitioner shall achieve full compliance with the Illinois Department of Public Health within one year of approval of Map Amendment Case 035-AM-21 or the rezoning will be void.**

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

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**To ensure compliance with IDPH regulations and licensing that provide a greater assurance of public health and safety and ensure that County regulations and IDPH regulations are coordinated in a reasonable manner.**



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## FINAL DETERMINATION

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Zoning Ordinance Amendment requested in Case 035-AM-21 should **{BE ENACTED / NOT BE ENACTED}** by the County Board in the form attached hereto.

### SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:

- A. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**
- B. **The Map Amendment is contingent upon approval of Case 036-S-21.**
- C. **The petitioner shall achieve full compliance with the Illinois Department of Public Health within one year of approval of Map Amendment Case 035-AM-21 or the rezoning will be void.**

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

SIGNED:

ATTEST:

Ryan Elwell, Chair  
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

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**036-S-21 & 041-V-22**

**SUMMARY OF EVIDENCE, FINDING OF FACT  
AND FINAL DETERMINATION**

**of**

**Champaign County Zoning Board of Appeals**

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

Date: ~~*September 15, 2022*~~ ~~*December 1, 2022*~~ ~~*February 16, 2023*~~ ~~*March 16, 2023*~~ *April 13, 2023*

Petitioners: **Jeffrey Jenkins, d.b.a. Walnut Grove MHC**

Request: **CASE 036-S-21**

**Authorize the expansion and use of an existing nonconforming manufactured home park with 12 existing plus 8 proposed manufactured home sites in the R-5 Manufactured Home Park Zoning District, contingent upon the rezoning of the subject property in related case 035-AM-21 and including the following waivers of standard conditions (other waivers may be necessary):**

**Part A: Authorize a waiver from Section 6.2.2. B. for having 20 home sites in lieu of the minimum required 24 home sites in an existing manufactured home park.**

~~**Part B: Authorize a waiver from Section 6.2.1 C.2., for a Site Plan that does not include the number, location, and size of all Manufactured Home Sites.**~~

~~**Part C: Authorize a waiver from Section 6.2.2 C.3. for not providing screening along all boundary lines abutting existing residential development.**~~

~~**Part D: Authorize a Manufactured Home Park with recreation space totaling less than the minimum required 8 percent of gross site area, per Section 6.2.2 D.**~~

~~**Part E: Authorize a waiver from Section 6.2.2 E.1., for a Site Plan that does not include the limits of each Manufactured Home Site.**~~

~~**Part F: Authorize a minimum setback (yard) of 11 feet in lieu of 15 feet between the manufactured home and the manufactured home site boundary adjacent to private accessways, per Section 6.2.2 E.2.a. for proposed home sites 15 through 20.**~~

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Part **GC**: Authorize a minimum setback (yard) of 15 feet in lieu of 20 feet between the entrance side of the manufactured home and the manufactured home site boundary, per Section 6.2.2 E.2.b., for existing home site 2.

Part **HD**: Authorize a minimum side yard of 9 feet in lieu of 10 feet, per Section 6.2.2 E.2.c. for existing home site 3.

Part **IE**: Authorize a waiver from having a manufactured home stand or pad on each home site made of concrete slabs or runways with ground anchors for existing home sites 1 through 16, per Section 6.2.2 E.4.

Part **JE**: Authorize no outdoor paved living space in lieu of an outdoor living space of at least 160 square feet with a minimum dimension of 8 feet, per Section 6.2.2 E.5. for ~~all~~ existing ~~and proposed~~ home sites 1 through 12.

Part **KC**: Authorize a minimum pavement width of 19 feet for existing private accessways and a minimum pavement width of 20 feet for proposed accessways in lieu of the minimum required 24 feet for minor streets, per Section 6.2.2 F.5.

Part **LH**: Authorize a waiver from Section 6.2.2 F.6., with respect to paving materials, curbs and gutters, grading, intersections, offsets, and radii of curvature, that the provisions of the Subdivision Ordinance shall apply to existing and proposed private accessways.

Part **MI**: Authorize a waiver from Section 6.2.2 H.1., for not having individual walks to each manufactured home stand that are paved and a minimum of two feet in width for existing home sites 4, 5, 7, and 10.

Part **OJ**: Authorize a waiver for the electrical system to comply with the latest edition of the National Electric Code, per Section 6.2.3 D.1.

**CASE 041-V-22**

Authorize a variance for a 9.68-acre lot in lieu of the maximum allowed 3 acres in area for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per Section 5.3 of the Champaign County 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 **September 15, 2022, December 1, 2022, February 16, 2023, March 16, 2023 and April 13, 2023**, the Zoning Board of Appeals of Champaign County finds that:

(Note: \* indicates items of evidence that are identical to evidence in Case 035-AM-21)

- \*1. Jeffrey Jenkins, 13426 Maverick, Marion, IL is the sole owner of Walnut Grove MHC.
- \*2. The subject property is a 9.68-acre tract in the Northwest Quarter of the Northwest Quarter of Section 10, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township and commonly known as Walnut Grove MHC with an address of 1513 CR 2300N, Urbana.
- \*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 of a municipality with zoning. Municipalities with zoning have protest rights in Map Amendment cases.
  - \*B. The subject property is located within Somer 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 9.68-acre subject property is in the AG-1 Agriculture zoning district and is in use as a non-conforming Manufactured Home Park.
  - \*B. Land surrounding the subject property is zoned AG-1 Agriculture and is in agricultural production.
  - \*C. There is one residence west of the manufactured home park.

### **GENERALLY REGARDING THE PROPOSED SPECIAL USE**

5. Regarding the site plan and operations of the proposed Special Use:
  - \*A. The topographic survey created by Farnsworth Group, received August 9, 2022, indicates the following existing conditions and proposed improvements:
    - \* (1) Existing buildings and structures include:
      - \*a. 16 manufactured homes (12 legal, 4 illegal); and
      - \*b. A septic system between home sites 3 and 4.
    - \* (2) Proposed improvements include:
      - \*a. Four additional sites on the east side of the subject property.
  - \*B. A revised Site Plan received November 22, 2022 indicates the following changes:
    - \* (1) The east road has been indicated as oil and chip.

- \* (2) There is a connecting road between the spur road and the east road.
- \* (3) Existing and proposed patios and decks have been annotated.
- \* (4) The well house, pressure tank and septic have been annotated.
- \* (5) The approximate location of the discharge line from the sand filter has been added.
- \* (6) Home sites 15 through 20 show a 16-foot separation between the front of the home and the east road.
- \* (7) The 1.03-acre recreation area has been moved slightly west and shows a garden area on the south side.
- \* (8) A note has been added regarding the concrete runners under home sites 17 through 20.
- \* (9) A proposed 30" concrete sidewalk has been added to most of the homes, and existing landscaping areas are shown for those homes that do not have a proposed sidewalk.
- \*C. A revised Site Plan received February 6, 2023, indicates the following changes:
  - \* (1) The footing detail at the bottom of the site plan shows a 32-inch depth rather than the 27-inch depth shown on the November 22, 2022 revised Site Plan.
  - \* (2) The petitioner extended the proposed oil-and-chip east road south to the proposed recreation area.
- \*D. A revised Site Plan received March 13, 2023, includes four sheets and indicates the following changes:
  - \* (1) Sheet 1 shows parallel parking along the east access drive.
  - \* (2) Sheet 2: Electric shows the Ameren lines, electrical meters and indoor junction boxes for home sites 13 through 20.
  - \* (3) Sheet 3: Sewer shows existing and future septic system lines for home sites 1 through 20.
  - \* (4) Sheet 4: Water shows existing and future water lines for home sites 1 through 20.
- \*E. The following are previous Zoning Use Permits on the subject property:
  - \* (1) The following information was provided by the Illinois Department of Public Health:
    - \*a. 12 home sites were constructed under an Illinois Department of Public Health permit issued February 3, 1972.
    - \*b. Four homes were added to the site without permits (home sites 13 through 16).

- E.** Regarding operations:
- (1) On December 20, 2021, P&Z Staff received a copy of an Illinois Department of Public Health license for 20 spaces for Walnut Grove MHC. This was only a license and not a construction permit.
  - (2) In a cease-and-desist letter received December 29, 2021, the Illinois Department of Public Health stated that the petitioner does not have a construction permit from them to construct the 8 additional home sites (sites 13 through 20). The petitioner was required to submit an application and site plan to IDPH in order to get the appropriate permits.
  - (3) In an email received December 30, 2021, IDPH manager Andrew Friedrich clarified that the license issued on December 20, 2021 should have read 12 sites, not 20 sites, and that construction on sites 13 through 20 must stop until the petitioner has a proper IDPH construction permit.

**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS**

6. Regarding authorization for a Manufactured Home Park in the R-5 Manufactured Home Park Zoning DISTRICT in the *Zoning Ordinance*:
  - 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) “AREA, LOT” is the total area within the LOT LINES.
    - (2) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
      - a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
      - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
      - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
    - (3) “DWELLING” is a BUILDING or MANUFACTURED HOME designated for non-transient residential living purposes and containing one or more DWELLING UNITS and/or LODGING UNITS.
    - (4) “FRONTAGE” is that portion of a LOT abutting a STREET or ALLEY.
    - (5) “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.

- (6) “LOT LINE, FRONT” is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.
- (7) “LOT LINE, REAR” is any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE or to a tangent to the midpoint of the FRONT LOT LINE. In the case of a triangular or gore shaped LOT or where the LOT comes to a point opposite the FRONT LOT LINE it shall mean a line within the LOT 10 feet long and parallel to and at the maximum distance from the FRONT LOT LINE or said tangent.
- (8) “LOT LINES” are the lines bounding a LOT.
- (9) “MANUFACTURED HOME” is a factory assembled DWELLING UNIT designed and constructed to be transported in one or more parts by truck or by towing on wheels temporarily or permanently attached to its frame. This definition shall include mobile homes and modular homes or housing units and shall exclude MOTOR VEHICLES and TRAVEL TRAILERS.
- (10) “MANUFACTURED HOME PARK” is a designated contiguous parcel of land planned and improved for the placement of five or more MANUFACTURED HOMES.
- (11) “MANUFACTURED HOME PARK SERVICE BUILDING” is a permanent STRUCTURE housing laundry, recreation, office, sanitation or other community facilities as required in MANUFACTURED HOME PARKS for use by MANUFACTURED HOME PARK occupants.
- (12) “MANUFACTURED HOME SITE” is a designated parcel of land in a MANUFACTURED HOME PARK intended for the placement of an individual MANUFACTURED HOME, for the exclusive use of its occupants.
- (13) “MANUFACTURED HOME STAND” is that part of an individual MANUFACTURED HOME SITE which has been constructed for the placement of a MANUFACTURED HOME.
- (14) “NONCONFORMING LOT, STRUCTURE or USE” is a LOT, SIGN, STRUCTURE, or USE that existed on the effective date of the adoption or amendment of this ordinance which does not conform to the regulations and standards of the DISTRICT in which it is located.
- (15) “PARKING SPACE” is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (16) “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.



- (17) “SETBACK LINE” is the BUILDING RESTRICTION LINE nearest the front of and across a LOT establishing the minimum distance to be provided between a line of a STRUCTURE located on said LOT and the nearest STREET RIGHT-OF-WAY line.
- (18) SIDEWALK: That paved portion of the RIGHT-OF-WAY designed and intended for the movement of and use of pedestrian traffic.
- (19) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (20) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (21) “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.
- (22) “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.
- (23) “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.
- (24) WELL SUITED OVERALL: A discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be 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.
- (25) “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.

- (26) “YARD, FRONT” is a YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each abut a STREET RIGHT-OF-WAY both such YARDS shall be classified as FRONT YARDS.
  - (27) “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.
  - (28) “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.
- C. Section 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.
- D. Current Zoning Ordinance regulations for Section 6.2: Manufactured Home Parks are provided as an attachment to this Summary of Evidence.
- E. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;

- (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
    - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
    - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
    - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
  - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
  - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
  - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- F. Paragraph 9.1.11.D.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.
- G. 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.
- H. Regarding the proposed variance: the requirement for a maximum of 3 acres on Best Prime Farmland is established in Section 5.3, Footnote 13.

***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 Petitioners testified on the application, **“To function our community properly and legally with the Champaign County jurisdiction.”**
  - B. The manufactured home park has been at this site since the 1970s.

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

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
- A. The Petitioners have testified on the application, **“I have been a landlord for over 45 years. I have an impeccable record of maintenance and management. My intent is true and I promise I will make Champaign County proud.”**
  - B. Regarding surface drainage:
    - (1) The subject property generally drains south toward the Saline Branch Drainage Ditch.
  - C. Regarding traffic in the subject property area:
    - \*(1) The subject property is just east of US 45 North, approximately one mile south of the Village of Thomasboro.
    - \*(2) CR 2300N in the vicinity of the subject property is a two-lane oil-and chip road that is approximately 22 feet wide.
    - \*(3) The traffic generated by the proposed use will not significantly increase with the addition of four home sites.

- \*a. Generally the Zoning Department assumes ten vehicle trips per day for a residence. The proposed four new home sites would thus increase traffic by about 40 trips per day.
- \*b. Regarding the general traffic conditions at this location and the level of existing traffic and the likely increase from the proposed Special Use in related case 036-S-21:
  - \*a) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). CR 2300N east of US 45 North did not have a count available, suggesting it is a road with minimal traffic volume.
  - \*b) Staff believes that CR 2300N operates within its design capacity, and that the proposed increase would still function at an acceptable level, although no formal Traffic Impact Analysis has been done.
- D. Regarding fire protection on the subject property, the subject property is located approximately 1.9 road miles from the Thomasboro Fire Protection District Station. Notice of this zoning case was sent to the Fire Protection District, and no comments have been received.
- E. Regarding special flood hazard areas, no part of the subject property is within a flood hazard area.
- F. The soil on the subject property is considered best prime farmland. Soil consists of 152A Drummer silty clay loam, and 149A Brenton silt loam, and has an average LE Score of 100.
  - a. Approximately four of the 9.68 acres has been a manufactured home park since 1972, and the rest remained in agricultural production.
  - b. With the proposed expansion of the manufactured home park to 20 sites, approximately 0.8 additional acres will be removed from production, leaving 4.88 acres in production.
- G. Regarding outdoor lighting on the subject property:
  - (1) No outdoor lighting was proposed on the Site Plan received August 9, 2022. A special condition has been added to ensure that any future outdoor lighting complies with Section 6.1.2 of the *Zoning Ordinance*.
- H. Regarding wastewater treatment and disposal on the subject property:
  - (1) Please refer to the petitioner's email dated January 24, 2022 for an explanation of the system's operation and capacity.
  - (2) A special condition has been added that there is a sufficient septic system on site for up to 20 sites per the Champaign County Health Department.

I. Regarding public comments:

(1) At the September 15, 2022 ZBA public hearing for these cases, the following testimony was received:

a. Deanna Zehr stated that she was concerned about safety when cars are parked along both sides of the private drive. She is not a resident of the manufactured home park.

(2) At the December 1, 2022 ZBA public hearing for these cases, the following testimony was received:

a. James Weickersheimer said he has lived at Walnut Grove MHC since 2006. He was concerned about testing the well and water system.

b. Deanna Zehr was concerned that the proposed part of the manufactured home park would comply with codes. She was concerned about the petitioner going through proper channels to complete the necessary work, and was concerned for her property value.

(3) At the February 16, 2023 ZBA public hearing for these cases, no testimony was received.

(4) At the March 16, 2023 ZBA public hearing for these cases, the following testimony was received:

a. Deanna Zehr asked if the new things being proposed would be up to code. She asked if the two manufactured homes that were put in illegally by Mr. Jenkins would have to be moved to comply with code. She said she was very concerned that things haven't been done correctly in the past, and she doesn't have faith that they will be done correctly in the future.

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

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

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:

A. The Petitioner has testified on the application: **“The sewer and water system was built beyond typical codes. The sewage treatment plant is way oversized and water system is built with schedule 80 6” pipe all virtually forever. The homes then are simply installed and anchored above.”**

B. Regarding compliance with the *Zoning Ordinance*:

- (1) Expansion of Manufactured Home Parks is allowed in the R-5 Manufactured Home Park Zoning District with a Special Use Permit.
- (2) Section 6.2.1 states that it shall be unlawful to construct, alter, or expand any manufactured home park unless a valid permit is issued by the Zoning Administrator for the specific construction, alteration, or expansion proposed. It also states that all applications for permits should include the following:
  - (a) **Name and address of the applicant.**
  - (b) **Location and legal description of the proposed manufactured home park.**
  - (c) **Plans and specifications of the proposed manufactured home park development including but not limited to the following:**
    - i. **A map indicating the area and dimensions of the tract of land;**
    - ii. **The number, location, and size of all manufactured home sites;**
    - iii. **The location of all water, storm sewer, and sanitary sewer lines, water supply, and refuse and sewage disposal facilities;**
    - iv. **All buildings existing or to be constructed within the manufactured home park; and**
    - v. **The location of internal lighting and electrical systems.**
  - a. Waiver Part B for Section 6.2.1.C.2. is necessary because the size of all manufactured home sites was not provided on the Site Plan received August 9, 2022.
- (3) Paragraph 6.2.2.A. provides General Provisions for locating MANUFACTURED HOME PARKS on suitable sites, as follows:
  - a. No MANUFACTURED HOME PARK shall be located in an area where the conditions of soil, groundwater level, drainage or topography may cause hazard to the property, health, or safety of the occupants.
    - (a) A waiver from Section 6.2.2.A.1. is not required because there are no known hazards to the occupants.
  - b. No MANUFACTURED HOME PARK shall be located such that it is exposed to objectionable smoke, dust, noise, odors, vibrations or other adverse influences.
    - (a) A waiver from 6.2.2.A.2. is not required because there is no evidence that any smoke, dust, noise, odors, vibrations, or other adverse influences exist at objectionable levels on the subject property.
  - c. ACCESS to a MANUFACTURED HOME PARK shall be provided in such a manner to facilitate ACCESS by emergency vehicles, and should be designed to provide efficient and safe traffic circulation in the vicinity.
    - (a) A waiver from Section 6.2.2.A.3. does not appear to be necessary because there is sufficient width for emergency vehicles to access the site.

- d. No part of any MANUFACTURED HOME PARK shall be used for non-residential purposes except ACCESSORY USES that are required to directly serve MANUFACTURED HOME PARK residents and for management and maintenance of the MANUFACTURED HOME PARK.
  - (a) A waiver from Section 6.2.2.A.4. is not required because there are no known non-residential uses on the subject property.
- (4) Paragraph 6.2.2.B. regulates the Size and Density of MANUFACTURED HOME PARKS, as follows:
  - a. No MANUFACTURED HOME PARK shall contain an area of less than five acres, nor less than 40 MANUFACTURED HOME SITES provided.
  - b. MANUFACTURED HOME PARKS which predate the adoption of zoning may continue to operate.
  - c. Any alterations or expansions of existing MANUFACTURED HOME PARKS must conform to the *Zoning Ordinance*; after the alteration or expansion the MANUFACTURED HOME PARK must be at least three acres in area or provide at least 24 MANUFACTURED HOME SITES; and must not include more than eight MANUFACTURED HOME SITES per gross acre.
    - (a) Waiver Part A is necessary because there are 20 home sites rather than the minimum required 24 sites.
- (5) Paragraph 6.2.2.C. provides Required Setbacks and Screening for MANUFACTURED HOME PARK exterior boundaries, as follows:
  - a. Setback from Township Road or MINOR STREETS - 25 feet: the subject property complies with this required setback.
  - b. The Manufactured Home Park must have minimum SIDE and REAR YARDS of 15 feet: the manufactured home park complies with the required yards.
  - c. All MANUFACTURED HOME PARKS shall be provided with visual screening such as fences or SCREEN PLANTING along all boundary lines abutting existing residential, commercial, or industrial development. Such fences or SCREEN PLANTING shall be of sufficient height and density to adequately filter from view the MANUFACTURED HOMES, ACCESSORY STRUCTURES, and other USES in the MANUFACTURED HOME PARK.
    - (a) A waiver from Section 6.2.2.C.3. is necessary because there is no screening for the residence to the west.
- (6) Paragraph 6.2.2.D. provides for required recreation space of not less than eight percent of the gross site area of the MANUFACTURED HOME PARK. Such facilities shall be centrally located on the site and readily accessible to all MANUFACTURED HOME occupants. Recreation areas may include park space, play lots, swimming pools, and community buildings (exclusive of laundry and



administrative offices). Recreation areas may be de-centralized provided that no single parcel of outdoor recreation space contains less than 6,000 square feet nor has a minimum average width of less than thirty feet.

a. ~~A Waiver **Part D** from (Section 6.2.2.D.) is no longer necessary because the revised Site Plan received November 22, 2022 includes a 1.03-acre recreation area. necessary because there is no identified recreation area in the manufactured home park, although there is a significant amount of land that could be used for recreation space.~~

(7) Paragraph 6.2.2.E. provides MANUFACTURED HOME SITE REQUIREMENTS, as follows:

a. The limits of each MANUFACTURED HOME SITE shall be designated in accordance with the approved plan required by Section 6.2.1.C of the *Zoning Ordinance*.

(a) ~~A Waiver **Part E** from Section 6.2.2.E.1. is no longer necessary. because the limits of each manufactured home site were not designated on the Site Plan received August 9, 2022.~~

b. Every MANUFACTURED HOME shall maintain a 15-foot minimum yard from the boundary abutting a PRIVATE ACCESSWAY or road.

(a) ~~A Waiver **Part F** from (Section 6.2.2.E.2.a.) is no longer necessary because proposed sites 15 through 20 have ~~4~~ at least 15 feet of space between the front of the manufactured home and the private accessway.~~

c. Every MANUFACTURED HOME shall maintain a 20 foot minimum yard from the boundary facing the entrance of the MANUFACTURED HOME.

(a) ~~A Waiver **Part G** from (Section 6.2.2.E.2.b.) is necessary for existing home site 2 due to the following:~~

i. P&Z Staff calculated that home site 2 provides 15 feet of yard between the entrance side of the manufactured home and the home site boundary.

ii. Home sites 1 through 12 are non-conforming; they existed prior to the adoption of the Zoning Ordinance on October 10, 1973.

d. Every MANUFACTURED HOME shall maintain a 10-foot minimum yard from any boundary not specified above.

(a) ~~A Waiver **Part H** (from Section 6.2.2.E.2.c.) is necessary for existing home site 3 because of the following:~~

i. P&Z Staff calculated that home site 3 provides a 9-foot side yard.

ii. Home sites 1 through 12 are non-conforming; they existed prior to the adoption of the Zoning Ordinance on October 10, 1973.

- e. No MANUFACTURED HOME SITE shall consist of an area less than 3,200 square feet.
  - (a) All home sites exceed this criterion.
  
- f. A MANUFACTURED HOME STAND or pad shall be provided on each MANUFACTURED HOME SITE of sufficient size to accommodate the MANUFACTURED HOME to be located thereon. MANUFACTURED HOME STANDS shall be concrete slabs, or runways, constructed so as not to shift or settle unevenly under the weight of a MANUFACTURED HOME or other forces due to frost, vibration, wind or water. Provisions shall be made for the use of ground anchors designed to withstand a minimum load of 4,800 pounds each. Four ground anchor connections shall be provided for each MANUFACTURED HOME of less than 51 feet in length and six ground anchor connections shall be provided for MANUFACTURED HOMES exceeding 50 feet in length.
  - (a) ~~A Waiver Part I~~ is necessary for all home sites because they do not have a concrete slab or runway under the homes.
  
  - (b) It is unknown if the anchoring systems are compliant.
  
- g. Each MANUFACTURED HOME SITE shall be provided with an outdoor living space to supplement the interior living space of the MANUFACTURED HOME. This outdoor living space must be paved monolithically or constructed of masonry or concrete moveable units placed sufficiently close together to create a single useable surface. The area of the outdoor living space shall be a minimum of 160 square feet with a minimum dimension of eight feet.
  - (a) ~~A Waiver Part J (from Section 6.2.2.E.5.)~~ is necessary because ~~none-not all~~ of the existing home sites have an outdoor paved living space of at least 160 square feet.
  
  - (b) Home sites 1 through 12 are non-conforming; they existed prior to the adoption of the Zoning Ordinance on October 10, 1973.
  
- h. The space between the MANUFACTURED HOME STAND and the floor of the MANUFACTURED HOME shall be enclosed with non-combustible skirting. The area thereby enclosed may be used for storage of ordinary household objects and material.
  - (a) No waiver of Section 6.2.2.E.6. is necessary because all existing homes are in compliance and proposed homes will be enclosed with non-combustible skirting.
  
- i. A minimum of two improved off-street PARKING SPACES shall be provided for each MANUFACTURED HOME SITE. One of these PARKING SPACES may be provided off the MANUFACTURED HOME SITE provided such PARKING SPACE is not located more than 200 feet from the MANUFACTURED HOME SITE served.

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- (a) No waiver is necessary because each home has a gravel area with enough room for two parking spaces.
- (8) Paragraph 6.2.2.F provides STREET Requirements, as follows:
- a. All MANUFACTURED HOME PARKS shall be provided with adequate, safe, and convenient vehicular ACCESS from abutting public STREETS.
  - b. Public STREET dedications within or abutting MANUFACTURED HOME PARKS shall be made in accordance with the subdivision regulations. No MANUFACTURED HOME SITE shall have direct ACCESS onto a dedicated public STREET.
    - (a) A waiver of Section 6.2.2.F.2. is not necessary because there are no home sites with direct access onto a public street.
  - c. Entrance drives into MANUFACTURED HOME PARKS shall have direct ACCESS to a public STREET and shall be designed to have free traffic flow onto such public STREETS, and no parking or MANUFACTURED HOME SITE ACCESS driveway shall be permitted off an entrance drive for a distance of 50 feet from a public RIGHT-OF-WAY.
    - (a) A waiver of Section 6.2.2.F.3. is not necessary because there are no existing or proposed home site driveways within 50 feet of a public right-of-way.
  - d. The internal PRIVATE ACCESSWAY system serving MANUFACTURED HOME SITES shall provide convenient circulation by means of minor PRIVATE ACCESSWAYS and properly located COLLECTOR PRIVATE ACCESSWAYS. Cul-de-sac PRIVATE ACCESSWAYS shall be limited to a length of 300 feet.
    - (a) A waiver of Section 6.2.2.F.4. is not necessary because the cul-de-sac is less than 300 feet long.
  - e. Minimum pavement widths for PRIVATE ACCESSWAYS shall be as follows (all areas exclusive of parking areas):
    - i. 30 feet for COLLECTOR STREETS;
    - ii. 24 feet for MINOR STREETS;
    - iii. 24 feet for Cul-de-sac STREETS; and
    - iv. 80 feet for Cul-de-sac Turnarounds
    - (a) ~~A Waiver Part K~~ is necessary because the existing gravel drive is only 19 feet wide in lieu of the minimum required 24 feet wide, and the secondary entrance is 20 feet wide in lieu of 24 feet wide.
    - (b) The primary road in the Manufactured Home Park is non-conforming; it existed prior to the adoption of the Zoning Ordinance on October 10, 1973.

- f. With respect to paving materials, curbs and gutters, grading, intersections, offsets, and radii of curvature, the provisions of the subdivision ordinance shall apply to PRIVATE ACCESSWAYS.
  - (a) A Waiver Part L is necessary because the secondary entrance is a gravel lane. A special condition has been added to require that road to have an oil and chip surface.
  - (b) The primary road in the Manufactured Home Park is non-conforming; it existed prior to the adoption of the Subdivision Ordinance on May 17, 1977.
- g. PARKING SPACES perpendicular to PRIVATE ACCESSWAYS shall not be located within the required pavement width. Parallel parking on one side of a MINOR STREET is permitted provided the required 24 feet of pavement remains unobstructed for travel.
  - (a) A waiver of Section 6.2.2.F.7. is not necessary because there is a special condition proposed to prohibit parallel parking and require signage to that effect throughout the park.
- (9) Paragraph 6.2.2.G. provides requirements for STREET Lighting, as follows:
  - a. STREET lights shall be designed to produce a minimum of 0.1 footcandle throughout the STREET system. Potentially hazardous locations such as intersections, major pedestrian crossings, and portions of STREETS abutting service buildings and recreation areas shall be illuminated with a minimum of 0.3 footcandle.
    - (a) No waiver of 6.2.2.G.1. is necessary because there is one streetlight in the center of the cul-de-sac.
  - b. All gas or electric service to the STREET lighting system shall be located underground.
    - (a) No waiver is necessary because electrical service to street lighting is underground.
- (10) Paragraph 6.2.2.H. provides requirements for Pedestrian Walkways, as follows:
  - a. Individual walks to each MANUFACTURED HOME STAND from paved STREETS or parking areas are required and shall be a minimum of two feet in width.
    - (a) A Waiver Part M from Section 6.2.2.H.1. is necessary because onsite review by staff indicates that each MANUFACTURED HOME SITE does not have a walkway that is two feet in width.
  - b. Common walks are required at locations where heavy pedestrian traffic is likely to occur such as at entrances, service facilities and recreation areas. Common walks should be located through interior areas removed from STREETS wherever possible.
    - (a) No waiver of Section 6.2.2.H.2. is necessary because a special condition has been added to require that the petitioner construct

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~~sidewalks leading to the recreation area because there are no high-traffic areas in the MANUFACTURED HOME PARK.~~

- c. Individual and common walks shall be paved monolithically or constructed of masonry or concrete moveable units placed sufficiently close together to create a uniform surface. Individual walks shall not be less than two feet in width. Common walks shall not be less than three and one-half feet in width.
    - (a) ~~A Waiver Part M~~ from Section 6.2.2.H.1. is necessary because onsite review by staff indicates that each MANUFACTURED HOME SITE does not have a paved walkway that is two feet in width.
  - d. No walk shall be used as a drainage way. Sudden changes in alignment and gradient shall be avoided.
    - (a) A waiver from Section 6.2.2.H.1. is necessary because onsite review by staff indicates that each MANUFACTURED HOME SITE does not have a walkway.
- (11) Paragraph 6.2.3.A. provides minimum requirements for a MHP's Water Supply and Distribution System, as follows:
- a. Where a public supply of water is reasonably available, connection shall be made thereto and its supply used exclusively.
    - (a) A waiver from Section 6.2.3.A.1. is not necessary because there is no public water supply available.
  - b. Where a public supply of water is not reasonably available, a private water supply system shall be developed to furnish a minimum of 150 gallons per day per MANUFACTURED HOME at a minimum pressure of 20 pounds per square inch.
    - (a) A waiver from 6.2.3 A. is no longer necessary because a letter from Hayes and Sims Drilling Company received February 16, 2023 indicates that the existing water system has enough capacity to serve the 12 existing and 8 additional home sites.
    - (b) The water supply system is non-conforming; it was constructed prior to adoption of the Zoning Ordinance on October 10, 1973.
  - c. All other applicable minimum requirements of the Illinois State Department of Public Health must be met.
    - (a) A waiver from Section 6.2.3.A.3. does not appear to be necessary because the existing park was permitted and approved by the Illinois Department of Public Health.
    - (b) The proposed expansion will need the same approval; a special condition has been added to ensure compliance.

- (12) Paragraph 6.2.3.B. provides minimum requirements for a MHP's sewage systems, as follows:
- a. Where a public system of sewage collection and treatment is reasonably available, all sewage and water carried waste shall be disposed of into such public system.
    - (a) A waiver from Section 6.2.3.B.1. is not necessary because there is no public system of sewage collection available.
  - b. Where public sewage treatment facilities are not reasonably available, a private treatment system shall be designed to collect and treat a minimum of 225 gallons per day per MANUFACTURED HOME SITE.
    - \*(a) A private treatment system consisting of three septic tanks collects sewage from the MANUFACTURED HOME PARK.
    - \*(b) The petitioner is responsible for working with the Champaign County Health Department and the Illinois Department of Public Health regarding a compliant septic system. A special condition has been added to ensure compliance.
  - c. All other applicable minimum requirements of the Illinois State Department of Public Health must be met.
    - (a) A waiver from Section 6.2.3.A.3. does not appear to be necessary because the existing park was permitted and approved by the Illinois Department of Public Health, and the proposed expansion will have to receive the same approval.
- (13) Paragraph 6.2.3.C. provides minimum requirements for a MHP's Solid Waste Disposal, as follows:
- a. All refuse shall be stored in watertight containers located on each MANUFACTURED HOME SITE or within 150 feet thereof.
    - (a) A waiver from Section 6.2.3.C.1. does not appear to be necessary because there are two centrally located dumpsters in the MANUFACTURED HOME PARK.
  - b. Refuse shall be collected regularly and transported to a disposal site in compliance with State Law. Incineration of any refuse or vegetation within a MANUFACTURED HOME PARK is prohibited.
    - (a) A waiver from Section 6.2.3.C.2. does not appear to be necessary because site visits by staff found dumpsters from a local garbage collection service with no garbage or debris present.
  - c. All other applicable minimum requirements of the Illinois State Department of Public Health must be met.
    - (a) A waiver from Section 6.2.3.A.3. does not appear to be necessary because the existing park was permitted and approved by the Illinois Department of Public Health, and the proposed expansion will need the same approval.

- (14) Paragraph 6.2.3.D. provides minimum requirements for a MHP's Electrical Distribution System, as follows:
- a. Electrical installations in MANUFACTURED HOME PARKS shall conform to the National Electric Code, latest edition.
    - (a) ~~A Waiver Part N~~ is necessary because it is not clear if the electrical distribution system complies with the National Electric Code.
    - (b) The existing manufactured home park is non-conforming; it existed prior to the adoption of the Zoning Ordinance on October 10, 1973.
  - b. The electrical distribution system in all MANUFACTURED HOME PARKS shall be underground.
    - (a) A waiver from Section 6.2.3.D.2. does not appear to be necessary because inspection by P&Z Staff found no above ground power lines.
  - c. MANUFACTURED HOME SITE feeder circuits shall be rated for a capacity of not less than 100 amperes of 120/240 volts. Additional secondary receptacles of not less than 50 amperes each may be provided at MANUFACTURED HOME SITES.
    - (a) ~~A Waiver Part N~~ is necessary because it is not clear if the electrical distribution system complies this requirement.
  - d. The total load for a MANUFACTURED HOME PARK shall be calculated on the basis of 16,000 watts per MANUFACTURED HOME SITE. The minimum allowable demand factors which may be used in the calculating load on feeders and service are as determined by the table in Subparagraph 6.2.3.D(4) of the *Zoning Ordinance*.
    - (a) ~~A Waiver Part N~~ is necessary because it is not clear if the electrical distribution system complies this requirement.
- (15) Paragraph 6.2.3.E. provides minimum requirements for a MHP's telephone services and television systems, as follows:
- a. All telephone service to MANUFACTURED HOMES shall be underground.
    - (a) A waiver from Section 6.2.3.E.1. does not appear to be necessary because inspection by P&Z Staff found no above ground wiring.
  - b. Distribution of master television antenna service to MANUFACTURED HOME SITES shall be underground.
    - (a) A waiver from Section 6.2.3.E.1. does not appear to be necessary because inspection by P&Z Staff found no above ground wiring.
- (16) Paragraph 6.2.3.F. provides minimum requirements for a MHP's fire protection, as follows:
- a. MANUFACTURED HOME PARKS shall be kept free of all litter, rubbish or other accumulated flammable materials.

- (a) A waiver from Section 6.2.3.F.1. does not appear to be necessary because staff has visited the subject property and did not note any problems with litter, rubbish, or other accumulated flammable materials.
- b. If the MANUFACTURED HOME PARK is served by a public water system, approved fire hydrants shall be located throughout the MANUFACTURED HOME PARK and shall be located not more than 500 feet from any MANUFACTURED HOME. The hydrants shall deliver a minimum of 75 gallons of water per minute at a pressure of 20 pounds per square inch at the highest elevation point of the MANUFACTURED HOME PARK.

A waiver of Section 6.2.3.F.2. does not appear to be necessary because of the following:

- (a) The MANUFACTURED HOME PARK is not served by a public water system.
  - c. Fire extinguishers shall be provided in accordance with the Illinois State Department of Public Health requirements.
- (17) Subsection 6.2.4 states that all manufactured home parks shall provide the following community facilities:
- a. A Management Office
  - b. Management Storage Facilities
  - c. Other facilities as may be required by Section 158, *Et. seq.*, Chapter 111 1/2, *Illinois Revised Statutes*.
- (a) No waiver is necessary because the existing manufactured home park Management Office is located on home site 14.
  - (b) The existing manufactured home park is non-conforming; it existed prior to the adoption of the Zoning Ordinance on October 10, 1973.
  - (c) There is no regulation in the *Illinois Mobile Home Park Act (210 ILCS 115)* or in the Illinois Department of Public Health Manufactured Home Community Code stating that the park office must be located on-site.
- (18) Other than as indicated in the ~~waivers-Part F~~, each site in the proposed expansion will comply with all setback, yard, and other requirements as established in Section 6.2.2.
- C. Regarding compliance with the *Stormwater Management and Erosion Control Ordinance*: the MANUFACTURED HOME PARK is exempt from the SWMEC Ordinance because less than an acre of land will be disturbed for the proposed expansion.



- D. Regarding the *Special Flood Hazard Areas Ordinance*, no portion of the subject property is located within the mapped floodplain.
- E. Regarding the *Subdivision Regulations*, the subject property is located in the Champaign County subdivision jurisdiction and the subject property conforms to Champaign County subdivision regulations.
- F. Regarding the requirement that the Special Use preserve the essential character of the R-5 Manufactured Home Park Zoning District:
  - (1) Manufactured homes in Manufactured Home Parks are acceptable and permitted uses in the R-5 District.
  - (2) The visual character of the subject property will not change.
  - (3) The proposed expansion is unlikely to create any significant traffic impacts, but no Traffic Impact Assessment has been made.
- G. Regarding the *Illinois Mobile Home Park Act (210 ILCS 115)*:
  - (1) In many cases, the Champaign County Zoning Ordinance is more stringent than the *Illinois Mobile Home Park Act*, and the more stringent code takes precedence.

**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. Subsection 5.1.8 of the *Zoning Ordinance* states the general intent of the R-5 Manufactured Home Park and states as follows (capitalized words are defined in the Ordinance):
    - (1) The R-5, MANUFACTURED HOME Park DISTRICT is intended to accommodate MANUFACTURED HOME PARKS and their associated USES in a medium density housing environment.
    - (2) The types of uses authorized in the R-5 District are in fact the types of uses that have been determined to be acceptable in the R-5 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.
  - B. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the *Zoning Ordinance*:
    - \* (1) Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan, if approved with the required waivers, appears to be in compliance with those requirements.

- \* (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.
  - \* a. Provided that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent properties, there should be no significant effect on the value of nearby properties.
  - \* b. In regards to the value of the subject property, it is not clear if the requested Special Use Permit would have any effect. Regarding the effect on the value of the subject property:
    - \* (a) The subject property has been a manufactured home park since 1972; if the rezoning is denied, the original 12 home sites can continue to be used but sites 13 through 20 will not be permitted.
- \* (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.
  - \* a. Probable traffic impacts are reviewed under Policy 7.1.1.
  - \* b. Staff believes that area roads would still function at an acceptable level, although no formal Traffic Impact Analysis has been done.
- \* (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

The subject property is not in a Special Flood Hazard Area and is exempt from the *Storm Water Management and Erosion Control Ordinance*.
- \* (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.
  - \* 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, contingent upon approval of the waivers.

- \* (7) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the ordinance; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate any problematic conditions.

- \* (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent 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.

The Petitioners seek to bring the existing manufactured home park into compliance by applying for the rezoning and a Special Use Permit. They also seek waivers in order to bring the property into full compliance.

- \* (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.
  - \*a. The proposed Special Use does not meet the definition of “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
  - \*b. The subject property has been a manufactured home park since the 1970s.

- \*(10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The subject property does not contain any natural features.

- \*(11) Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

\*a. The proposed Special Use in related Case 036-S-21 does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.

\*b. The proposed development will not require investment in additional public utilities.

- \*(12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

\*a. The proposed use will remove approximately 0.8 acre from agricultural production.

\*b. The proposed use will maintain the character of the existing area.

- \*(13) Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed Special Use will not hinder the development of renewable energy sources.

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

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:
- A. The Petitioner has testified on the application: **“The community subsurface would cost 2 million today. However the initial 12 homes of the community could not pay for itself. Adding more homes will allow maintaining the property adequately.”**
- B. The existing use on the property is a non-conforming use.

***RELATED TO THE WAIVERS, GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT***

12. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
  - A. Regarding Part A of the proposed waivers, for not having 24 or more home sites:
    - (1) The petitioner only proposes a total of 20 sites.
  - ~~B. Regarding Part B of the proposed waivers, for a Site Plan that does not include the number, location, and size of all Manufactured Home Sites:
    - (1) No site plan showing the size of the existing home sites has been found through staff research or inquiries to other agencies such as Public Health.
    - (2) Staff created approximate site boundaries in order to estimate yards and setbacks.~~
  - B. Regarding Part ~~C~~B of the proposed waivers, for not providing screening along all boundary lines abutting existing residential development:
    - (1) The existing home sites where screening would be required were developed prior to adoption of the Zoning Ordinance on October 10, 1973.
  - ~~D. Regarding Part D of the proposed waivers, for having less than 8% gross site area in recreation space:
    - (1) The MANUFACTURED HOME PARK was developed prior to adoption of the Zoning Ordinance on October 10, 1973.
    - (2) The petitioner has plans for 0.93acre for recreational space, but it has not yet been established.~~
  - ~~E. Regarding Part E of the proposed waivers, for a Site Plan that does not include the limits of each Manufactured Home Site:
    - (1) No site plan showing the limits of the existing home sites has been found through staff research or inquiries to other agencies such as Public Health.
    - (2) Staff created approximate home site limits in order to estimate yards and setbacks.~~
  - ~~F. Regarding Part F of the proposed waivers, for a minimum setback (yard) of at least 11 feet in lieu of 15 feet between the manufactured home and the manufactured home site boundary adjacent to private accessways:
    - (1) In order to have sufficient rear yards and room for the adjacent secondary access, the measurement between the front of the home and the secondary access is short by four feet.~~
  - G.C. Regarding Part ~~G~~C of the proposed waivers, for a minimum setback (yard) of 15 feet in lieu of 20 feet between the entrance side of the manufactured home and the manufactured home site boundary:

- (1) Homes placed prior to 1973 were only required to have “open space of at least 10 feet adjacent to the sides of every mobile home and at least 5 feet adjacent to the ends of every mobile home”, per the *Illinois Mobile Home Park Act* (210 ILCS 115/9.3).

**HD.** Regarding Part **HD** of the proposed waivers, for a minimum setback (side yard) of 9 feet in lieu of the minimum required 10 feet:

- (1) Homes placed prior to 1973 were only required to have “open space of at least 10 feet adjacent to the sides of every mobile home and at least 5 feet adjacent to the ends of every mobile home”, per the *Illinois Mobile Home Park Act* (210 ILCS 115/9.3).
- (2) Regarding side yard requirements, in the December 10, 2015, approved minutes for Case 818-S-15 for the Woods Edge MHP adjacent to Loral Park, Mr. Hall stated, “testimony is that they (Illinois Department of Public Health) have required no more than 5 feet, with 10 feet between buildings from day one. He added that we have had testimony that in our own Zoning Ordinance, in this same area, we would require no more than 5 feet separation if these were private homes in the R-3 District, and those homes would not meet any standard. He stated that these homes (the manufactured homes) are absolutely built to a standard and inspected.”
  - a. A special condition was added to Case 818-S-15 that stated, “There shall be a minimum separation distance of 10 feet between residential buildings. The special condition stated above is required to ensure compliance with IDPH standards.”
  - b. Per Case 818-S-15 Findings of Fact approved on December 10, 2015, the ZBA approved the waiver for side yards because it is in compliance with IDPH regulations and it is comparable to the standards that apply in the R-3 and R-4 zoning districts.

**HE.** Regarding Part **HE** of the proposed waivers, for not having a manufactured home stand or pad on each home site made of concrete slabs or runways with ground anchors:

- (1) Sites 1 through 12 of the MANUFACTURED HOME PARK were developed prior to adoption of the Zoning Ordinance on October 10, 1973.
- (2) The petitioner was not aware of this requirement.

**HF.** Regarding Part **HF** of the proposed waivers, for no outdoor paved living space in lieu of an outdoor living space of at least 160 square feet with a minimum dimension of 8 feet:

- (1) There was no mention of required paved outdoor space in the *Illinois Mobile Home Park Act* (210 ILCS 115).
- (2) The petitioner was not aware of this requirement.

**KG.** Regarding Part **KG** of the proposed waivers, for a minimum pavement width of 19 feet for existing private accessways in lieu of the minimum required 24 feet for minor streets:

- (1) The primary road in the Manufactured Home Park was constructed prior to adoption of the Zoning Ordinance on October 10, 1973.
- (2) There was no mention of required street width in the *Illinois Mobile Home Park Act* (210 ILCS 115).

- ~~LH.~~ Regarding Part ~~L-H~~ of the proposed waivers, that the provisions of the Subdivision Ordinance shall apply to existing private accessways:
- (1) Streets in the Manufactured Home Park were constructed prior to adoption of the Subdivision Ordinance on May 17, 1977 with the exception of the east entrance to sites 15 through 20.
  - (2) The petitioner was not aware of this requirement.
- ~~MI.~~ Regarding Part ~~M-I~~ of the proposed waivers, for not having individual walks to each manufactured home stand that are paved and a minimum of two feet in width:
- (1) Sites 1 through 12 of the MANUFACTURED HOME PARK were developed prior to adoption of the Zoning Ordinance on October 10, 1973.
  - (2) The petitioner was not aware of this requirement.
- ~~N.~~ Regarding Part ~~N~~ of the proposed waivers, for having a private water system that can furnish a minimum of 150 gallons per day per manufactured home at a minimum pressure of 20 pounds per square inch:
- (1) ~~The MANUFACTURED HOME PARK has a private water system; the waiver is needed because there is insufficient information on the quantity and pressure of the water for the homes.~~
- ~~OJ.~~ Regarding Part ~~O-J~~ of the proposed waivers, for the electrical system to comply with the latest edition of the National Electric Code:
- (1) The electrical system was developed prior to adoption of the Zoning Ordinance on October 10, 1973.
  - (2) The petitioner was not aware of this requirement.

***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 Part A of the proposed waivers, for having 20 home sites in lieu of the minimum required 24 home sites in a manufactured home park: the petitioner would have to invest in additional sites that might not be financially feasible.
  - ~~B.~~ ~~Without Part B of the proposed waivers, for a Site Plan that does not include the number, location, and size of all Manufactured Home Sites: the petitioner would have to invest in a surveyor to add the size of all home sites when P&Z Staff have made such calculations for the purposes of determining necessary waivers.~~
  - ~~CB.~~ Without Part ~~C-B~~ of the proposed waivers, for not providing screening along all boundary lines abutting existing residential development: the petitioner would have to invest in screening on the west side of home sites 1, 2 and 3.

- ~~D.~~ Without Part ~~D~~ of the proposed waivers, for a Manufactured Home Park with recreation space totaling less than the minimum required 8 percent of gross site area: the petitioner would have to develop the recreation space immediately when part of the proposed recreation area is in crop production.
- ~~E.~~ Without Part ~~E~~ of the proposed waivers, for a Site Plan that does not include the limits of each Manufactured Home Site: the petitioner would have to invest in a surveyor to add the limits of all home sites when P&Z Staff have made such calculations for the purposes of determining necessary waivers.
- ~~F.~~ Without Part ~~F~~ of the proposed waivers, for a minimum setback (yard) of 11 feet in lieu of 15 feet between the manufactured home and the manufactured home site boundary adjacent to private accessways: the petitioner would have to move two existing homes, and it would decrease the available rear yard for home sites 15 through 20.
- GC. Without Part ~~G-C~~ of the proposed waivers, a minimum setback (yard) of 15 feet in lieu of 20 feet between the entrance side of the manufactured home and the manufactured home site boundary for home site 2: the petitioner would have to move existing home 3 to the south, which is in the septic system area.
- HD. Without Part ~~H-D~~ of the proposed waivers, a minimum side yard of 9 feet in lieu of 10 feet for home site 3: the petitioner would have to move existing home 3 to the south, which is in the septic system area.
- IE. Without Part ~~I-E~~ of the proposed waivers, for not having a manufactured home stand or pad on each home site made of concrete slabs or runways with ground anchors: the petitioner would have to move 16 homes to install the runways.
- IF. Without Part ~~I-F~~ of the proposed waivers, for no outdoor paved living space in lieu of an outdoor living space of at least 160 square feet with a minimum dimension of 8 feet: the petitioner would have to invest in pouring concrete for all homes.
- KG. Without Part ~~K-G~~ of the proposed waivers, a minimum pavement width of 19 feet for existing private accessways in lieu of the minimum required 24 feet for minor streets: the petitioner would have to invest in more gravel for the entire street system, which would reduce required front yards of most homes.
- LH. Without Part ~~L-H~~ of the proposed waivers, with respect to paving materials, curbs and gutters, grading, intersections, offsets, and radii of curvature, for which the provisions of the Subdivision Ordinance shall apply: the petitioner would have to invest in the design and pavement for a new street system.
- MI. Without Part ~~M-I~~ of the proposed waivers, for not having individual walks to each manufactured home stand that are paved and a minimum of two feet in width: the petitioner would have to invest in paving a sidewalk for each home.



~~N. Without Part N of the proposed waivers, for having a private water system that can furnish a minimum of 150 gallons per day per manufactured home at a minimum pressure of 20 pounds per square inch: the petitioner would have to invest in a study to determine water quantity and pressure for the homes.~~

ΘJ. Without Part ~~ΘJ~~ of the proposed waivers, for an electrical system that does not comply with the latest edition of the National Electric Code: the petitioner would have to either prove that the electrical system meets the NEC or invest in rewiring the MANUFACTURED HOME PARK.

***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. Home sites 1 through 14 were developed prior to the petitioner's purchase of the property.
  - B. Homes on sites 15 and 16 were placed by the petitioner prior to his knowledge of the County's requirements for MANUFACTURED HOME PARKS.
  - C. Home sites 17 through 20 are not yet developed.

~~D. Regarding waiver Part D, the petitioner has plans for 0.93 acre for recreational space, but it has not yet been established.~~

***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 Part A of the proposed waivers, for not having 24 or more home sites: the requested waiver (variance) is 83% of the minimum required, for a waiver of 17%.
  - ~~B. Regarding Part B of the proposed waivers, for a Site Plan that does not include the number, location, and size of all Manufactured Home Sites: the requested waiver (variance) is 0% of the minimum required, for a waiver of 100%.~~
  - €B. Regarding Part ~~€B~~ of the proposed waivers, for not providing screening along all boundary lines abutting existing residential development: the requested waiver (variance) is 0% of the minimum required, for a waiver of 100%.
  - ~~D. Regarding Part D of the proposed waivers, for having less than 8% gross site area in recreation space: the requested waiver (variance) is 0% of the minimum required, for a waiver of 100%.~~
  - ~~E. Regarding Part E of the proposed waivers, for a Site Plan that does not include the limits of each Manufactured Home Site: the requested waiver (variance) is 0% of the minimum required, for a waiver of 100%.~~

- ~~F.~~ Regarding Part ~~F~~ of the proposed waivers, for a minimum setback (yard) of at least 11 feet in lieu of 15 feet between the manufactured home and the manufactured home site boundary adjacent to private accessways: the requested waiver (variance) is 73% of the minimum required, for a waiver of 27%.
- GC. Regarding Part ~~G~~C of the proposed waivers, for a minimum setback (yard) of 15 feet in lieu of 20 feet between the entrance side of the manufactured home and the manufactured home site boundary: the requested waiver (variance) is 75% of the minimum required, for a waiver of 25%.
- HD. Regarding Part ~~H~~D of the proposed waivers, for a minimum setback (side yard) of 9 feet in lieu of the minimum required 10 feet: the requested waiver (variance) is 90% of the minimum required, for a waiver of 10%.
- IE. Regarding Part ~~I~~E of the proposed waivers, for not having a manufactured home stand or pad on each home site made of concrete slabs or runways with ground anchors: the requested waiver (variance) is 0% of the minimum required, for a waiver of 100%.
- JE. Regarding Part ~~J~~E of the proposed waivers, for no outdoor paved living space in lieu of an outdoor living space of at least 160 square feet with a minimum dimension of 8 feet: the requested waiver (variance) is 0% of the minimum required, for a waiver of 100%.
- KG. Regarding Part ~~K~~G of the proposed waivers, for a minimum pavement width of 19 feet for existing private accessways in lieu of the minimum required 24 feet for minor streets: the requested waiver (variance) is 79% of the minimum required, for a waiver of 21%.
- LH. Regarding Part ~~L~~H of the proposed waivers, that the provisions of the Subdivision Ordinance shall apply to existing private accessways: the requested waiver (variance) is 0% of the minimum required, for a waiver of 100%.
- MI. Regarding Part ~~M~~I of the proposed waivers, for not having individual walks to each manufactured home stand that are paved and a minimum of two feet in width: the requested waiver (variance) is 0% of the minimum required, for a waiver of 100%.
- ~~N.~~ Regarding Part ~~N~~ of the proposed waivers, for having a private water system that can furnish a minimum of 150 gallons per day per manufactured home at a minimum pressure of 20 pounds per square inch: the requested waiver (variance) is 0% of the minimum required, for a waiver of 100%.
- OJ. Regarding Part ~~O~~J of the proposed waivers, for the electrical system to comply with the latest edition of the National Electric Code: the requested waiver (variance) is 0% of the minimum required, for a waiver of 100%.
- PK. Regarding minimum site plan requirements, the Zoning Ordinance reflects the requirements of the *Illinois Mobile Home Park Act (210 ILCS 115)* and the Illinois Department of Public Health *Manufactured Home Community Code (77 Ill. Adm. Code 860)*.

- QL.** Regarding minimum setback and yard requirements, the Zoning Ordinance does not clearly state the considerations that underlie the minimum setback requirements and front yard requirements. Presumably, the setback from street centerline and front yard minimum 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.
  - (4) The proposed expansion will not impact setbacks and yards.
- RM.** Regarding minimum street requirements referencing the *Champaign County Subdivision Ordinance*, the Zoning Ordinance does not clearly state the considerations that underlie pavement and other street specifications. Presumably, the street requirements are intended to ensure the following:
- (1) Conformance to state road specifications.
  - (2) Safe infrastructure for all users.
  - (3) Accessibility for persons with disabilities.
  - (4) Access for emergency vehicles.
  - (5) Adequate stormwater drainage.
  - (6) Logical and adequate connectivity to existing public streets.
- SN.** Regarding minimum electrical system requirements, the Zoning Ordinance does not clearly state the considerations that underlie the electrical system. Presumably, the requirements are intended to ensure the following:
- (1) Conformance to National Electric Code.
  - (2) Consideration of life safety.

***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 Somer Township Highway Commissioner has been notified of this case, and no comments have been received.
  - \*B. The Thomasboro 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.

***RELATED TO THE VARIANCE, GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT***

- 17. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved that are not applicable to other similarly situated land or structures elsewhere in the same district:
  - A. The Petitioner has testified on the application, **“First of all we are enclosed right now in 8’ high corn. Plus our footprint on the environment is 0. Our sewage treatment is too large...no discharge.”**
  - B. The 4.68-acre lot was an illegally created lot and needs to be at least 5 acres to be legal.
  - C. Should the 9.68-acre subject property receive approval for the rezoning in Case 035-AM-21, the 3-acre maximum does not apply in the R-5 Manufactured Home Park Zoning District.

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

- 18. 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, **“No difficulties whatsoever!”**
  - B. Without the proposed variance, the petitioners would have to complete a Plat of Subdivision approval process to reduce the size of the lots to no more than 3 acres.

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

- 19. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
  - A. The Petitioner has testified on the application, **“No. Simply the community must fund itself to improve itself.”**
  - B. The petitioner was unaware of the 3-acre limit on Best Prime Farmland.

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

- 20. 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, **“Expansion of the community will improve the community, simple as that.”**
  - B. The 9.68-acre lot provides adequate light and air for the residences.

- C. Regarding the proposed variance for a lot size of 9.68 acres in lieu of the maximum allowed 3 acres on Best Prime Farmland: the requested variance is 323% of the minimum required, for a variance of 223%.
- D. The maximum lot size on best prime farmland requirement was first established by Ordinance No. 726 (Case 444-AT-04) on July 22, 2004. It was made permanent with Ordinance No. 773 approved December 20, 2005.
- E. The requested variance is not prohibited by the *Zoning Ordinance*.

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

- 21. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
  - A. The Petitioner has testified on the application: **“On the contrary, as the community grows and improves, so will the respect and pride.”**
  - B. The Somer Township Road Commissioner has been notified of this variance and no comments have been received.
  - C. The Thomasboro Fire Protection District has been notified of this variance and no comments have been received.
  - D. No comments have been received for the proposed variance.

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

- 22. Generally regarding any other circumstances that justify the Variance:
  - A. The Petitioner has testified on the application: **“As stated, we are in the middle of nowhere. 0 impact. Just simply hope to become self sufficient.”**

***GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL***

- 23. Regarding proposed special conditions of approval for Special Use Permit Case 036-S-21:
  - A. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioners have 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 condition stated above is required to ensure the following:

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

- B. **No parking signs shall be posted along all streets in the manufactured home park.**

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

**That there is always adequate emergency vehicle access.**

- C. Each new home on proposed sites 15 through 20 shall be established pursuant to a Zoning Use Permit that may include all homes on one combined permit or individual homes on individual permits at a fee of \$33 per each site plus a Zoning Compliance Certificate fee of \$33 per each site.

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

**To clarify the permits that are required to ensure conformance with the Zoning Ordinance.**

- D. Certification from the County Health Department or the Illinois Department of Public Health that the septic system on the subject property has sufficient capacity for the existing and proposed homes is a requirement for approval of the Zoning Use Permit.

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

**That the solid waste system conforms to the requirements of the Zoning Ordinance and any applicable health regulations.**

- E. The manufactured home park shall be compliant at all times with ~~the requirement for licensing from the~~ Illinois Department of Public Health requirements and relevant government entity. A copy of the license for 20 home sites shall be submitted to the P&Z Department within one year of approval of Zoning Case 036-S-21. At the time of application for a Zoning Use Permit, the petitioner shall provide a copy of the following from Illinois Department of Public Health:
- (1) Approved IDPH construction permit for homes 15 through 20; and  
(2) Approved IDPH license for 20 homes.

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

**To ensure compliance with IDPH regulations and licensing that provide a greater assurance of public health and safety and ensure that County regulations and IDPH regulations are coordinated in a reasonable manner.**

- F. Within two years, the petitioner shall develop the recreation area in accordance with the most recent version of the *Illinois Mobile Home Park Act (210 ILCS 115)* and the Illinois Department of Public Health *Manufactured Home Community Code (77 Ill. Adm. Code 860)*.

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

**That the manufactured home park conforms to State of Illinois requirements.**

- G. The east road in the manufactured home park shall ~~be widened to 24 feet wide and shall~~ connect to the existing interior road between home sites 16 and 17.

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

**To provide efficient and safe traffic circulation.**

- H. Homes on sites 17 through 20 shall meet the following requirements:

- (1) Homes shall be no larger than 16 feet by 68 feet.
- (2) Homes shall be 15 feet from the eastern interior road.
- ~~(3) Homes shall be set on concrete pads.~~

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

**That new home sites meet the requirements of the Zoning Ordinance.**

- I. **Within one year of the approval of Case 036-S-21, the petitioner shall construct a monolithically paved outdoor area of a minimum 160 square feet in area with a minimum dimension of 8 feet and a two-foot wide monolithically paved sidewalk to the entrance of each home.**

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

**That all home sites meet the requirements of the Zoning Ordinance.**

- ~~J. **Within one year of the approval of Case 036-S-21, the petitioner shall construct a three-foot wide monolithically paved sidewalk from the existing cul-de-sac to the recreation area.**~~

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

~~**That the required recreation area meets the requirements of the Zoning Ordinance.**~~

- ~~J. **The petitioner shall achieve full compliance with the Illinois Department of Public Health within one year of approval of Special Use Permit case 036-S-21 or the Special Use Permit will become void and the P&Z Department will begin enforcement action.**~~

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

~~**To mitigate violations on the subject property.**~~

- ~~K. **Within 30 days of approval of Special Use Permit case 036-S-21, the petitioner shall record a Miscellaneous Document at the Champaign County Recorder of Deeds which states that approvals for the rezoning in Case 035-AM-21 and the Special Use Permit in Case 036-S-21 will become void if IDPH approval is not received within one year of approval of cases 035-AM-21 and 036-S-21.**~~

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

~~**That future potential purchasers of the subject property are aware of the conditions established from the zoning cases.**~~

- ~~L. **All new "as-built" private accessway paving must be certified by an Illinois Licensed Professional Engineer to comply with "...Section 16.3.3d. of the Subdivision Ordinance and the current standard specifications of the Illinois Department of Transportation."**~~

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

**That new roads comply with County ordinances.**

**M. Any new electrical hook-ups shall be done by a licensed electrical contractor and:**

**(1) The installing electrician shall certify in writing that the electrical hook-ups for home sites 17 through 20 meet the National Electrical Code requirements.**

**(2) The installing electrician shall inspect the electrical hook-ups for home sites 13 through 16 and provide a written opinion on whether the hook-ups appear to meet the National Electrical Code requirements.**

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

**That electrical hook-ups comply with Zoning Ordinance requirements.**



**DOCUMENTS OF RECORD**

1. Applications for Map Amendment and Special Use Permit received December 20, 2021, with attachments:
  - A Illinois Department of Public Health License for 20 sites
  - B Boundary Survey by Round Table Design
  - C Illinois Department of Public Health license for Walnut Grove MHC
2. Topographic Survey by Farnsworth Group received August 9, 2022
3. Email from Andrew Frierdich, IDPH, received December 29, 2021, with attachment:
  - Cease-and-desist letter from the Illinois Department of Public Health received December 29, 2021
4. Email from Andrew Frierdich, IDPH, received December 30, 2021
5. Email from Jeffrey Jenkins received January 24, 2022 regarding septic system
6. Fax from Cary Ware, Illinois Dept. of Public Health, received January 30, 2014, with attachments:
  - A Construction permit dated February 3, 1972 for 12 home sites
7. Natural Resource Information Report by Champaign County Soil & Water Conservation District received January 21, 2022
8. Preliminary Memorandum dated September 7, 2022, with attachments:
  - A Legal advertisement
  - B Case Maps (Location, Land Use, Zoning)
  - C Topographic Survey by Farnsworth Group received August 9, 2022
  - D Boundary Survey by Round Table Design received December 20, 2021
  - E Annotated 2020 aerial photo of Walnut Grove MHC
  - F Annotated 2020 aerial photo: alternative option for sites 17-20 created by P&Z Staff on September 6, 2022
  - G Illinois Department of Public Health license for Walnut Grove MHC received December 20, 2021
  - H Email string from Andrew Frierdich, IDPH, received December 29 & 30, 2021, with attachment:
    - Cease-and-desist letter from the Illinois Department of Public Health received December 29, 2021
  - I Email from Jeffrey Jenkins received January 24, 2022 regarding septic system
  - J Construction permit dated February 3, 1972 for 12 home sites
  - K Natural Resource Information Report by Champaign County Soil & Water Conservation District received January 21, 2022
  - L Zoning Ordinance Section 6.2: Manufactured Home Parks *(available on ZBA meetings website)*
  - M LRMP Land Use Goals, Objectives, and Policies *(available on ZBA meetings website)*
  - N LRMP Appendix of Defined Terms *(available on ZBA meetings website)*
  - O Site photos taken August 10, 2022
  - P Summary of Evidence, Finding of Fact, and Final Determination for Case 035-AM-21
  - Q Summary of Evidence, Finding of Fact, and Final Determination for Cases 036-S-21 and 041-V-22 dated September 15, 2022

9. Photo handed out by Mr. Jenkins at September 15, 2022 ZBA meeting
10. Supplemental Memorandum #1 dated November 22, 2022, with attachments:
  - A Legal advertisement
  - B Revised Site Plan received November 22, 2022
  - C Revised Summary of Evidence, Finding of Fact, and Final Determination for Case 035-AM-21 dated December 1, 2022
  - D Revised Summary of Evidence, Finding of Fact, and Final Determination for Cases 036-S-21 and 041-V-22 dated December 1, 2022
11. IDPH handout *Expanding or Constructing a Manufactured Home Community (on ZBA meetings website)*
12. Mobile Home Park Act (210 ILCS 115/1) (on ZBA meetings website)
13. Manufactured Home Community Code (77 IAC Part 860) (on ZBA meetings website)
14. Manufactured Home Installation Code (77 IAC Part 870) (on ZBA meetings website)
15. Application to alter a Manufactured Home Park (on ZBA meetings website)
16. Supplemental Memorandum #2 dated February 8, 2023, with attachments:
  - A Legal advertisement
  - B Revised Site Plan received February 6, 2023
17. Email from Jeff Jenkins received February 6, 2023
18. Email from Jeff Jenkins received February 10, 2023
19. Email from Jeff Jenkins received February 14, 2023
20. Email 2 from Jeff Jenkins received February 14, 2023
21. Email from Jeff Jenkins received February 15, 2023
22. Letter from AmerenIL received February 15, 2023
23. Letter from Waters Electric received February 15, 2023
24. Supplemental Memorandum #3 dated March 8, 2023, with attachments:
  - A Legal advertisement
  - B Email from Jeff Jenkins received February 27, 2023
  - C Letter from Illiana Construction received February 27, 2023
25. Revised Site Plan sheets received March 13, 2023:
  - 1 Parking
  - 2 Electric

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3 Sewer  
4 Water

26. Supplemental Memorandum #4 dated March 16, 2023, with attachments:
- A Legal advertisement
  - B Four revised Site Plan sheets received March 13, 2023
  - C Revised Summary of Evidence, Finding of Fact, and Final Determination for Case 035-AM-21 dated March 16, 2023
  - D Revised Summary of Evidence, Finding of Fact, and Final Determination for Cases 036-S-21 and 041-V-22 dated March 16, 2023
27. Septic report by Bacon, Farmer & Workman received March 16, 2023
28. Supplemental Memorandum #5 dated April 13, 2023, with attachments:
- A Legal advertisement
  - B Revised Summary of Evidence, Finding of Fact, and Final Determination for Case 035-AM-21 dated April 13, 2023
  - C Revised Summary of Evidence, Finding of Fact, and Final Determination for Cases 036-S-21 and 041-V-22 dated April 13, 2023

## SUMMARY DRAFT FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning cases **036-S-21 and 041-V-22** held on **September 15, 2022, December 1, 2022, February 16, 2023, March 16, 2023 and April 13, 2023**, 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:
  - a. *The manufactured home park has been at this site since the 1970s.*
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 because: *the traffic generated by the proposed use will not significantly increase with the addition of four home sites.*
  - b. Emergency services availability is *{ADEQUATE / INADEQUATE}* because: *the subject property is located approximately 1.9 road miles from the Thomasboro Fire Protection District station, and no comments have been received from the Fire Protection District.*
  - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses because: the manufactured home park has existed for many years at this site.
  - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* because: *the subject property is not in a floodplain and its expansion is exempt from the SWMEC Ordinance.*
  - e. Public safety will be *{ADEQUATE / INADEQUATE}* because: *relevant jurisdictions have been notified of this case, and no comments have been received.*
  - f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* *{because\*}*: *there are two parking spaces provided for each home.*
  - g. The property *{IS/IS NOT}* WELL SUITED OVERALL for the proposed improvements *{because\*}*:
    - 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.*
  - h. Existing public services *{ARE/ARE NOT}* available to support the proposed SPECIAL USE without undue public expense *{because\*}*:
    - a. *No additional public services are required for the existing manufactured home park and its proposed expansion.*

- 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\*}*:
  - a. ***No new infrastructure is required for the existing manufactured home park and its proposed expansion.***

*\*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.
  - 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 WAIVERS OF STANDARD CONDITIONS:***  
Per Section 7.15 of the Champaign County ZBA Bylaws, “**waivers may be approved individually or en masse by the affirmative vote of a majority of those members voting on the issue, and shall be incorporated into the Findings of Fact with the reason for granting each waiver described.**”
  - A. Regarding Part A of the proposed waivers, for not having 24 or more home sites:
    - (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: ***relevant jurisdictions have been notified of the case, and no comments have been received.***

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- (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: *the petitioner only proposes a total of 20 sites.*
- (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: *the petitioner would have to invest in additional sites that might not be financially feasible.*
- (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
  - a. *Home sites 1 through 14 were developed prior to the petitioner's purchase of the property.*
  - b. *Homes on sites 15 and 16 were placed by the petitioner prior to his knowledge of the County's requirements for MANUFACTURED HOME PARKS.*
  - c. *Home sites 17 through 20 are not yet developed.*
- (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: *the petitioner's financial feasibility is for 20 home sites.*

~~B. Regarding Part B of the proposed waivers, for a Site Plan that does not include the number, location, and size of all Manufactured Home Sites:~~

- ~~(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: *relevant jurisdictions have been notified of the case, and no comments have been received.*~~
- ~~(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:
  - ~~a. *No site plan showing the size of the existing home sites has been found through staff research or inquiries to other agencies such as Public Health.*~~
  - ~~b. *Staff created approximate site boundaries in order to estimate yards and setbacks.*~~~~
- ~~(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:~~

~~a. Without Part B of the proposed waivers, the petitioner would have to invest in a surveyor to add the size of all home sites when P&Z Staff have made such calculations for the purposes of determining necessary waivers.~~

~~(4) The special conditions, circumstances, hardships, or practical difficulties {DO / DO NOT} result from actions of the applicant because:~~

~~a. Home sites 1 through 14 were developed prior to the petitioner's purchase of the property.~~

~~b. Homes on sites 15 and 16 were placed by the petitioner prior to his knowledge of the County's requirements for MANUFACTURED HOME PARKS.~~

~~c. Home sites 17 through 20 are not yet developed.~~

~~(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: P&Z Staff provided the approximate home site limits.~~

**CB.** Regarding Part **CB** of the proposed waivers, for not providing screening along all boundary lines abutting existing residential development:

(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:

a. *Relevant jurisdictions have been notified of the case, and no comments have been received.*

b. *No complaints have been received from the adjacent residents.*

(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:

a. *The existing home sites where screening would be required were developed prior to adoption of the Zoning Ordinance on October 10, 1973.*

(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:

a. *Without Part C of the proposed waivers, the petitioner would have to invest in screening on the west side of home sites 1, 2 and 3.*

(4) The special conditions, circumstances, hardships, or practical difficulties {DO / DO NOT} result from actions of the applicant because:

a. *Home sites 1 through 14 were developed prior to the petitioner's purchase of the property.*

b. **Homes on sites 15 and 16 were placed by the petitioner prior to his knowledge of the County's requirements for MANUFACTURED HOME PARKS.**

c. **Home sites 17 through 20 are not yet developed.**

(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:

~~D. Regarding Part D of the proposed waivers, for having less than 8% gross site area in recreation space:~~

~~(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:~~

~~a. **Relevant jurisdictions have been notified of the case, and no comments have been received.**~~

~~(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:~~

~~a. **The MANUFACTURED HOME PARK was developed prior to adoption of the Zoning Ordinance on October 10, 1973.**~~

~~(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:~~

~~a. **The petitioner would have to develop the recreation space immediately when part of the proposed recreation area is in crop production.**~~

~~(4) The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:~~

~~a. **The petitioner has plans for 0.93 acre for recreational space, but it has not yet been established.**~~

~~(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: there is sufficient space on the subject property for a recreational area.~~

~~E. Regarding Part E of the proposed waivers, for a Site Plan that does not include the limits of each Manufactured Home Site:~~

~~(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:~~

~~a. **Relevant jurisdictions have been notified of the case, and no comments have been received.**~~



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- (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:~~
- ~~a. **No site plan showing the limits of the existing home sites has been found through staff research or inquiries to other agencies such as Public Health.**~~
- ~~b. **Staff created approximate home site limits in order to estimate yards and setbacks.**~~
- (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:~~
- ~~a. **Without Part E of the proposed waivers, the petitioner would have to invest in a surveyor to add the limits of all home sites when P&Z Staff have made such calculations for the purposes of determining necessary waivers.**~~
- (4) ~~The special conditions, circumstances, hardships, or practical difficulties **{DO/DO NOT}** result from actions of the applicant because:~~
- ~~a. **Home sites 1 through 14 were developed prior to the petitioner's purchase of the property.**~~
- ~~b. **Homes on sites 15 and 16 were placed by the petitioner prior to his knowledge of the County's requirements for MANUFACTURED HOME PARKS.**~~
- ~~c. **Home sites 17 through 20 are not yet developed.**~~
- (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.~~
- F. ~~Regarding Part F of the proposed waivers, for a minimum setback (yard) of at least 11 feet in lieu of 15 feet between the manufactured home and the manufactured home site boundary adjacent to private accessways:~~
- (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:~~
- ~~a. **Relevant jurisdictions have been notified of the case, and no comments have been received.**~~
- (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:~~

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- ~~a. — In order to have sufficient rear yards and room for the adjacent secondary access, the measurement between the front of the home and the secondary access is short by four feet.~~
- (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:
- ~~a. — Without Part F of the proposed waivers, the petitioner would have to move two existing homes and it would decrease the available rear yard for home sites 15 through 20.~~
- (4) — The special conditions, circumstances, hardships, or practical difficulties ~~{DO / DO NOT}~~ result from actions of the applicant because:
- ~~a. — Home sites 1 through 14 were developed prior to the petitioner's purchase of the property.~~
- ~~b. — Homes on sites 15 and 16 were placed by the petitioner prior to his knowledge of the County's requirements for MANUFACTURED HOME PARKS.~~
- ~~c. — Home sites 17 through 20 are not yet developed.~~
- (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.
- GC. Regarding Part G-C of the proposed waivers, for a minimum setback (yard) of 15 feet in lieu of 20 feet between the entrance side of the manufactured home and the manufactured home site boundary for home site 2:
- (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:
- ~~a. Relevant jurisdictions have been notified of the case, and no comments have been received.~~
- (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:
- ~~a. Homes placed prior to 1973 were only required to have "open space of at least 10 feet adjacent to the sides of every mobile home and at least 5 feet adjacent to the ends of every mobile home", per the Illinois Mobile Home Park Act (210 ILCS 115/9.3).~~
- (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:

- a. *Without Part G of the proposed waivers, the petitioner would have to move existing home 3 to the south, which is in the septic system area.*
- (4) The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
  - a. *Home sites 1 through 14 were developed prior to the petitioner's purchase of the property.*
  - b. *Homes on sites 15 and 16 were placed by the petitioner prior to his knowledge of the County's requirements for MANUFACTURED HOME PARKS.*
  - c. *Home sites 17 through 20 are not yet developed.*
- (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.

**HD.** Regarding Part **H-D** of the proposed waivers, for a minimum side yard of 9 feet in lieu of 10 feet for home site 3:

- (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:
  - a. *Relevant jurisdictions have been notified of the case, and no comments have been received.*
- (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:
  - a. *Homes placed prior to 1973 were only required to have "open space of at least 10 feet adjacent to the sides of every mobile home and at least 5 feet adjacent to the ends of every mobile home," per the Illinois Mobile Home Park Act (210 ILCS 115/9.3).*
  - b. *Regarding side yard requirements, in the December 10, 2015, approved minutes for Case 818-S-15 for the Woods Edge MHP adjacent to Loral Park, Mr. Hall stated, "testimony is that they (Illinois Department of Public Health) have required no more than 5 feet, with 10 feet between buildings from day one. He added that we have had testimony that in our own Zoning Ordinance, in this same area, we would require no more than 5 feet separation if these were private homes in the R-3 District, and those homes would not meet any standard. He stated that these homes (the manufactured homes) are absolutely built to a standard and inspected."*

- (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:
  - a. ***the petitioner would have to move existing home 3 to the south, which is in the septic system area.***
- (4) The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
  - a. ***Home sites 1 through 14 were developed prior to the petitioner's purchase of the property.***
  - b. ***Homes on sites 15 and 16 were placed by the petitioner prior to his knowledge of the County's requirements for MANUFACTURED HOME PARKS.***
  - c. ***Home sites 17 through 20 are not yet developed.***
- (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.

**1E.** Regarding Part **1E** of the proposed waivers, for not having a manufactured home stand or pad on each home site made of concrete slabs or runways with ground anchors:

- (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:
  - a. ***Relevant jurisdictions have been notified of the case, and no comments have been received.***
- (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:
  - a. ***Sites 1 through 12 of the MANUFACTURED HOME PARK were developed prior to adoption of the Zoning Ordinance on October 10, 1973.***
  - b. ***The petitioner was not aware of this requirement.***
- (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:
  - a. ***Without Part I of the proposed waivers, the petitioner would have to move 16 homes to install the runways.***
- (4) The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
  - a. ***Home sites 1 through 14 were developed prior to the petitioner's purchase of the property.***

b. ***Homes on sites 15 and 16 were placed by the petitioner prior to his knowledge of the County's requirements for MANUFACTURED HOME PARKS.***

c. ***Home sites 17 through 20 are not yet developed.***

(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:

***JF.*** Regarding Part ***JF*** of the proposed waivers, for no outdoor paved living space in lieu of an outdoor living space of at least 160 square feet with a minimum dimension of 8 feet:

(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:

a. ***Relevant jurisdictions have been notified of the case, and no comments have been received.***

(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:

a. ***There was no mention of required paved outdoor space in the Illinois Mobile Home Park Act (210 ILCS 115).***

b. ***The petitioner was not aware of this requirement.***

(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:

a. ***Without Part J of the proposed waivers, the petitioner would have to invest in pouring concrete for all homes.***

(4) The special conditions, circumstances, hardships, or practical difficulties ***{DO / DO NOT}*** result from actions of the applicant because:

a. ***Home sites 1 through 14 were developed prior to the petitioner's purchase of the property.***

b. ***Homes on sites 15 and 16 were placed by the petitioner prior to his knowledge of the County's requirements for MANUFACTURED HOME PARKS.***

c. ***Home sites 17 through 20 are not yet developed.***

(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:

- K-G.** Regarding Part ~~K-G~~ of the proposed waivers, for a minimum pavement width of 19 feet for existing private accessways in lieu of the minimum required 24 feet for minor streets:
- (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:
    - a. ***Relevant jurisdictions have been notified of the case, and no comments have been received.***
    - b. ***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:***
      - a. ***The primary road in the Manufactured Home Park was constructed prior to adoption of the Zoning Ordinance on October 10, 1973.***
      - b. ***There was no mention of required street width in the Illinois Mobile Home Park Act (210 ILCS 115).***
  - (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:
    - a. ***Without Part K of the proposed waivers, a minimum pavement width of 19 feet for existing private accessways in lieu of the minimum required 24 feet for minor streets: the petitioner would have to invest in more gravel for the entire street system, which would reduce required front yards of most homes.***
  - (3) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
    - a. ***Home sites 1 through 14 were developed prior to the petitioner's purchase of the property.***
    - b. ***Homes on sites 15 and 16 were placed by the petitioner prior to his knowledge of the County's requirements for MANUFACTURED HOME PARKS.***
    - c. ***Home sites 17 through 20 are not yet developed.***
  - (4) 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.
- L-H.** Regarding Part ~~L-H~~ of the proposed waivers, with respect to paving materials, curbs and gutters, grading, intersections, offsets, and radii of curvature, for which the provisions of the Subdivision Ordinance shall apply:
- (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:

- a. *Relevant jurisdictions have been notified of the case, and no comments have been received.*
- (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:
  - a. *Streets in the Manufactured Home Park were constructed prior to adoption of the Subdivision Ordinance on May 17, 1977 with the exception of the east entrance to sites 15 through 20.*
  - b. *The petitioner was not aware of this requirement.*
- (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:
  - a. *Without Part L of the proposed waivers, the petitioner would have to invest in the design and pavement for a new street system.*
- (4) The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
  - a. *Home sites 1 through 14 were developed prior to the petitioner's purchase of the property.*
  - b. *Homes on sites 15 and 16 were placed by the petitioner prior to his knowledge of the County's requirements for MANUFACTURED HOME PARKS.*
  - c. *Home sites 17 through 20 are not yet developed.*
- (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:

**MI.** Regarding Part **MI** of the proposed waivers, for not having individual walks to each manufactured home stand that are paved and a minimum of two feet in width:

- (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:
  - a. *Relevant jurisdictions have been notified of the case, and no comments have been received.*
- (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:
  - a. *Sites 1 through 12 of the MANUFACTURED HOME PARK were developed prior to adoption of the Zoning Ordinance on October 10, 1973.*

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- b. *The petitioner was not aware of this requirement.***
- (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:
- a. *Without Part M of the proposed waivers, the petitioner would have to invest in paving a sidewalk for each home.***
- (4) The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
- a. *Home sites 1 through 14 were developed prior to the petitioner's purchase of the property.***
- b. *Homes on sites 15 and 16 were placed by the petitioner prior to his knowledge of the County's requirements for MANUFACTURED HOME PARKS.***
- c. *Home sites 17 through 20 are not yet developed.***
- (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:
- ~~N. Regarding Part N of the proposed waivers, for having a private water system that can furnish a minimum of 150 gallons per day per manufactured home at a minimum pressure of 20 pounds per square inch:~~
- ~~(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:~~
- ~~**a. *Relevant jurisdictions have been notified of the case, and no comments have been received.***~~
- ~~(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:~~
- ~~**a. *The MANUFACTURED HOME PARK has a private water system; the waiver is needed because there is insufficient information on the quantity and pressure of the water for the homes.***~~
- ~~(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:~~
- ~~**a. *Without Part N of the proposed waivers, the petitioner would have to invest in a study to determine water quantity and pressure for the homes.***~~
- ~~(4) The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:~~



~~a. Home sites 1 through 14 were developed prior to the petitioner's purchase of the property.~~

~~b. Homes on sites 15 and 16 were placed by the petitioner prior to his knowledge of the County's requirements for MANUFACTURED HOME PARKS.~~

~~c. Home sites 17 through 20 are not yet developed.~~

~~(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:~~

**Θ.J.** Regarding Part **Θ.J.** of the proposed waivers, for an electrical system that does not comply with the latest edition of the National Electric Code:

(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:

a. **Relevant jurisdictions have been notified of the case, and no comments have been received.**

(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:

a. **The electrical system was developed prior to adoption of the Zoning Ordinance on October 10, 1973.**

b. **The petitioner was not aware of this requirement.**

(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:

a. **Without Part N of the proposed waivers, for an electrical system that does not comply with the latest edition of the National Electric Code: the petitioner would have to either prove that the electrical system meets the NEC or invest in rewiring the MANUFACTURED HOME PARK.**

(4) The special conditions, circumstances, hardships, or practical difficulties {**DO / DO NOT**} result from actions of the applicant because:

a. **Home sites 1 through 14 were developed prior to the petitioner's purchase of the property.**

b. **Homes on sites 15 and 16 were placed by the petitioner prior to his knowledge of the County's requirements for MANUFACTURED HOME PARKS.**

c. **Home sites 17 through 20 are not yet developed.**

- (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. Regarding the variance:

- a. 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:
- a. The 4.68-acre lot was an illegally created lot and needs to be at least 5 acres to be legal.*
- b. Should the 9.68-acre subject property receive approval for the rezoning in Case 035-AM-21, the 3-acre maximum does not apply in the R-5 Manufactured Home Park Zoning District.*
- b. 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:
- a. Without the proposed variance, the petitioners would have to complete a Plat of Subdivision approval process to reduce the size of the lots to no more than 3 acres.*
- c. The special conditions, circumstances, hardships, or practical difficulties **{*DO / DO NOT*}** result from actions of the applicant because:
- a. The petitioner was unaware of the 3-acre limit on Best Prime Farmland.*
- d. The requested variance ~~**{*SUBJECT TO THE PROPOSED CONDITION*}**~~ **{*IS / IS NOT*}** in harmony with the general purpose and intent of the Ordinance because:
- a. The 9.68-acre lot provides adequate light and air for the residences.*
- e. 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:
- a. Notice of the proposed variance was sent to relevant jurisdictions, and no comments have been received.*
- f. 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:

8. **{*NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW*}**

The following are proposed special conditions for Special Use Permit Case 036-S-21:

- A. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioners have 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 condition stated above is required to ensure the following:

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

- B. **No parking signs shall be posted along all streets in the manufactured home park.**

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

**That there is always adequate emergency vehicle access.**

- C. **Each new home on proposed sites 15 through 20 shall be established pursuant to a Zoning Use Permit that may include all homes on one combined permit or individual homes on individual permits at a fee of \$33 per each site plus a Zoning Compliance Certificate fee of \$33 per each site.**

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

**To clarify the permits that are required to ensure conformance with the Zoning Ordinance.**

- D. **Certification from the County Health Department or the Illinois Department of Public Health that the septic system on the subject property has sufficient capacity for the existing and proposed homes is a requirement for approval of the Zoning Use Permit.**

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

**That the solid waste system conforms to the requirements of the Zoning Ordinance and any applicable health regulations.**

- E. **The manufactured home park shall be compliant at all times with ~~the requirement for licensing from the~~ Illinois Department of Public Health requirements and relevant government entity. A copy of the license for 20 home sites shall be submitted to the P&Z Department within one year of approval of Zoning Case 036-S-21. At the time of application for a Zoning Use Permit, the petitioner shall provide a copy of the following from Illinois Department of Public Health:**  
**(1) Approved IDPH construction permit for homes 15 through 20; and**  
**(2) Approved IDPH license for 20 homes.**

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

**To ensure compliance with IDPH regulations and licensing that provide a greater assurance of public health and safety and ensure that County regulations and IDPH regulations are coordinated in a reasonable manner.**

- F. **Within two years, the petitioner shall develop the recreation area in accordance with the most recent version of the *Illinois Mobile Home Park Act (210 ILCS 115)* and the *Illinois Department of Public Health Manufactured Home Community Code (77 Ill. Adm. Code 860)*.**

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

**That the manufactured home park conforms to State of Illinois requirements.**

- G. **The east road in the manufactured home park shall ~~be widened to 24 feet wide and shall~~ connect to the existing interior road between home sites 16 and 17.**

The special condition stated above is required to ensure the following:  
**To provide efficient and safe traffic circulation.**

- H. **Homes on sites 17 through 20 shall meet the following requirements:**  
(1) **Homes shall be no larger than 16 feet by 68 feet.**  
(2) **Homes shall be 15 feet from the eastern interior road.**  
(3) ~~Homes shall be set on concrete pads.~~

The special condition stated above is required to ensure the following:  
**That new home sites meet the requirements of the Zoning Ordinance.**

- I. **Within one year of the approval of Case 036-S-21, the petitioner shall construct a monolithically paved outdoor area of a minimum 160 square feet in area with a minimum dimension of 8 feet and a two-foot wide monolithically paved sidewalk to the entrance of each home.**

The special condition stated above is required to ensure the following:  
**That all home sites meet the requirements of the Zoning Ordinance.**

- ~~J. **Within one year of the approval of Case 036-S-21, the petitioner shall construct a three-foot wide monolithically paved sidewalk from the existing cul-de-sac to the recreation area.**~~

~~The special condition stated above is required to ensure the following:  
**That the required recreation area meets the requirements of the Zoning Ordinance.**~~

- ~~J. **The petitioner shall achieve full compliance with the Illinois Department of Public Health within one year of approval of Special Use Permit case 036-S-21 or the Special Use Permit will become void and the P&Z Department will begin enforcement action.**~~

~~The special condition stated above is required to ensure the following:  
**To mitigate violations on the subject property.**~~

- ~~K. **Within 30 days of approval of Special Use Permit case 036-S-21, the petitioner shall record a Miscellaneous Document at the Champaign County Recorder of Deeds which states that approvals for the rezoning in Case 035-AM-21 and the Special Use Permit in Case 036-S-21 will become void if IDPH approval is not received within one year of approval of cases 035-AM-21 and 036-S-21.**~~

~~The special condition stated above is required to ensure the following:  
**That future potential purchasers of the subject property are aware of the conditions established from the zoning cases.**~~

**L. All new “as-built” private accessway paving must be certified by an Illinois Licensed Professional Engineer to comply with “...Section 16.3.3d. of the Subdivision Ordinance and the current standard specifications of the Illinois Department of Transportation.”**

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

**That new roads comply with County ordinances.**

**M. Any new electrical hook-ups shall be done by a licensed electrical contractor and:**

**(1) The installing electrician shall certify in writing that the electrical hook-ups for home sites 17 through 20 meet the National Electrical Code requirements.**

**(2) The installing electrician shall inspect the electrical hook-ups for home sites 13 through 16 and provide a written opinion on whether the hook-ups appear to meet the National Electrical Code requirements.**

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

**That electrical hook-ups comply with Zoning Ordinance requirements.**

There are no proposed special conditions for Variance Case 041-V-22.

## FINAL DETERMINATION FOR CASE 036-S-21

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 **036-S-21** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED}* to the applicant, Jeffrey Jenkins, d.b.a. Walnut Grove MHC, to authorize the following as a Special Use:

**Authorize the expansion and use of an existing nonconforming manufactured home park with 12 existing plus 8 proposed manufactured home sites in the R-5 Manufactured Home Park Zoning District, contingent upon the rezoning of the subject property in related case 035-AM-21.**

*{ SUBJECT TO THE FOLLOWING WAIVERS: }*

**Part A:** Authorize a waiver from Section 6.2.2. B. for having 20 home sites in lieu of the minimum required 24 home sites in a manufactured home park.

~~**Part B:** Authorize a waiver from Section 6.2.1 C.2., for a Site Plan that does not include the number, location, and size of all Manufactured Home Sites.~~

~~**Part C:** Authorize a waiver from Section 6.2.2 C.3. for not providing screening along all boundary lines abutting existing residential development.~~

~~**Part D:** Authorize a Manufactured Home Park with recreation space totaling less than the minimum required 8 percent of gross site area, per Section 6.2.2 D.~~

~~**Part E:** Authorize a waiver from Section 6.2.2 E.1., for a Site Plan that does not include the limits of each Manufactured Home Site.~~

~~**Part F:** Authorize a minimum setback (yard) of 11 feet in lieu of 15 feet between the manufactured home and the manufactured home site boundary adjacent to private accessways, per Section 6.2.2 E.2.a. for proposed home sites 15 through 20.~~

~~**Part G:** Authorize a minimum setback (yard) of 15 feet in lieu of 20 feet between the entrance side of the manufactured home and the manufactured home site boundary, per Section 6.2.2 E.2.b., for existing home site 2.~~

~~**Part H:** Authorize a minimum side yard of 9 feet in lieu of 10 feet, per Section 6.2.2 E.2.c. for existing home site 3.~~

~~**Part I:** Authorize a waiver from having a manufactured home stand or pad on each home site made of concrete slabs or runways with ground anchors, per Section 6.2.2 E.4.~~

**Part JF:** Authorize no outdoor paved living space in lieu of an outdoor living space of at least 160 square feet with a minimum dimension of 8 feet, per Section 6.2.2 E.5. for all existing and proposed home sites.

**Part KG:** Authorize a minimum pavement width of 19 feet for existing private accessways in lieu of the minimum required 24 feet for minor streets, per Section 6.2.2 F.5.

**Part LH:** Authorize a waiver from Section 6.2.2 F.6., with respect to paving materials, curbs and gutters, grading, intersections, offsets, and radii of curvature, that the provisions of the Subdivision Ordinance shall apply to existing private accessways.

**Part MI:** Authorize a waiver from Section 6.2.2 H.1., for not having individual walks to each manufactured home stand that are paved and a minimum of two feet in width.

**Part OJ:** Authorize a waiver for the electrical system to comply with the latest edition of the National Electric Code, per Section 6.2.3 D.1.

*{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }*

- A. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioners have demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.
- B. No parking signs shall be posted along all streets in the manufactured home park.
- C. Each new home on proposed sites 15 through 20 shall be established pursuant to a Zoning Use Permit that may include all homes on one combined permit or individual homes on individual permits at a fee of \$33 per each site plus a Zoning Compliance Certificate fee of \$33 per each site.
- D. Certification from the County Health Department or the Illinois Department of Public Health that the septic system on the subject property has sufficient capacity for the existing and proposed homes is a requirement for approval of the Zoning Use Permit.
- E. The manufactured home park shall be compliant at all times with ~~the requirement for licensing from the~~ Illinois Department of Public Health requirements and relevant government entity. A copy of the license for 20 home sites shall be submitted to the P&Z Department within one year of approval of Zoning Case 036-S-21. At the time of application for a Zoning Use Permit, the petitioner shall provide a copy of the following from Illinois Department of Public Health:
  - (1) Approved IDPH construction permit for homes 15 through 20; and
  - (2) Approved IDPH license for 20 homes.

- F. Within two years, the petitioner shall develop the recreation area in accordance with the most recent version of the *Illinois Mobile Home Park Act (210 ILCS 115)* and the Illinois Department of Public Health *Manufactured Home Community Code (77 Ill. Adm. Code 860)*.
- G. The east road in the manufactured home park shall ~~be widened to 24 feet wide and shall~~ connect to the existing interior road between home sites 16 and 17.
- H. Homes on sites 17 through 20 shall meet the following requirements:
- (1) Homes shall be no larger than 16 feet by 68 feet.
  - (2) Homes shall be 15 feet from the eastern interior road.
  - ~~(3) Homes shall be set on concrete pads.~~
- I. Within one year of the approval of Case 036-S-21, the petitioner shall construct a monolithically paved outdoor area of a minimum 160 square feet in area with a minimum dimension of 8 feet and a two-foot wide monolithically paved sidewalk to the entrance of each home.

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

**That all home sites meet the requirements of the Zoning Ordinance.**

- ~~J. Within one year of the approval of Case 036-S-21, the petitioner shall construct a three-foot wide monolithically paved sidewalk from the existing cul-de-sac to the recreation area.~~
- J. The petitioner shall achieve full compliance with the Illinois Department of Public Health within one year of approval of Special Use Permit case 036-S-21 or the Special Use Permit will become void and the P&Z Department will begin enforcement action.
- K. Within 30 days of approval of Special Use Permit case 036-S-21, the petitioner shall record a Miscellaneous Document at the Champaign County Recorder of Deeds which states that approvals for the rezoning in Case 035-AM-21 and the Special Use Permit in Case 036-S-21 will become void if IDPH approval is not received within one year of approval of cases 035-AM-21 and 036-S-21.
- L. All new “as-built” private accessway paving must be certified by an Illinois Licensed Professional Engineer to comply with “...Section 16.3.3d. of the Subdivision Ordinance and the current standard specifications of the Illinois Department of Transportation.”
- M. Any new electrical hook-ups shall be done by a licensed electrical contractor and:
- (1) The installing electrician shall certify in writing that the electrical hook-ups for home sites 17 through 20 meet the National Electrical Code requirements.



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**(2) The installing electrician shall inspect the electrical hook-ups for home sites 13 through 16 and provide a written opinion on whether the hook-ups appear to meet the National Electrical Code requirements.**

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

SIGNED:

ATTEST:

Ryan Elwell, Chair  
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

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**FINAL DETERMINATION FOR CASE 041-V-22**

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

The Variance requested in Case **041-V-22** is hereby *{GRANTED/GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicant, **Jeffrey Jenkins, d.b.a. Walnut Grove MHC**, to authorize the following variance:

**Authorize a variance for a 9.68-acre lot in lieu of the maximum allowed 3 acres in area for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.**

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

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

SIGNED:

ATTEST:

Ryan Elwell, Chair  
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date