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4 **MINUTES OF REGULAR MEETING**  
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6 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**  
7 **1776 E. Washington Street**  
8 **Urbana, IL 61802**  
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10 **DATE:** June 13, 2013 **PLACE:** Lyle Shields Meeting Room  
11 **TIME:** 7:00 p.m. **Urbana, IL 61802**

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14 **MEMBERS PRESENT:** Catherine Capel, Thomas Courson, Eric Thorsland, Paul Palmgren, Brad  
15 Passalacqua

17 **MEMBERS ABSENT :** Roger Miller

19 **STAFF PRESENT :** Connie Berry, John Hall, Andrew Kass

21 **OTHERS PRESENT :** Daniel Ray, Dane Ehler, Kerry Gifford, Michael Buzicky, Brian Schurter,  
22 Danny Sage, Paul Cole

23  
24  
25 **1. Call to Order**

26  
27 The meeting was called to order at 7:02 p.m.

28  
29 **2. Roll Call and Declaration of Quorum**

30  
31 The roll was called and a quorum declared present with one Board member absent and one vacant Board  
32 seat.

33  
34 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must  
35 sign the witness register for that public hearing. He reminded the audience that when they sign the  
36 witness register they are signing an oath.

37  
38 **3. Correspondence**

39  
40 None

41  
42 **4. Approval of Minutes (April 25, 2013)**

43  
44 Mr. Thorsland entertained a motion to approve the April 25, 2013, minutes as submitted.

45  
46 **Mr. Passalacqua moved, seconded by Mr. Palmgren to approve the April 25, 2013, minutes as**  
47 **submitted.**  
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1 Mr. Thorsland asked the Board if there were any additions or corrections required to the April 25, 2013,  
2 minutes and there were none.

3  
4 **The motion carried by voice vote.**

5  
6 Mr. Thorsland entertained a motion to rearrange the agenda and hear the cases in the following order: 1.  
7 Cases 731-S-12 and 747-AM-13; and 2. Cases 750-S-13 and 751-V-13; and 3. Case 732-AT-12; and 4.  
8 Case 756-AT-13.

9  
10 **Ms. Capel moved, seconded by Mr. Passalacqua to rearrange the agenda and hear the cases in the**  
11 **following order: 1. Cases 731-S-12 and 747-AM-13; and 2. Cases 750-S-13 and 751-V-13; and 3.**  
12 **Case 732-AT-12; and 4. Case 756-AT-13. The motion carried by voice vote.**

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14  
15 **5. Continued Public Hearing**

16  
17 **Case 731-S-12 Petitioner: Warner Brothers, Inc, with owners Joseph H. Warner and Gerald**  
18 **Warner and shareholder/officers Kristi Pflugmacher, Kathy McBride, Denise Foster, Angela**  
19 **Warner Request: Authorize the storage and dispensing of agriculture fertilizer as a “Farm**  
20 **Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer”**  
21 **facility as a Special Use in the AG-1 Agriculture Zoning District. Location: A .96 acre (41,817.6**  
22 **square feet) portion of a 38.55 acre tract in the East One-Half of the Southeast Quarter of Section**  
23 **18 of Rantoul Township and commonly known as the farm field adjacent to the Kinze farm**  
24 **equipment dealership at 1254 CR 2700N, Rantoul.**

25  
26 Mr. Thorsland informed the audience that this is an Administrative Case and as such the County allows  
27 anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a  
28 show of hands for those who would like to cross examine and each person will be called upon. He  
29 requested that anyone called to cross examine go to the cross examination microphone to ask any  
30 questions. He said that those who desire to cross examine are not required to sign the witness register  
31 but are requested to clearly state their name before asking any questions. He noted that no new  
32 testimony is to be given during the cross examination. He said that attorneys who have complied with  
33 Article 7.6 of the ZBA By-Laws are exempt from cross examination.

34  
35 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must  
36 sign the witness register for that public hearing. He reminded the audience that when they sign the  
37 witness register they are signing an oath.

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1 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their  
2 request.

3  
4 Mr. Paul Cole, attorney for the petitioners, stated that in summary Warner Brothers requires a Special  
5 Use Permit because they have a 750,000 gallon liquid fertilizer storage tank on a property that is zoned  
6 AG-1. He said that not only is the Special Use Permit required for the Warner Brothers private uses but  
7 also for the potential storage of fertilizer for other users.

8  
9 Mr. Cole stated that the discussion at the last meeting raised a couple of interesting points. He said that  
10 the Board indicated that the petitioners should have their ducks in a row by now and his response to the  
11 Board is that there are always more and more ducks. He said that at the last meeting the Board discussed  
12 the consequences of the real estate taxes for the proposed use and since that meeting he has been  
13 completing some investigations about this issue. He said that at the last meeting there were issues  
14 concerning the impact that the Special Use Permit may have on an adjacent property and Kent Follmer,  
15 attorney for Kenneth and Victoria Warner, submitted a very nice photo presentation to the Board. He  
16 said that the photographs indicate a lovely property with a home, owned by Kenneth and Victoria  
17 Warner, that when purchased already existed beside an existing business that had been there for 20 to 25  
18 years. He said that the photographs indicate a well coordinated interaction between the two properties  
19 and how well they co-habits together. He said that the house property and the business property do not  
20 interfere with each other and the issue that brought us all to this hearing is the fertilizer tank. He said  
21 that Exhibit #19 was taken at the rear of the Kenneth Warner property looking northeast towards the  
22 location of the fertilizer tank and it is obvious that the tank cannot be seen. He said that Exhibit #29 was  
23 taken at the rear of the Kenneth Warner property also looking northeast towards the new tank and the  
24 photograph verily indicates that top of the tank across the parking lot which is presumably 250 feet away  
25 from the rear of the property. He said that he is going to assume that there really are no objections on the  
26 part of Kenneth and Victoria Warner because no previous objections had been voiced only a request for  
27 what might happen on the Warner Brothers property. He said that staff has done a good job outlining the  
28 issues that would have to be addressed in allowing the Special Use Permit and there are certain restraints  
29 and conditions that will be imposed that would be appropriate and applied easily. He said that he does  
30 not know that there are any other true objections that he has heard other than a request by the Rantoul  
31 Township Highway Commissioner about what impact might occur on the road if the Special Use Permit  
32 is approved and they have submitted evidence in the form of expert opinion presented by Applied  
33 Research Associates (ARA). Mr. Cole stated that ARA's report contains information which indicates  
34 numbers and costs involved in maintaining the road over the next 12 to 15 years. He said that the  
35 Rantoul Township Supervisor has presented a statement of taxes that would be collected as a  
36 consequence of the development of this tank and the related building which indicates a certain amount of  
37 revenue for road and bridge dedication and the township. He said that the extra revenue would  
38 presumably be available for the maintenance of that road and would be consistent with the amount of

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1 money, as described by the township's hired experts, which would be necessary to maintain the road.

2  
3 Mr. Cole stated that he believes that he has addressed and outlined everything that he can and will wait  
4 for further presentations. He noted that Dane Ehler, an adjacent landowner, and Daniel Ray, a regulatory  
5 consultant, were present tonight to present testimony in support of the requests.

6  
7 Mr. Thorsland asked the Board if there were any questions for Mr. Cole and there were none.

8  
9 Mr. Thorsland asked if staff had any questions for Mr. Cole and there were none.

10  
11 Mr. Thorsland called John Hall to testify.

12  
13 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum dated June 13,  
14 2013, to the Board for review. He said that that the new Supplemental Memorandum contains a  
15 photocopy of information provided by Jim Rusk, Rantoul Township Supervisor. Mr. Hall stated that the  
16 information provided assumes a \$1 million market value of the storage tank and they broke it down into  
17 taxing bodies of interest to this case. He said that three taxing bodies which seemed to be of the most  
18 interest were Rantoul Township, Rantoul Road and Bridge, and Rantoul Permanent Road. He said that  
19 he is not sure how these three funds relate to each other and what they are for but he would take the view  
20 that the Permanent Road fund would not see the kind of value that the expert analysis predicted. He said  
21 that the Road and Bridge fund are for bridges and he is pretty sure that there are no bridges on the  
22 preferred route of the fertilizer trucks. He said that Brian Schurter, Rantoul Township attorney, is  
23 present tonight to present comments regarding the project.

24  
25 Mr. Thorsland asked the Board if there were any questions for Mr. Hall.

26  
27 Mr. Thorsland asked Mr. Hall if staff has received a copy of the full road report.

28  
29 Mr. Hall stated no.

30  
31 Mr. Thorsland called Daniel Ray to testify.

32  
33 Mr. Daniel Ray, who resides at 1001 S. Center St., Mahomet, stated that he is a Board Certified  
34 Regulatory Compliance Consultant specializing in environmental safety compliance consulting. He said  
35 that he was contacted by Warner Brothers after the first of the year when they were looking at changing  
36 their permit from on-farm storage, which is permitted by the Illinois Department of Agriculture, for the  
37 facility that is under construction at the time. He said that in consultation with the Department of  
38 Agriculture in Springfield they requested that the facility be re-permitted under the Illinois Department

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1 of Agriculture Part 255 rules and regulations as a commercial facility due to the volume of fertilizer that  
2 will be stored. He said that he is seeing more and more fertilizer on-farm storage in one million to one-  
3 half million gallon capacity all over Illinois and the current rules and regulations allow farmers a lot of  
4 leniency as to how the equipment is stored and maintained and the process in which they are handled.  
5 He said that the he spoke with the Illinois Department of Agriculture and they decided that the best thing  
6 to do was to construct it and operate it as if it were a commercial facility therefore applying and  
7 obtaining all of the appropriate permits under the Illinois Department of Agriculture requirement Part  
8 255 and the Illinois Environmental Protection Agency as it relates to water and air pollution for that  
9 facility as it is permitted as a commercial agriculture facility. He said that that the tank is a state of the  
10 art tank and is probably the most expensive type of tank that can be installed because it has a secondary  
11 liner and bladder, and all stainless steel piping. He said that the tank is designed to protect the  
12 environment and prevent a leak or spill release from the facility. He said that the petitioners have gone  
13 100% over board in comparison to some of the Illinois farm facilities that he works with and from his  
14 standpoint they are checking every box on the list to be good citizens in the community to make sure that  
15 they do not have spills or releases or damage the environment. He said that he has written their standard  
16 operating procedures and outlined them with them and will continue to train and evaluate. He said that  
17 the facility will be inspected by the Illinois Department of Agriculture annually and the requirements for  
18 a commercial facility are more stringent than for a farm storage facility.

19  
20 Mr. Thorsland asked the Board if there were any questions for Mr. Ray and there were none.

21  
22 Mr. Thorsland asked if staff had any questions for Mr. Ray.

23  
24 Mr. Hall asked Mr. Ray if the permit from the Illinois Department of Agriculture is renewed annually.

25  
26 Mr. Ray stated that the Warner permit will be an experimental permit because of the tank and bladder  
27 combination and the permit will be reviewed and renewed every two years for the first four years and  
28 then it will move to a five year cycle.

29  
30 Mr. Hall asked Mr. Ray if, as part of the renewal, does the Department of Agriculture require the  
31 standard operating procedures manual or is that something that is above and beyond.

32  
33 Mr. Ray stated that the operating procedures manual is required as part of the permitting process. He  
34 said that the Department of Agriculture has a copy of the standard operating procedures for this facility.

35  
36 Mr. Hall asked Mr. Ray if he could indicate any on-farm storage tanks in nearby counties.

37  
38 Mr. Ray stated that the closest one that he could remember is Sangamon County because there is a large

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1 farmer there who has two one million gallon tanks that are currently permitted and there is at least one in  
2 northern Winnebago County and one in Stark County. He said that he is seeing more and more of this  
3 type of facility because farmers are trying to meet their supply and demand and reducing their exposure  
4 to traveling long distances on the roads to purchase the products on a timely manner.

5  
6 Mr. Hall asked Mr. Ray if the Department of Agriculture may eventually adopt new rules for large on-  
7 farm fertilizer tanks.

8  
9 Mr. Ray stated that it is his opinion that the Department of Agriculture is pushing farmers to go to the  
10 extent that Warner Brothers have gone to and getting them out of Part 250A requirement for on-farm  
11 storage because they are a lot less stringent than the Part 255 which is the same as a commercial facility.  
12 He said that the Warner Brothers made the choice to build and operate according to the rules of a  
13 commercial facility as are every other commercial plant in Champaign County and they are subject to the  
14 same rules and regulations, inspections and testing.

15  
16 Mr. Thorsland asked the Board if there were any questions for Mr. Ray and there were none.

17  
18 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Ray and there was no one.

19  
20 Mr. Thorsland called Dane Ehler to testify.

21  
22 Mr. Dane Ehler, who resides at 1185 CR 2700N, Rantoul, stated that he lives one mile west and has  
23 lived there for over 20 years. He said that he is a farmer and he appreciates what Joe and Gene Warner  
24 have done in constructing a state of the art tank and he believes that it will help him out. He said that  
25 currently he has to travel to Cissna Park or Danville to obtain 28% on a wholesale manner. He said that  
26 he does have some neighbors who store five to ten thousand gallons of 28% and their tanks do not have  
27 dikes or bladders and are not certified and this will help eliminate some of that where a guy would be  
28 able to take the product to a certified facility and not take the risk of having it on his own farm where it  
29 could spring a leak. He said that he believes that there will be a lot of farmers who will be able to use  
30 this tank and it will benefit the community.

31  
32 Mr. Thorsland asked the Board if there were any questions for Mr. Ehler and there were none.

33  
34 Mr. Thorsland asked if staff had any questions for Mr. Ehler and there were none.

35  
36 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Ehler and there was no one.

37  
38 Mr. Thorsland called Brian Schurter to testify.

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2 Mr. Brian Schurter stated that he was the attorney for Rantoul Township and was accompanied by the  
3 Township Road Commissioner. He said that they were not opposed to the project however they were  
4 concerned about the impact that the project is going to have on the roads. Mr. Schurter said that,  
5 currently, it costs approximately \$9,000 to oil and chip one mile of road. He said that the proposed  
6 Special Use is located approximately 2 miles from U.S. Route 45. He noted that oil and chipping of  
7 roads is to be done every three years instead of on a four year cycle, and the amount of tax dollars that  
8 will go towards maintaining the roads will not be enough to maintain the roads with the proposed  
9 impact. Mr. Schurter said that the Township wants to ensure that the impact that will be caused will not  
10 be borne by the other citizens of the Township but that the business that is creating the impact will be  
11 bearing the cost.  
12  
13 Mr. Thorsland asked whether Mr. Schurter had the complete road report from the consultants. Mr.  
14 Schurter said that the report has been completed however he did not have it with him. He noted that he  
15 would provide that to staff.  
16  
17 Mr. Thorsland asked whether the Township had been working with the Warner's on an agreement for  
18 the cost deferral. Mr. Schurter said that they have had discussions with the Warner's however they have  
19 been unable to reach an agreement.  
20  
21 Mr. Thorsland asked whether Mr. Schurter had a time frame in which an agreement could be met. Mr.  
22 Schurter said that the Township would like to reach an agreement with the Warner's however at this  
23 time there is a disagreement over what the cost of the road maintenance should be and who should bear  
24 those costs.  
25  
26 Mr. Hall asked Mr. Schurter whether the negotiations are on-going or if they are at a standstill. Mr.  
27 Schurter said that he would characterize the agreement as the Warner's would like to pay a flat amount  
28 upfront and the Township has proposed an ongoing rate that would essentially be a surcharge for the use  
29 above what is a personal use of the property.  
30  
31 Mr. Hall asked whether the reason the Township favored an ongoing relationship was in case of  
32 unforeseen road damage in the future that is beyond the expert analysis. Mr. Schurter stated that that  
33 was correct.  
34  
35 Mr. Hall asked whether the one-time fee, which is apparently favored by the Warner's, would provide  
36 for the ongoing maintenance. Mr. Schurter said that that has also been part of their discussions.  
37  
38 Mr. Courson asked whether the Township has pursued the possibility of placing a per truck fee in the

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1 agreement. Mr. Schurter said that the Mr. Warner has indicated his personal use would be 250,000  
2 gallons per year. He said that the Township proposed a small charge that went above the 250,000 gallon  
3 personal use. He said that they have been trying to come up with a way that would make it easier on  
4 everyone to keep track of and it seems like the easiest way would be to have the Warner's provide their  
5 records indicating how many gallons were hauled in above their personal use.  
6

7 Mr. Thorsland stated that testimony had been received that others may be using the fertilizer tank for  
8 storage above the amount that the Warner's would use for their own fields. He said that his concern is  
9 that there may actually be more truck traffic because the people leasing space may have deliveries made  
10 or product removed by truck that may not have been accounted for in the road report.  
11

12 Mr. Schurter said that that goes back to the 250,000 gallon personal use that the Warner's propose to  
13 use. He said that if other people are ordering more chemicals that are being delivered to the subject  
14 location, the Township's view is that those loads would be reflected in the records the Warner's would  
15 need to submit to the Township at the end of the year. He said that the concern is in maintaining the 2  
16 miles of road to the highway. He said that there are only so many farm acres that are going to have  
17 nitrogen or other chemicals applied so there will only be a certain number of trucks, no matter who will  
18 be supplying the product, going across the road. He reiterated that the main concern is maintaining those  
19 2 miles and ensuring the Township has enough funds to do that.  
20

21 Mr. Cole said that additional tax monies will be collected as a consequence of this facility being located  
22 on the subject property. He noted that one of the entities that will be receiving tax monies from this  
23 project is the Rantoul Road and Bridge fund. He noted that there is an overpass that must be crossed to  
24 get to this property so he is assuming that the Road and Bridge fund would apply. Mr. Cole said while  
25 Mr. Schurter has not cross-examined him, Mr. Schurter has indicated that the Road and Bridge monies  
26 are not available for this project however the Rantoul Permanent Road fund does have monies available  
27 to maintain the subject road. Mr. Cole said that at the last meeting, there was a statement provided in the  
28 professional study that the cost to maintain this particular stretch of road would be \$16,700 over the  
29 course of a twelve year period using current costs, or annually, \$1,467. Mr. Cole said that that estimate  
30 is based upon traffic and, quote: addition of the constant 500 trucks per year. Mr. Cole said that it takes  
31 160 trucks to fill the tank to full capacity. He noted that 160 trucks with an 80,000 pound capacity when  
32 filled would go to the subject property and then leave empty. Mr. Cole said that using simple arithmetic  
33 that would be one-third of the study standard which should equal one-third of the annual cost. He said  
34 that rounding the annual maintenance cost to \$1,500 per year, one-third would be \$500. The tax revenue  
35 currently collected per year from the subject property is \$678 per year. Mr. Cole said that no matter  
36 whether the Warner's drive on this road or not, the Rantoul Township Permanent Road fund will receive  
37 \$678 per year. He said that the Warner's are going to drive on it and fill the tank up.  
38

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1 Mr. Cole said that they did have a meeting at the Rantoul Township Office on May 21, 2013. Mr.  
2 Schurter confirmed that that date was correct. Mr. Cole said that they discussed how the Warner's  
3 would be assured that the 2 mile portion of the road would be maintained. He noted that the trucks that  
4 were not tanker trucks did not count. He said that the Warner's would be willing to pay more to ensure  
5 that the road is properly maintained. Mr. Cole said that if you assume that 250,000 gallons is for private  
6 use and assume that the rest of the material in the tank is stored by other individuals, then it makes sense  
7 to charge a price per gallon fee for those gallons above those used by the Warner's. Mr. Cole said that  
8 all parties agreed that that was a rational approach. He said that the next step was to determine what the  
9 price per gallon fee should be.

10  
11 Mr. Cole said that Mr. Schurter contacted him after the meeting and suggested a fair rate would be 2  
12 cents per gallon for any product over the 250,000 gallon private use. Mr. Cole said that if the tank were  
13 filled to capacity once during the year, the amount paid to the Township would be \$10,000 for that year.  
14 He said that he was quite surprised by that figure because using the professional study which indicated  
15 \$500 would be needed per year to maintain the road and the amount of \$678 that are going to be  
16 assessed no matter how many gallons are in the tank, the need for the 2 cent per gallon surcharge is  
17 confusing.

18  
19 Mr. Cole said that he asked Mr. Schurter how the Township could tell an individual property owner that  
20 they must pay more than what the tax numbers indicate as fair. Mr. Cole said that Mr. Schurter told him  
21 that there is no statutory authority that regulates the taxing bodies and, since approval is required from  
22 the Zoning Board of Appeals for the proposed use, the Township was going to ask for \$10,000 per year  
23 on maximum capacity. He said that at least he finally received an honest answer even though \$10,000  
24 per year is contradictory to the Township's expert's report that the 12 year present value of maintenance  
25 on the subject road would be \$12,000. Mr. Cole stated that at a two cent per gallon rate, the Warner's  
26 would be subsidizing the rest of the Township, which doesn't seem right.

27  
28 Mr. Cole stated that when someone asks whether there has been progress in the negotiations or if they  
29 are at an impasse, then define progress, define impasse. He asked whether the Zoning Board of Appeals  
30 should be put in the position to negotiate contracts between government bodies and petitioners. Mr.  
31 Cole said that despite the apparent heat of his comments, his client, the petitioners are happy to pay a  
32 fee, in addition to the taxes, because the road benefits them as it does everyone who uses the road. He  
33 said that it would seem unnecessary for the Board to become involved in this matter. He said that he  
34 and his clients ask that the Special Use Permit be granted without regard whether there is an  
35 understanding with the Township because the Township can hold their feet to the fire in other ways such  
36 as posting weight limits on the road or by not maintaining the road. Mr. Cole said that the ZBA has the  
37 power to grant or deny requests however, the Township can protect itself. He noted that putting the  
38 ZBA in the position of mediator is not fair.

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Mr. Thorsland said that Mr. Cole’s statement with respect to his clients not being opposed to paying more is clear. He noted that it is not unusual to request that the petitioners in Special Use Permit requests where the use seems to be above the average daily traffic counts to enter into an agreement with the appropriate road district. He said that, personally, he would be happier if there was an agreement, even if it is private, to be reflected in the Summary of Evidence. He noted that the Board does not want to be involved in negotiations. Mr. Thorsland said that he would like to see a copy of the final road impact report.

Mr. Passalacqua noted that one of the criteria in approving a Special Use Permit is whether the proposed use will be injurious to the district or the neighborhood. He said that the agreement between the petitioners and the Township would show that the use would not be injurious to the district and the neighborhood.

Mr. Passalacqua stated that he was under the impression that the report and the dollar amount for maintenance was the net difference due to the increase in traffic, not for the whole annual cost. Mr. Passalacqua said that instead of dividing the annual cost for repairs, it represents the net change due to the proposed use.

Mr. Cole said that he believed that there would be no report unless there was an increase in traffic. He said that there is an increase because the word ‘additional’ was put in the report which indicated 500 additional truck trips. Mr. Cole said that their additional truck trips would be 160.

Mr. Passalacqua said that he believed the \$1,500 was the additional annual cost of repairs due to the truck trips.

Mr. Thorsland noted that if there are 180 trucks coming onto the subject property to put fertilizer in the tank, at some point the fertilizer leaves the tank. He noted that Mr. Cole appeared to not be counting those truck trips.

Mr. Thorsland said that Mr. Passalacqua was correct when he said that road use is one of the criteria that must be looked at as part of a proposed use being or not being injurious to the district or neighborhood. He said that he was inclined to continue the Special Use Permit and focus on the Map Amendment until the petitioner and Township reach an agreement on the roads.

Mr. Courson noted that to approve the Special Use Permit, the Findings must all be affirmative. He noted that at this point, there is nothing that indicates the use will or will not be injurious to the district without the road agreement.

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Mr. Thorsland stated that the Board has made it clear that there is still some work that needs to be completed on the petitioner's part prior to taking final action.

**Ms. Capel moved, seconded by Mr. Palmgren to continue Case 731-S-12 to July 25, 2013. The motion carried by voice vote.**

**Case 747-AM-13 Petitioner: Warner Farm Equipment, Inc. with owners Joseph H., Warner and Gerald E. Warner Request: Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the B-1 Rural Trade Center zoning District to bring an existing Farm Equipment Sales and Service business into compliance. Location: A 3.8 acre tract in the Southwest Quarter of the Southwest Quarter of the Southeast Quarter and in the Southeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 18 of Rantoul Township and commonly known as the Kinze farm equipment dealership at 1254 CR 2700N, Rantoul.**

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

Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.

Mr. Cole stated that the Map Amendment has been requested because Staff believes it would be a good idea to clean up what has been a business use for forty years, however, on the Zoning Map the subject property is not indicated as a business use. He said that his clients are happy to go along with the request.

Mr. Hall asked whether the business had been operating for forty years. Mr. Cole said that if the business had been operating for forty years, the Map Amendment would not be necessary. He said that it has been in operation for 39 years.

Mr. Hall commented that the only new item is the memorandum that went out in the mailing with a revised draft Finding of Fact.

Mr. Thorsland noted that on Page 20 of 25 staff has provided a Summary Finding of Fact. Mr. Thorsland stated that he had no difference of opinion with any of the Findings with respect to the LRMP.

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1 Mr. Passalacqua stated that he agreed with Mr. Thorsland to enter the Summary Finding of Fact into  
2 evidence.

3  
4 Mr. Thorsland noted that there is one Special Condition of Approval which states that a Change of Use  
5 Permit shall be applied for within 30 days of approval of Case 747-AM-13 by the Champaign County  
6 Board which will ensure that the establishment of the proposed use shall be properly documented as  
7 required by the Champaign County Zoning Ordinance.

8  
9 Mr. Cole stated that the petitioner would be agreeable to that condition.

10  
11 **Ms. Capel moved, seconded by Mr. Palmgren to approve the following condition: ‘A Change of**  
12 **Use Permit shall be applied for within 30 days of the approval of Case 747-AM-13 by the**  
13 **Champaign County Board.’ The motion carried by voice vote.**

14  
15 Mr. Hall stated that he would like the Board to be comfortable in determining that the Finding of Fact on  
16 the Map Amendment adequately addresses any outstanding issues from the proposed Special Use  
17 Permit. Mr. Hall noted that he was not aware of any issues however, as the Zoning Administrator he  
18 hoped that there was a full representation of the interrelationship between the Map Amendment and the  
19 Special Use Permit. He noted that the Map Amendment is the only case that will go before the County  
20 Board. Mr. Hall said that on the surface, the cases seem to be interrelated however the only case that the  
21 County Board will make a decision on is the Map Amendment. He stated that if the ZBA was satisfied  
22 that the Map Amendment has addressed all of the apparent issues and is completely separate from the  
23 Special Use Permit, then final action should be taken so the case can continue on to the County Board.  
24 He said that, in reality, the two cases are not completely separate because the proposed use that requires  
25 Special Use approval will be using the same driveway that the Kinze dealership uses, which can be  
26 viewed as a good thing.

27  
28 Mr. Thorsland said that Objective 4.3.3 discusses public services. He asked whether forwarding the Map  
29 Amendment to the County Board prior to the decision on the Special Use case could be misinterpreted in  
30 light of the on-going discussions between the petitioner and the Township.

31  
32 Mr. Hall noted that he did not have, nor was he proposing any automatic changes to the Findings.

33  
34 Mr. Passalacqua commented that the uses are very separate. He said that the Kinze dealership is not  
35 necessarily directly related to the tank. Mr. Hall said that the Kinze dealership has been operating for at  
36 least 39 years however there will be a shared drive for the Kinze dealership and traffic going to and from  
37 the tank.

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1 Mr. Passalacqua said that he read the case description and memorandum as bringing the Kinze  
2 dealership into compliance. Mr. Hall said that that was correct, however, if the Board takes final action  
3 on the Map Amendment they must be certain that all of the connection between these two cases have  
4 been addressed.

5  
6 Ms. Capel asked whether the tank was allowed by right in the B-1 zoning district. Mr. Hall said that the  
7 tank location will not be allowed in B-1.

8  
9 Mr. Thorsland asked whether the tank was authorized by right if it were only used by the Warner's to  
10 store product for their personal use. Mr. Hall said that that was correct, however, leasing space for  
11 others to store product in is only authorized by Special Use.

12  
13 Mr. Thorsland noted that regardless of what happens with the tank, the Kinze dealership needs to be  
14 brought into compliance.

15  
16 Mr. Passalacqua noted that the tank and dealership are on two separate parcels of land. Mr. Hall said  
17 that that was correct, however, the uses on the parcels are meshed together.

18  
19 Mr. Thorsland said that it appears that Staff has some concerns therefore, it may be best to continue this  
20 case to the same date that the Special Use case was continued to. He noted that that will allow staff to  
21 propose conditions which will address any overlap of the uses.

22  
23 **Ms. Capel moved, seconded by Mr. Palmgren to continue Case 747-AM-13 to July 25, 2013. The**  
24 **motion carried by voice vote.**

25  
26 Mr. Thorsland stated that the Board will now hear Cases 750-S-13 and 751-V-13.

27  
28 **Case 732-AT-12 Petitioner: Zoning Administrator Request to amend the Champaign County**  
29 **Zoning Ordinance as follows: Part A. Revise paragraph 7.1.2B. as follows: (1) Strike “non-**  
30 **family” and replace with “non-resident”; and (2) Revise subparagraph 7.1.2B.i. to strike “five**  
31 **acres” and replace with “two acres in area”; and renumber the subparagraph to 7.1.2B.(1); and**  
32 **(3) Revise subparagraph 7.1.2B.ii to strike “five acres” and replace with “that are two acres in**  
33 **area”; add the phrase “and provided that”; and renumber the subparagraph to 7.1.2B.(2); and (4)**  
34 **Add new subparagraph 7.1.2B.(3) to authorized that all employees may be present and working**  
35 **on the premises for no more than 5 days with any 30 day period due to inclement weather or as**  
36 **necessitated by other business considerations; and (5) Add new subparagraph 7.1.sB.(4) to**  
37 **authorize that family members who are residents of the property when the HOME**  
38 **OCCUPATION is operating but who subsequently move from the premises may remain active in**

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1 the HOME OCCUPATION and shall not be counted as a non-resident employee as long as their  
2 participation in the HOME OCCUPATION continues. Part B. Revise paragraph 7.1.2E. as  
3 follows: (1) Strike “Second Division vehicle as defined by the Illinois Vehicle Code” and replace  
4 with “MOTOR VEHICLES”; and add the phrase “and parked at”. (2) Add new subparagraph  
5 7.1.2E(1) to require that the number of MOTOR VEHICLES and licensed trailers displaying the  
6 name of the RURAL HOME OCCUPATION or used in any way for the RURAL HOME  
7 OCCUPATION shall be within the limits established. (3) Renumber subparagraph 7.1.2E.i. to be  
8 7.1.2E.(2) and strike “vehicles over 8,000 gross weight” and replace with “MOTOR VEHICLES  
9 that are either a truck tractor and/or a MOTOR VEHICLE with tandem axles, both as defined by  
10 the Illinois Vehicle Code (625 ILCS 5/1 et seq)”; and add the phrase “and all MOTOR VEHICLE  
11 loads and weights shall conform to the Illinois Vehicle Code (625 ILCS 5/15-111)”. (4) Renumber  
12 subparagraph 7.1.2E.ii. to be 7.1.2E.(3) and strike “vehicles” and replace with “MOTOR  
13 VEHICLES”; and strike “vehicles under 8,000 lbs. gross vehicle weight”; and insert “licensed”;  
14 and strike “and off-road vehicles”; and insert the phrase “or owner”. (5) Renumber  
15 subparagraph 7.1.2E.(4)(a) to require that no more than 1 motor vehicle may be parked outdoors  
16 less than five feet from a side or rear property line or less than 10 feet from a front property line;  
17 and (b) Add subparagraph 7.1.2E(4)(b) to require that outdoor parking for more than one motor  
18 vehicle shall be no less than 50 feet from any lot line and no less than 100 feet from any offsite  
19 dwelling; and (c) Add subparagraph 7.1.2E.(4)(c) to require that outdoor parking for more than  
20 one motor vehicle that does not meet certain requirements shall be at least 10 feet from any lot line  
21 and be screened. (6) Add subparagraph 7.1.2E.(5) to require that paragraphs 7.1.2E. and 7.1.2F.  
22 apply to all new RURAL HOME OCCUPATION and to any expansion of a RURAL HOME  
23 OCCUPATION that is filed after September 1, 2012. (7) Add subparagraph 7.1.2E.(6)(a) and (b)  
24 to require the following: (a) Any MOTOR VEHICLE or licensed trailer or piece of equipment  
25 that was included on an application for a RURAL HOME OCCUPATION that was received  
26 before September 1, 2012, may continue to be used provided that the total number of vehicles are  
27 not more than 10 and no more than 3 may be truck tractors or MOTOR VEHICLES with tandem  
28 axles as defined by the Illinois Vehicle Code; (b) Any RURAL HOME OCCUPATION that  
29 complies with 7.1.2E.(6) shall be authorized to have the same number of motor vehicles or licensed  
30 trailers or pieces of equipment as long as it continues in business at that location and any MOTOR  
31 VEHICLE or licensed trailer or piece of equipment may be replaced with a similar motor vehicle  
32 or licensed trailer or piece of equipment. Part C. Add new paragraph 7.1.2F. as follows: (1) Limit  
33 the number of motorized or non-motorized complete pieces of non-farm equipment in outdoor  
34 storage to 10 complete pieces, provided that the number of pieces of equipment that may be in  
35 outdoor storage shall be reduced by the number of MOTOR VEHICLES and licensed trailers that  
36 are also parked outdoors; and (2) Require that equipment in outdoor storage meet the same  
37 separations required for MOTOR VEHICLES in 7.1.2E.(4)(b) and 7.1.2E.(4)(c). Part D. Revise  
38 paragraph 7.1.2H. to require that more than four vehicles for patrons and onsite employees shall

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1 **be screened; and also provide that loading berths are not required for RURAL HOME**  
2 **OCCUPATIONS. Part E. Revise paragraph 7.1.2K. as follows: (1) Add the phrase “for other**  
3 **than equipment used in any RURAL HOME OCCUPATION”;** and strike the phrase “screened as  
4 **provided by Section 7.6, and replace with the phrase “shall be provided as follows:” (2) Add**  
5 **subparagraph 7.1.2K.(1) to require that no outdoor storage be located in any required off street**  
6 **parking spaces; and (3) Add subparagraph 7.1.2K.(2) to require screening if outdoor storage**  
7 **occurs in any yard within 1,000 feet of certain specified uses of surrounding property.**

8  
9 Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of his request.

10  
11 Mr. Hall, Zoning Administrator, distributed a yellow handout titled, “RHO-Rural Home Occupation” to  
12 the Board for review. He said that based on the current text amendment he would propose that the  
13 distributed yellow handout is the one that should be used. He said that the current RHO handout  
14 consists of two pages and is literally a verbatim restatement of what the Ordinance requirements are but  
15 with the Ordinance requirements included in the this text amendment a verbatim handout will consist of  
16 six pages. He said that he worked on an annotated version of this handout but he was unable to have it  
17 completed prior to tonight’s meeting.

18  
19 Mr. Hall stated that the handout is only a summary of the Zoning Ordinance regulations. He said that in  
20 regards to motor vehicles, paragraph F. in the handout provides the definition of a motor vehicle and  
21 points out the limit on the number of vehicles and prohibits parking in the street right of way and  
22 discusses the requirement for parking areas. He said that off-street parking must be indicated on the site  
23 plan and must conform to all Zoning Ordinance requirements and discusses the limit of 10 motor  
24 vehicles and/or equipment. He said that the handout gives a citation back to the subparagraph so that a  
25 citizen who is reviewing this handout can go to the Zoning Ordinance to get a full understanding. He  
26 said that the paragraph F. discusses the limits on how close parking may occur to the property boundary  
27 and that parking areas need to be screened in some instances.

28  
29 Mr. Hall stated that Section 7.1.2. of the Zoning Ordinance, the section on motor vehicles, included in  
30 the Supplemental Memorandum dated June 7, 2013, is one and one-half pages in the Ordinance. He said  
31 that paragraph G. of the handout is the discussion regarding equipment and is not as complicated and is  
32 much shorter and everything else is verbatim. He said that paragraph K. discusses exterior lighting  
33 which will be discussed during review of Case 756-AT-13. He said that whatever the Board’s  
34 recommendation is will be what the information in the handout will be based upon. He said that many  
35 times many people obtain these handouts to evaluate what they see their neighbor doing and it is  
36 important to let them know that the RHO regulations have been amended over time therefore what you  
37 see occurring may actually be an older RHO and not a new one.

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1 Mr. Hall stated that he realized that the handout for the RHO should include the standards for screens  
2 therefore the four different types of screens were included. He said that the last page of the handout  
3 includes an example site plan. He said that staff has been receiving calls lately requesting that more  
4 illustrations be included with all of the amendments and with most amendments an illustration is  
5 somewhat difficult to do because generally you are not talking about any whole thing but on the RHO  
6 regulations it is a good idea to use illustrations. He said that for tonight he only has two example site  
7 plans for the Board's review and both examples are on lots which are less than two acres therefore there  
8 could only be two non-resident employees and a limit of 10 vehicles. He said that site plan "B" indicates  
9 a Truck Tractor RHO with three cabs and seven trailers squeezed onto a one acre lot with no accessory  
10 building. He said that if there are dwellings on adjacent properties and RHO parking is less than 100  
11 feet from the Building Restriction Line all of the RHO, the vehicles must be screened and it is up to the  
12 applicant to determine what that screening is. He said that he has one additional example that he did not  
13 get copied for the Board's review tonight which shows a one acre lot with ten parking spaces, two  
14 employee spaces, accessible space, and a building and that is almost one full acre of development. He  
15 said that the third example is to show a prospective applicant how complicated these site plans can  
16 become. He said that he has decided to always indicate the accessible parking space because it is not the  
17 County's regulation and staff cannot tell someone when one is required. He said that staff can only tell  
18 the applicant that one may be required and give the applicant the contact information for the Illinois  
19 Capital Development Board, which is included on the example site plan and will be included on the  
20 handout. He said that nowhere in the Zoning Ordinance does it mention accessibility but the handouts  
21 are intended to be more useful than the Ordinance therefore it is important to include the contact  
22 information for the Capital Development Board, particularly with the Rural Home Occupation. He said  
23 that if someone is building everything new then, based on what has been seen in the past, accessible  
24 parking will be required as well as other accessible requirements. He said that if someone has an  
25 existing home and they are starting an RHO the County does not require parking spaces therefore they  
26 probably will not have to add any accessibility accommodations although they should contact the Illinois  
27 Capital Development Board for confirmation.

28  
29 Mr. Hall stated that at the last meeting the Board reviewed recommendations for changes to the  
30 application and staff has continued working on those changes although staff was unable to get them  
31 completed for the Board's review tonight. He said that at the next meeting he would like to hear the  
32 Board's comments about the distributed handouts. He said that at the next meeting the Board will see  
33 the revised handout, application and additional example site plans. He said that putting together  
34 amended Section 7.1.2 caused him to actually make some minor changes but no substantive changes.  
35 He said that revised Section 7.1.2 included in tonight's memorandum does not include the exterior  
36 lighting and that will be addressed in Case 756-AT-13. He said that if the Board likes the way that Case  
37 756-AT-13 looks then we could include revised Section 7.1.2 which would show everything where we  
38 think it would go and that would be presented and discussed at a future meeting.

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- 1  
2 Mr. Passalacqua asked Mr. Hall if a truck connected to a trailer loaded with a tractor would be  
3 considered one piece of equipment.  
4  
5 Mr. Hall stated that such a combination would be considered as one vehicle.  
6  
7 Mr. Passalacqua asked if outdoor storage of 10 complete pieces of equipment could include 10 truck/  
8 trailer combinations loaded with a tractor would be allowed.  
9  
10 Mr. Hall stated yes, someone could have 10 vehicles and all 10 could be a truck/trailer combination  
11 loaded with equipment.  
12  
13 Mr. Passalacqua stated that if the truck becomes disconnected to the trailer then the two are considered  
14 as separate vehicles.  
15  
16 Mr. Hall stated yes. He said that the when you have this type of assemblage then it will certainly weigh  
17 more than 15,000 pounds therefore if they are sitting on the property they need to be screened as vehicles  
18 that weigh more than 15,000 pounds. He said that if someone is just hooking up the truck and loaded  
19 trailers then the screening is not required. He said that the only way to not have this added complication  
20 is to add a clause into the Ordinance. He said that a neighbor would probably call and indicate that the  
21 assemblage weighs more than 15,000 pounds therefore it should be screened.  
22  
23 Mr. Passalacqua stated that the assemblage is less attractive than just a truck being parked on the  
24 property therefore screening should be required.  
25  
26 Mr. Hall stated that there is some logic to it as long as it is made explicit so that it is as clear as it can be.  
27  
28 Mr. Passalacqua stated that this will give someone some flexibility because if it is hooked together as a  
29 unit there could be possibly be 30 pieces of equipment stored outside.  
30  
31 Mr. Hall stated that this will provide more flexibility to RHO's and doesn't increase the number overall  
32 and makes it clear as to what is being regulated. He said that example site plans will be helpful to future  
33 RHO applicants.  
34  
35 Mr. Passalacqua stated that it would be helpful if an aerial is given to the applicant at application so that  
36 they can indicate their measurements and what they are adding.  
37  
38 Mr. Hall stated that it is common practice for staff to print past and current aerials of properties at

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1 application. He said that the GIS aerial is not as accurate as physical measurements of the property.

2  
3 Mr. Passalacqua stated that the applicant can be sent back home with the aerial photograph so that they  
4 can then put in the specifications on the site plan. He said that this would give staff some uniformity as  
5 well.

6  
7 Mr. Thorsland asked the Board if there were any additional items that they would like to see at the next  
8 meeting regarding this case.

9  
10 Mr. Hall asked the Board if the example site plans properly represent what they expected one acre lots  
11 could become with an RHO.

12  
13 Ms. Capel stated no. She said that seems like a rural nightmare.

14  
15 Mr. Hall stated that staff does not normally see RHO's with the level of development indicated on the  
16 example site plans and most RHO's are much simpler. He said that one thing that he would not do on  
17 the example site plans is indicate multiple driveways because that goes against all of the County's  
18 standards. He said that there are no rules against multiple driveways but he is certainly not going to  
19 encourage it either.

20  
21 Ms. Capel stated that she likes the handout and examples.

22  
23 Mr. Thorsland asked Mr. Hall if he has an approximate number of truck/tractor RHO's that exist in  
24 unincorporated Champaign County currently.

25  
26 Mr. Hall stated that there are a lot of very small ones and they have existed for a very long time and are  
27 nonconforming.

28  
29 Mr. Capel asked why the example site plan only includes one acre and have we always allowed 10  
30 vehicles.

31  
32 Mr. Hall stated yes. He said that 10 vehicles are allowed in total and three that the weight class applied  
33 to but now instead of a weight class it is classified as a semi-truck or tandem axle. He said that one site  
34 plan would need to indicate exterior lighting, if Case 756-AT-13 is adopted. He said that when we go up  
35 to more than 2 acres the site plan would only change by the addition of three more parking spaces  
36 therefore he does not know if there is any real benefit in taking the time to complete it. He said that with  
37 the given examples the screening wraps around on three sides of the property and if someone had a lot  
38 that was deep enough it is possible that not as much screening would be required because they might be

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1 able to position their vehicles so that they could not be seen from a nearby house. He said that a larger  
2 lot would probably require less screening overall.

3  
4 Mr. Thorsland entertained a motion to continue Case 732-AT-12.

5  
6 Mr. Hall recommended that the case be continued to the August 15<sup>th</sup> meeting.

7  
8 **Ms. Capel moved, seconded by Mr. Passalacqua to continue Case 732-AT-12 to the August 15,**  
9 **2013, meeting. The motion carried by voice vote.**

10  
11 Mr. Thorsland stated that the Board will now hear Case 756-AT-13.

12  
13 **6. New Public Hearings**

14  
15 **Case 750-S-13 Petitioner: Sangamon Valley Public Water District and Kerry Gifford, Manager.**  
16 **Request to authorize a water storage tank and water pumping station as a Special Use with**  
17 **waivers of standard conditions and requested variance in related Case 751-V-13 as a “Water**  
18 **Treatment Plant” in the AG-2 Agriculture Zoning District. Location: An approximate .75 acre**  
19 **tract located in the Southeast Quarter of the Southeast Quarter of the Northeast Quarter of the**  
20 **Northeast Quarter of Section 10 of Mahomet Township and commonly known as the property**  
21 **located immediately east of the Living Word Omega Message Church at 2272 CR 350E, Mahomet.**

22  
23 **Case 751-V-13 Petitioner: Sangamon Valley Public Water District and Kerry Gifford, Manager.**  
24 **Request to authorize the following for the construction of a storage tank and pumping station**  
25 **proposed in related Case 751-S-13: Part A. Variance to authorize access by private easement in**  
26 **lieu of the requirement that a lot have access to a public street right of way or abut a private**  
27 **accessway as required by Zoning Ordinance paragraph 4.2.1H.; and Part B. Variance for a front**  
28 **yard of 15 feet for a proposed water storage tank in lieu of the minimum required 20 feet; and**  
29 **Part C. Variance for a front yard of 16 feet for a proposed pump station in lieu of the minimum**  
30 **required 20 feet; and Part D. Waiver (variance) of standard conditions for a lot area of .75 acres**  
31 **in lieu of the required 5 acres; a front yard of 15 feet in lieu of the minimum required 55 feet; a**  
32 **side yard of 15 feet in lieu of the minimum required 50 feet; a rear yard of 35 feet in lieu of the**  
33 **minimum required 50 feet. Location: An approximate .75 acre tract located in the Southeast**  
34 **Quarter of the Southeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 10**  
35 **of Mahomet Township and commonly known as the property located immediately east of the**  
36 **Living Word Omega Message Church at 2272 CR 350E, Mahomet.**

37  
38 Mr. Thorsland called Cases 750-S-13 and 751-V-13 concurrently.

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38

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

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

Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.

Mr. Kerry Gifford, General Manager for Sangamon Valley Public Water District, stated that he is present tonight to discuss the very necessary water treatment tank that the water district needs. He said that the water tank is proposed to be built in a very strategic place because of the high growth area of the Thornwood Subdivision and the water district has received complaints regarding the lack of water pressure. He said that it is anticipated that the area around Thornwood Subdivision will continue to grow therefore he is before this Board tonight to request that the requested Special Use Permit and Variance, along with any proposed conditions, be approved tonight.

Mr. Thorsland asked the Board if there were any questions for Mr. Gifford and there were none.

Mr. Thorsland asked if staff had any questions for Mr. Gifford and there were none.

Mr. Thorsland called John Hall to testify.

Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum dated June 13, 2013, for Cases 750-S-13 and 751-V-13 to the Board for review. He said that attached to the new memorandum is an e-mail from Doug Gamble, Accessibility Specialist, Illinois Capital Development Board. He said that Mr. Gamble has determined that the 16' x 12' pump station building must be accessible and that an accessible parking space, accessible route to the building and accessible entry and exit to and from the building must be provided. Mr. Hall stated that this requirement will affect the submitted site plan therefore a special condition to ensure compliance will be necessary. Mr. Hall stated

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1 that even without a special condition this is a requirement of State law and if the cases are continued to a  
2 later date staff will propose a special condition to assure that the requirement is not overlooked but if the  
3 Board is inclined to take action tonight on these cases then he will guarantee that the requirement will  
4 not be overlooked.

5  
6 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

7  
8 Mr. Thorsland called Michael Buzicky to testify.

9  
10 Mr. Michael Buzicky, engineer for Fehr Graham Engineering, stated that he has been representing his  
11 firm for the site plan for Sangamon Valley Public Water District and his firm has followed the Special  
12 Use Permit section of the Ordinance. He said that his firm has tried to put a condensed or compact  
13 aesthetic type site for the project's location and the neighbors and other property owners have been open  
14 to the project and have worked with SVPWD. He said that there is already an entrance road through the  
15 church property and SVPWD is connecting to the existing road. He said that the property is already  
16 zoned AG-2 therefore no rezoning request is required. He said that SVPWD is trying to be a good  
17 neighbor and the storage tank needs to be placed somewhere immediately near the existing water system  
18 for adequate flow and pressure and it would be more costly to the water district if the tank was placed at  
19 a different location. He said that in regards to the accessibility requirement, SVPWD will meet the  
20 requirement and the notes on the first page of the submitted site plan indicates one handicap parking  
21 space and two visitor parking spaces. He said that he can make the site plan clearer if required regarding  
22 accessibility and any accessibility up to and in to the building will meet the code.

23  
24 Mr. Buzicky stated that security requirements will be met because they are proposing to have a fence by  
25 code that will be locked and gated and the building will be locked and any access to the tank will be  
26 locked. He said that the tank will be located next to the tree line and screening is already in effect. He  
27 said that the owners elected not to install an elevated tank because they wanted a tank that no one could  
28 see. He said that the tank is a ground storage tank with a maximum height of 30 feet.

29  
30 Mr. Thorsland asked the Board if there were any questions for Mr. Buzicky and there were none.

31  
32 Mr. Thorsland asked if staff had any questions for Mr. Buzicky.

33  
34 Mr. Hall stated that he recalls a previous case where there was an area general plan that was very old and  
35 the plan that was proposed accommodated that area general plan perfectly. He asked Mr. Buzicky if  
36 there is an area general plan for this location.

37  
38 Mr. Buzicky stated that it is his understanding that there is not an area general plan for this location but

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1 he does know that the area has been subdivided by the County Board previously. He said that personally  
2 he has not worked with Mahomet on an area general plan for this specific area.

3  
4 Mr. Hall asked Mr. Kass if he has contacted the Village of Mahomet regarding an area general plan for  
5 this location.

6  
7 Mr. Kass stated no.

8  
9 Mr. Hall stated that he would like to know specifically if there had or hadn't been an area general plan  
10 when anticipating the text amendment will provide a means for this project to move ahead if there is not  
11 subdivision approval by the Village. He said that one thing that will come up in that case is the issue of  
12 conformance with an area general plan and this staff has not asked specifically whether or not there is  
13 one in existence or not.

14  
15 Mr. Thorsland asked Mr. Hall if this would be a difficult question to answer.

16  
17 Mr. Hall stated no.

18  
19 Mr. Passalacqua asked if the Village of Mahomet has responded to any notice because they were quick  
20 to respond to the last SVPWD case.

21  
22 Mr. Hall stated that staff did send a notice to the Village. He said that staff has been coordinating with  
23 the Village of Mahomet on other issues but it is staff's responsibility to ask if an area general plan exists  
24 for this location.

25  
26 Mr. Passalacqua asked Mr. Hall if the Board should continue these cases until a response is received  
27 from the Village of Mahomet.

28  
29 Mr. Hall stated that a continuance would be his recommendation.

30  
31 Mr. Buzicky stated that his firm's surveyor has all of the recorded information and his investigation  
32 indicated that there was no pre-annexation or area general plan, only the subdivision information.

33  
34 Mr. Hall stated that to his knowledge the subdivision information is the only information available.

35  
36 Mr. Buzicky stated that after speaking to the owner they confirmed his firm's findings.

37  
38 Mr. Thorsland asked Mr. Hall how the area general plan, if existing, would affect this project.

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1  
2 Mr. Hall stated that if there is an area general plan then the site plan can be adjusted to accommodate the  
3 area general plan. He said that his fear is that we might find out that there is an area general plan in  
4 existence but this is an area where there has never been the kind of development in this location as there  
5 has been in the other case. He said that the Village of Mahomet has been sent notice and they have not  
6 contacted staff with any concerns.

7  
8 Mr. Passalacqua stated that he is comfortable with moving forward with the cases based on the  
9 information which has been presented.

10  
11 Mr. Thorsland agreed with Mr. Passalacqua. He said that people are looking at this project very closely  
12 and there have been no complaints received and no mention of an area general plan. He said that if an  
13 area general plan is presented it could be bad but he is willing to move forward with the two cases as  
14 well.

15  
16 Mr. Hall stated that if there is another variance case required, as he expects there will be, any area  
17 general plan could be addressed at that time.

18  
19 Mr. Courson stated that it appears that time is of the essence for this project.

20  
21 Mr. Buzicky stated that that time is of the essence because the two projects go together to provide  
22 adequate flow and pressure for the water system. He said that the area actually needed this project last  
23 summer.

24  
25 Mr. Thorsland asked the Board if there were any further questions for Mr. Buzicky and there were none.

26  
27 Mr. Thorsland asked if staff had any further questions for Mr. Buzicky and there were none.

28  
29 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Buzicky and there was no one.

30  
31 Mr. Thorsland asked the Board if they desired to include a special condition regarding accessibility. He  
32 said that Mr. Hall pointed out that the accessibility requirement is a State law and Mr. Buzicky indicated  
33 that accessibility is noted on the submitted site plan.

34  
35 Mr. Courson stated that no special condition is necessary regarding accessibility.

36  
37 The Board agreed with Mr. Courson.

38

6/13/13

1 Mr. Thorsland stated that a new Item #6 should be added to the Documents of Record indicating the  
2 following: Supplemental Memorandum for Cases 750-S-13 and 751-V-13 dated June 13, 2013, with  
3 attachments.

4  
5 Mr. Hall stated that there are several new items of evidence which need to be added to the Summary of  
6 Evidence.

7  
8 Mr. Kass stated that text should be added to Case 750-S-13 item #7 regarding whether the special use is  
9 necessary for the public convenience at this location. He said that Mr. Buzicky testified that going  
10 further out with the project would cost the water district more and the proposed location is in close  
11 proximity to the existing water supply.

12  
13 Mr. Thorsland stated that several items in the Summary of Evidence indicate that evidence will be  
14 added. He said items #13.B and 15.B could include testimony that was received at tonight's public  
15 hearing from Mike Buzicky indicating that the petitioners are continuing the existing access owned by  
16 the adjacent landowner and that they intend to be good neighbors. He said that the submitted site plan  
17 indicates the continued access. He said that items#13.D, 14.C(1), 15.C and 15.D could include Mr.  
18 Buzicky's testimony regarding the location of the tank along the tree line and the petitioner's intent to  
19 keep the tank as a ground storage tank with a maximum height of 30 feet therefore causing less impact  
20 on the neighbors.

21  
22 Mr. Thorsland asked the Board if they desired to move forward to the Finding of Fact and the Board  
23 indicated yes.

24  
25 **Findings of Fact for Case 750-S-13:**

26  
27 From the documents of record and the testimony and exhibits received at the public hearing for zoning  
28 case 750-S-13 held on June 13, 2013, the Zoning Board of Appeals of Champaign County finds that:

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

32  
33 Mr. Courson stated that the requested Special Use Permit IS necessary for the public convenience at this  
34 location because other subdivisions near the proposed location are having trouble with water flow and  
35 pressure and the tank will help alleviate those concerns. The site is located so that the tank will be low  
36 and screened from the neighbors' view. The tank will be connected to the existing system therefore  
37 there will be no need for additional pipes to run across open land to access the tank.  
38

6/13/13

1 Mr. Kass read the Board's findings as follows:

- 2
- 3 • **Nearby subdivisions have issues with water pressure and this will help alleviate those issues.**
- 4
- 5 • **The tank will be low and screened**
- 6 • **The location is in close proximity to the existing water system**
- 7 •

8 The Board agreed.

- 9
- 10 **2. The requested Special Use Permit is so designed, located, and proposed to be**
- 11 **operated so that it WILL NOT be injurious to the district in which it is located or**
- 12 **otherwise detrimental to the public health, safety, and welfare.**
- 13
- 14 **a. The street has ADEQUATE traffic capacity and the entrance location has**
- 15 **ADEQUATE visibility.**

16  
17 Mr. Courson stated that the street has ADEQUATE traffic capacity and the entrance location has  
18 ADEQUATE visibility.

- 19
- 20 **b. Emergency service availability is ADEQUATE.**
- 21

22 Mr. Passalacqua stated that emergency service availability is ADEQUATE.

- 23
- 24 **c. The Special Use will be designed to CONFORM to all relevant County**
- 25 **ordinances and codes.**
- 26

27 Mr. Palmgren stated that the Special Use will be designed to CONFORM to all relevant County  
28 ordinances and codes.

- 29
- 30 **d. The Special Use WILL be compatible with adjacent uses.**
- 31

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

- 33
- 34 **e. Surface and subsurface drainage will be ADEQUATE.**
- 35

36 Mr. Courson stated that surface and subsurface drainage will be ADEQUATE.

- 37
- 38 **f. Public safety will be ADEQUATE.**

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Mr. Courson stated that public safety will be ADEQUATE.

**g. The provisions for parking will be ADEQUATE.**

Mr. Courson stated that the provisions for parking will be ADEQUATE.

**h. The property IS SUITED OVERALL with the proposed improvements.**

Mr. Thorsland stated that the property IS SUITED OVERALL with the proposed improvement.

**j. Existing public services ARE available to support the proposed Special Use without undue public expense.**

Ms. Capel stated that existing public services ARE available to support the proposed Special Use without undue public expense.

**k. Existing public infrastructure together with the proposed development IS adequate to support the proposed development effectively and safely without undue public expense.**

Ms. Capel stated that existing public infrastructure together with the proposed development IS adequate to support the proposed development effectively and safely without undue public expense.

Ms. Capel stated that the requested Special Use Permit is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in which it is located or otherwise detrimental to the public health, safety, and welfare.

**3a. The requested Special Use Permit DOES conform to the applicable regulations and standards of the DISTRICT in which it is located.**

Mr. Courson stated that the requested Special Use Permit DOES conform to the applicable regulations and standards of the DISTRICT in which it is located.

**3b. The requested Special Use Permit DOES preserve the essential character of the DISTRICT in which it is located because:**

**a. The Special Use will be designed to CONFORM to all relevant County**

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1 **ordinances and codes.**

2

3

Ms. Capel stated that the Special Use will be designed to CONFORM to all relevant County ordinances and codes.

4

5

6

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

7

8

Ms. Capel stated that the Special Use WILL be compatible with adjacent uses.

9

10

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

11

12

Mr. Courson stated that public safety will be ADEQUATE.

13

14

Mr. Thorsland stated that the requested Special Use Permit DOES preserve the essential character of the DISTRICT in which it is located.

15

16

17

**4. The requested Special Use Permit IS in harmony with the general purpose and intent of the Ordinance because:**

18

19

20

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

21

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

22

23

24

Mr. Courson stated that the requested Special Use Permit IS necessary for the public convenience at this location.

25

26

27

**c. The requested Special Use Permit is so designed, located, and proposed 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 health, safety, and welfare.**

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Ms. Capel stated that the requested Special Use Permit is so designed, located, and proposed 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 health, safety, and welfare.

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**d. The requested Special Use Permit DOES preserve the essential character of the DISTRICT in which it is located.**

36

37

38

Mr. Courson stated that the requested Special Use Permit DOES preserve the essential character of the

6/13/13

1 DSTRIC in which it is located.

2  
3 Mr. Thorsland stated that the requested Special Use Permit IS in harmony with the general purpose and  
4 intent of the Ordinance.

5  
6 **5. The requested Special Use IS NOT an existing nonconforming use.**

7  
8 **6. Regarding necessary waivers of standard conditions:**

9  
10 **A. Regarding the requested waiver of the standard condition in Section 6.1.3 for**  
11 **a water treatment plant for a lot area of .075 in lieu of the minimum required**  
12 **5 acres:**

13  
14 **(1) The waiver IS in accordance with the general purpose and intent of**  
15 **the Zoning Ordinance and WILL NOT be injurious to the**  
16 **neighborhood or the public health, safety and welfare.**

17  
18 Ms. Capel stated that the waiver IS in accordance with the general purpose and intent of the Zoning  
19 Ordinance and WILL NOT be injurious to the neighborhood or the public health, safety and welfare.

20  
21 **(2) Special conditions and circumstances DO exist which are peculiar to**  
22 **the land or structure involved, which are not applicable to other**  
23 **similarly situated land and structures elsewhere in the same district.**

24  
25 Mr. Courson stated that special conditions and circumstances DO exist which are peculiar to the  
26 land or structure involved, which are not applicable to other similarly situated land and structures  
27 elsewhere in the same district.

28  
29 **(3) Practical difficulties or hardships created by carrying out the strict**  
30 **letter of the regulations sought to be varied WILL prevent reasonable**  
31 **or otherwise permitted use of the land or structure or construction.**

32  
33 Mr. Palmgren stated that practical difficulties or hardships created by carrying out the strict letter of the  
34 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or  
35 structure or construction.

36  
37 **(4) The special conditions, circumstances, hardships, or practical**  
38 **difficulties DO NOT result from actions of the applicant.**

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1  
 2 Mr. Courson stated that the special conditions, circumstances, hardships, or practical difficulties DO  
 3 NOT result from actions of the applicant.

4  
 5 **(5) The requested waiver IS the minimum variation that will make**  
 6 **possible the reasonable use of the land/structure.**

7  
 8 Mr. Courson stated that the requested waiver IS the minimum variation that will make possible the  
 9 reasonable use of the land/structure.

10  
 11 **B. Regarding the requested waiver of the standard condition in Section 6.1.3 for a**  
 12 **water treatment plant for a front yard of 15 feet in lieu of the minimum 55 feet:**

13  
 14 **(1) The waiver IS in accordance with the general purpose and intent of**  
 15 **the Zoning Ordinance and WILL NOT be injurious to the neighborhood or**  
 16 **to the public health, safety and welfare.**

17  
 18 Mr. Courson stated that the waiver IS in accordance with the general purpose and intent of  
 19 the Zoning Ordinance and WILL NOT be injurious to the neighborhood or to the public health,  
 20 safety and welfare.

21  
 22 **(2) Special conditions and circumstances DO exist which are peculiar to the land**  
 23 **or structure involved, which are not applicable to other similarly situated**  
 24 **land and structures elsewhere in the same district.**

25  
 26 Mr. Courson stated that Special conditions and circumstances DO exist which are peculiar to the  
 27 land or structure involved, which are not applicable to other similarly situated land and structures  
 28 elsewhere in the same district.

29  
 30 **(3) Practical difficulties or hardships created by carrying out the strict letter of**  
 31 **the regulations sought to be varied WILL prevent reasonable or otherwise**  
 32 **permitted use of the land or structure or construction.**

33  
 34 Mr. Passalacqua stated that practical difficulties or hardships created by carrying out the strict  
 35 letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use  
 36 of the land or structure or construction.

37  
 38 **(4) The special conditions, circumstances, hardships, or practical difficulties DO**

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**NOT result from actions of the applicant.**

Mr. Passalacqua stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant.

**(5) The requested waiver IS the minimum variation that will make possible the reasonable use of the land/structure.**

Mr. Courson stated that the requested waiver IS the minimum variation that will make possible the reasonable use of the land/structure.

**C. Regarding the requested waiver of the standard condition in Section 6.1.3 for a water treatment plant for a side yard of 15 feet in lieu of the minimum required 50 feet:**

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

Mr. Courson stated that the waiver IS in accordance with the general purpose and intent of the Zoning Ordinance and WILL NOT be injurious to the neighborhood or to the public health, safety, and welfare.

**(2) Special conditions and circumstances DO 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.**

Ms. Capel stated that special conditions and circumstances DO 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.

**(3) 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.**

Mr. Passalacqua stated that 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.

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- 1                   **(4) The special conditions, circumstances, hardships, or practical difficulties DO**
- 2                   **NOT result from actions of the applicant.**

3

4 Mr. Palmgren stated that the special conditions, circumstances, hardships, or practical difficulties DO

5 NOT result from actions of the applicant.

- 6
- 7                   **(5) The requested waiver IS the minimum variation that will make possible the**
- 8                   **reasonable use of the land/structure.**

9

10 Ms. Capel stated that the requested waiver IS the minimum variation that will make possible the

11 reasonable use of the land/structure.

12

13                   **D. Regarding the requested waiver of the standard condition in Section 6.1.3 for a**

14                   **water treatment plant for a rear yard of 35 feet in lieu of the minimum required 50**

15                   **feet:**

- 16
- 17                   **(1) The waiver IS in accordance with the general purpose and intent of the**
- 18                   **Zoning Ordinance and WILL NOT be injurious to the neighborhood or to**
- 19                   **the public health, safety and welfare.**

20

21 Ms. Capel stated that the waiver IS in accordance with the general purpose and intent of the

22 Zoning Ordinance and WILL NOT be injurious to the neighborhood or to the public health,

23 safety and welfare.

- 24
- 25                   **(2) Special conditions and circumstances DO exist which are peculiar to the land**
- 26                   **or structure involved, which are not applicable to other similarly situated**
- 27                   **land and structures elsewhere in the same district.**

28

29 Mr. Passalacqua stated that special conditions and circumstances DO exist which are peculiar to the

30 land or structure involved, which are not applicable to other similarly situated land and structures

31 elsewhere in the same district.

- 32
- 33                   **(3) Practical difficulties or hardships created by carrying out the strict letter of**
- 34                   **the regulations sought to be varied WILL prevent reasonable or otherwise**
- 35                   **permitted use of the land or structure or construction.**

36

37 Mr. Passalacqua stated that practical difficulties or hardships created by carrying out the strict

38 letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use

6/13/13

1 of the land or structure or construction.

2  
3 **(4) The special conditions, circumstances, hardships, or practical difficulties DO**  
4 **NOT result from actions of the applicant.**

5  
6 Mr. Passalacqua stated that the special conditions, circumstances, hardships, or practical difficulties DO  
7 NOT result from actions of the applicant.

8  
9 **(5) The requested waiver IS the minimum variation that will make possible the**  
10 **reasonable use of the land/structure.**

11  
12 Ms. Capel stated that the requested waiver IS the minimum variation that will make possible the  
13 reasonable use of the land/structure.

14  
15 **7. No special conditions are hereby imposed.**

16  
17 **Finding of Fact for Case 751-V-13:**

18  
19 From the documents of record and the testimony and exhibits received at the public hearing for zoning  
20 case 751-V-13 held on June 13, 2013, the Zoning Board of Appeals of Champaign County finds that:

21  
22 **1. Special conditions and circumstances DO exist which are peculiar to the land or**  
23 **structure involved which are not applicable to other similarly situated land and**  
24 **structures elsewhere in the same district.**

25  
26 Mr. Passalacqua stated that special conditions and circumstances DO exist which are peculiar to the land  
27 or structure involved which are not applicable to other similarly situated land and structures elsewhere in  
28 the same district because the available parcel is small and screened and is in a convenient location.

29  
30 Mr. Courson stated that it will be located in an area with water pressure and flow issues.

31  
32 Mr. Kass read the Board's findings as follows:

- 33  
34 • **They have an available parcel that is small and is screened that is in a convenient**  
35 **location.**  
36 • **It will be located in an area that lacks water pressure and flow.**

37  
38 The Board agreed.

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

Mr. Courson stated that practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or permitted use of the land or structure or construction because finding an alternative location will take time, planning and money and the area needs the improvements now.

Ms. Capel stated that finding a different location will create additional expense and the tank is located on the existing system so there are no new water lines required.

Mr. Kass read the Board's findings as follows:

- **Finding another location will create additional expense.**
- **The tank is located on the existing system so there is no additional need for water lines.**
- **Finding an alternative location will cost more time, planning and money, and the improvements are necessary now.**

The Board agreed.

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

Mr. Passalacqua stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant because this is necessary due to the increase in demand.

Mr. Thorsland stated that surrounding development was in place with the potential for future development in the surrounding area thus requiring the increased demand for services.

Mr. Kass read the Board's findings as follows:

- **This is necessary because of an increase in demand**
- **The surrounding development was in place and there is potential for future development in the surrounding area.**

The Board agreed.

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

Mr. Palmgren stated that the requested variance IS in harmony with the general purpose and intent of the Ordinance because the smaller lot that they are using is perfectly suitable for the desired tank and the booster pump that they plan to install. The project is located near the main water line therefore it is available to serve the public need without running additional pipe through the countryside.

Mr. Thorsland stated that the available small lot is well suited and well located to serve the public needs.

Mr. Kass read the Board's findings:

- **The location is well suited for the proposed use and well located in terms of providing public services.**

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

Mr. Passalacqua stated that the requested variance WILL NOT be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because it will improve public health, safety and welfare.

Mr. Kass read the Board's finding:

- **The proposed use will improve public health, safety, and welfare.**

The Board agreed.

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

Ms. Capel stated that the requested variance IS the minimum variation that will make possible the reasonable use of the land/structure.

**7. No special conditions are hereby imposed.**

Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and

6/13/13

1 Findings of Fact for Cases 750-S-13 and 751-V-13 as amended.

2

3 **Mr. Passalacqua moved, seconded by Mr. Courson to adopt the Summary of Evidence, Documents**

4 **of Record and Findings of Fact for Cases 750-S-13 and 751-V-13 as amended. The motion carried**

5 **by voice vote.**

6

7 Mr. Thorsland entertained a motion to move to the final determination for Cases 750-S-13 and 751-V-

8 13.

9

10 **Mr. Palmgren moved, seconded by Ms. Capel to move to the final determination for Cases 750-S-**

11 **13 and 751-V-13. The motion carried by voice vote.**

12

13 Mr. Thorsland informed the petitioners that a full Board is not present at this time due to absence of one

14 Board member and one vacant seat therefore it is at their discretion whether to move to a final determination

15 with the present Board or continue the case until the vacant seat is filled.

16

17 Mr. Gifford requested that the current Board proceed to the Final Determination.

18

19 **Final Determination for Case 750-S-13:**

20

21 **Ms. Capel moved, seconded by Mr. Courson that the Champaign County Zoning Board of**

22 **Appeals finds that, based upon the application, testimony, and other evidence received in this case,**

23 **that the requirements for approval of Section 9.1.11B. HAVE been met, and pursuant to the**

24 **authority granted by Section 9.1.6B. of the Champaign County Zoning Ordinance determines that**

25 **the Special Use requested in Case 750-S-13 is hereby GRANTED to the petitioner Sangamon**

26 **Valley Public Water District to authorize a water storage tank and water pumping station as a**

27 **Special Use with waivers of standard conditions and requested variance in related Case 751-V-13**

28 **as a “Water Treatment Plant” in the AG-2 Agriculture Zoning District.**

29

30 Mr. Thorsland requested a roll call vote.

31

32 The roll was called:

33

34 **Palmgren-yes** **Passalacqua-yes** **Miller-absent**

35 **Capel-yes** **Courson-yes** **Thorsland-yes**

36

37 **Final Determination for Case 751-V-13:**

38

6/13/13

1 Mr. Courson moved, seconded by Ms. Capel that the Champaign County Zoning Board of  
 2 Appeals finds that, based upon the application, testimony, and other evidence received in this case,  
 3 that the requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the  
 4 authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning  
 5 Board of Appeals of Champaign County determines that the Variance requested in Case 751-V-13  
 6 is hereby GRANTED to the petitioner Sangamon Valley Public Water District to authorize: Part  
 7 A. Variance to authorize access by private easement in lieu of the requirement that a lot have  
 8 access to a public street right of way or abut a private accessway as required by Zoning Ordinance  
 9 paragraph 4.2.1H.; and Part B. Variance for a front yard of 15 feet for a proposed water storage  
 10 tank in lieu of the minimum required 20 feet; and Part C. Variance for a front yard of 16 feet for a  
 11 proposed pump station in lieu of the minimum required 20 feet; and Part D. Waiver (variance) of  
 12 standard conditions for a lot area of .75 acres in lieu of the required 5 acres; a front yard of 15 feet  
 13 in lieu of the minimum required 55 feet; a side yard of 15 feet in lieu of the minimum required 50  
 14 feet; a rear yard of 35 feet in lieu of the minimum required 50 feet.

15  
 16 Mr. Thorsland requested a roll call vote.

17  
 18 The roll was called:

19			
20	<b>Palmgren-yes</b>	<b>Passalacqua-yes</b>	<b>Capel-yes</b>
21	<b>Courson-yes</b>	<b>Miller-absent</b>	<b>Thorsland-yes</b>
22			

23 Mr. Thorsland stated that the Board will take a short recess.

24  
 25 **The Board recessed at 8:52 p.m.**  
 26 **The Board resumed at 9:00 p.m.**

27  
 28 Mr. Thorsland stated that the Board will now hear Case 732-AT-12.

29  
 30 **Case 756-AT-13 Petitioner: Champaign County Zoning Administrator. Request to amend the**  
 31 **Champaign County Zoning Ordinance as follows: Amend Paragraph 7.1.2K. to add a**  
 32 **requirement that any new RURAL HOME OCCUPATION with any outdoor storage area or**  
 33 **outdoor operations area that is lighted or any wholly new outdoor storage area or wholly new**  
 34 **outdoor operations area that is lighted that is added to any existing RURAL HOME**  
 35 **OCCUPATION, shall have exterior lighting that is full-cutoff type lighting fixtures with limited**  
 36 **light output and other relevant restrictions.**

37  
 38 Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of his request.

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1  
2 Mr. John Hall, Zoning Administrator, stated that the case description should include parking areas  
3 because after completing the diagrams he could imagine someone wanting to add lighting to their  
4 parking areas so that they can protect their investment. He said that the text in new paragraph 7.1.2 L.  
5 should be revised as follows: Outdoor Storage and/or Operations and/or parking area. He said that  
6 subparagraph 7.1.2 L(5) is very lengthy but it is necessary to be absolutely clear in eliminating any  
7 possibility for someone to think that the County will try to apply this retroactively.

8  
9 Mr. Thorsland asked Mr. Hall if the case needs to be re-advertised.

10  
11 Mr. Hall stated that it could be argued that when we say Outdoor Storage and/or Operations that parking  
12 is close enough and no re-advertisement is necessary.

13  
14 Mr. Thorsland asked the Board if they agreed.

15  
16 The Board agreed.

17  
18 Mr. Hall stated that he does not anticipate action on this case tonight because he would prefer that it  
19 coincides with the approval for Case 732-AT-12.

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

22  
23 Mr. Thorsland entertained a motion to continue Case 756-AT-13 to the August 15<sup>th</sup> meeting.

24  
25 **Ms. Capel moved, seconded by Mr. Passalacqua to continue Case 756-AT-13 to the August 15,**  
26 **2013, meeting. The motion carried by voice vote.**

27  
28  
29 **7. Staff Report**

30  
31 None

32  
33 **8. Other Business**  
34 **A. Review of Docket**

35  
36 Mr. Kass noted that the month of July will be a very busy month and the August 15<sup>th</sup> meeting appears to be  
37 busy as well. He said that he will be out of the office during the week of the mailing for the September  
38 12<sup>th</sup> meeting therefore staff is requesting that the Board consider cancelling the September 12<sup>th</sup> meeting.

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**B. April and May 2013 Monthly Reports**

None

**C. Zoning Case Wrap-Up Report**

None

Mr. Courson informed the Board that the July 11<sup>th</sup> meeting could possibly be his last meeting as a ZBA member. He said that if all goes well he and his family are moving to Nevada.

Mr. Hall stated that an application has been submitted to fill the one vacant ZBA seat and it is hopeful that the applicant will be approved. He said that the applicant does live in a township that does not have a current ZBA member and they do not sit on a Board which would prevent them from being a ZBA member.

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

None

**10. Adjournment**

Mr. Thorsland entertained a motion to adjourn the meeting.

**Mr. Passalacqua moved, seconded by Ms. Capel to adjourn the meeting at 9:30 p.m. The motion carried by voice vote.**

The meeting adjourned at 9:30 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals

ZBA

*AS APPROVED AUGUST 15, 2013*

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