

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street

Urbana, IL 61801

DATE: August 28, 2014

PLACE: Lyle Shield's Meeting Room

1776 East Washington Street

Urbana, IL 61802

TIME: 6:30 p.m.

MEMBERS PRESENT: Catherine Capel, Debra Griest, Marilyn Lee, Brad Passalacqua, Jim Randol

MEMBERS ABSENT: Roger Miller, Eric Thorsland

STAFF PRESENT: Connie Berry, Susan Chavarria, Jessica Gal, John Hall, Gabrielle Mattingly

OTHERS PRESENT : Randy Hopkins, Sue Hopkins, Chuck Stites, Mary Ellen Stites, Mitch Osterbur, Jerry Kalk, Barbara Kalk, Kirsten Fantom, DVM, Jarrett Clem, Dennis Wandell

1. Call to Order

The meeting was called to order at 6:30 p.m.

Mr. Hall informed the Board that due to the absence of Mr. Thorsland the Board needs to appoint an acting Chair for tonight's meeting.

Mr. Passalacqua moved, seconded by Ms. Lee to appoint Cathe Capel as the acting Chair for tonight's meeting. The motion carried by voice vote.

2. Roll Call and Declaration of Quorum

The roll was called and a quorum declared present with two members absent.

3. Correspondence

None

4. Approval of Minutes

None

Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must sign the witness register for that public hearing. She reminded the audience that when they sign the witness register

1 they are signing an oath.

2
3 **5. Continued Public Hearing**

4
5 **Case 685-AT-11 Petitioner: Champaign County Zoning Administrator. Request to amend the**
6 **Champaign County Zoning Ordinance by revising Section 6.1 by adding standard conditions required**
7 **for any County Board approved special use permit for a Rural Residential Development in the Rural**
8 **Residential Overlay district as follows: (1) require that each proposed residential lot shall have an**
9 **area equal to the minimum required lot area in the zoning district that is not in the Special Flood**
10 **Hazard Area; (2) require a new public street to serve the proposed lots in any proposed RRO with**
11 **more than two proposed lots that are each less than five acres in area or any RRO that does not**
12 **comply with the standard condition for minimum driveway separation; (3) require a minimum**
13 **driveway separation between driveways in the same development; (4) require minimum driveway**
14 **standards for any residential lot on which a dwelling may be more than 140 feet from a public street;**
15 **(5) require for any proposed residential lot not served by a public water supply system and that is**
16 **located in an area of limited groundwater availability or over a shallow sand and gravel aquifer other**
17 **than the Mahomet Aquifer, that the petitioner shall conduct groundwater investigations and contract**
18 **the services of the Illinois State Water Survey (ISWS) to conduct or provide a review of the results; (6)**
19 **require for any proposed RRO in a high probability area as defined in the Illinois State Historic**
20 **Preservation Agency (ISHPA) about the proposed RRO development undertaking and provide a copy**
21 **of the ISHPA response; (7) require that for any proposed RRO that the petitioner shall contact the**
22 **Endangered Species Program of the Illinois Department of Natural Resources and provide a copy of**
23 **the agency response.**

24
25 Ms. Capel asked the petitioner if he desired to make a statement outlining the nature of his request.

26
27 Mr. John Hall, Zoning Administrator, stated that there is no new information available for the Board’s
28 review and requested that Case 685-AT-11 be continued to the November 13, 2014, meeting.

29
30 **Ms. Griest moved, seconded by Mr. Passalacqua to continue Case 685-AT-11 to the November 13,**
31 **2014, meeting. The motion carried by voice vote.**

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34 **Case 771-AM-13 Petitioner: Randy and Sue Hopkins, d.b.a. Atlantic Services, Inc. Request to amend**
35 **the Zoning Map to change the zoning district designation from the B-3 Highway Business Zoning**
36 **District to the B-4 General Business Zoning District in order to authorize the proposed Special Use in**
37 **related zoning Case 772-S-13. Location: A five acre tract of land in the North Half of the Northwest**
38 **Quarter of the Northeast Quarter of Section 24 of Hensley Township and commonly known as the**
39 **plant nursery and self-storage warehouse located at 31 East Hensley Road, Champaign.**

40
41 **Case 772-S-13 Petitioner: Randy and Sue Hopkins, d.b.a. Atlantic Services, Inc. Request: Authorize**
42 **the following as a Special Use in the B-4 General Business Zoning District: Part A. Authorize multiple**

1 **principal buildings on the same lot consisting of the following: (1) Self-Storage Warehouses providing**
2 **heat and utilities to individual units, as a special use that was previously authorized in Case 101-S-97;**
3 **and (2) a Landscaping and Maintenance Contractor's Facility with outdoor storage as proposed in**
4 **Part B. Part B. Authorize the construction and use of a Landscaping and Maintenance Contractor**
5 **Facility. Location: An 11.8 acre tract of land in the North Half of the Northwest Quarter of the**
6 **Northeast Quarter of Section 24 of Hensley Township and commonly known as the plant nursery and**
7 **self-storage warehouse located at 31 East Hensley Road, Champaign, and an adjacent tract of**
8 **farmland.**
9

10 Ms. Capel informed the audience that Case 772-S-13 is an Administrative Case and as such the County
11 allows anyone the opportunity to cross examine any witness. She said that at the proper time she will ask for
12 a show of hands for those who would like to cross examine and each person will be called upon. She
13 requested that anyone called to cross examine go to the cross examination microphone to ask any questions.
14 She said that those who desire to cross examine are not required to sign the witness register but are requested
15 to clearly state their name before asking any questions. She noted that no new testimony is to be given
16 during the cross examination. She said that attorneys who have complied with Article 7.6 of the ZBA By-
17 Laws are exempt from cross examination.
18

19 Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must sign the
20 witness register for that public hearing. She reminded the audience that when they sign the witness register
21 they are signing an oath.
22

23 Ms. Capel asked Mr. John Hall if he would like to review any new information with the Board.
24

25 Mr. Hall, Zoning Administrator, stated that there is no new memorandum for the Board's review tonight. He
26 said that the cases were continued to tonight's meeting only to allow more Board members to be in
27 attendance for final action. He said that at the last meeting the Finding of Fact and Summary of Evidence
28 were updated and the Board approved the Finding of Fact for both cases however he did notice that item #3
29 in the Finding of Fact for Case 771-AM-13, which is the item which reviews municipal jurisdiction, did not
30 contain all of the information contained in item #3 for the Summary of Evidence which reviewed municipal
31 jurisdiction and township planning jurisdiction. He recommended that the Board amend item #3 the Finding
32 of Fact for Case 771-AM-13 to be the same as item #3 in the Summary of Evidence for Case 772-S-13 and
33 re-adopt the amended Findings of Fact for both cases. He said that upon adoption of the amended Findings
34 of Fact for both cases the cases will be ready for final action, pending the petitioners' determination to
35 proceed or continue to another meeting.
36

37 Ms. Griest asked Mr. Hall to explain what he is exactly proposing the Board to add to item #3 in Case 771-
38 AM-13.
39

40 Mr. Hall stated that he is proposing that the Board make item #3 in Case 771-AM-13 identical to item #3 in
41 Case 772-S-13.
42

1 Ms. Griest moved, seconded by Mr. Randol to make item #3 in the Summary of Evidence for Case
2 771-AM-13 identical to item #3 in the Findings of Fact for Case 772-S-13. The motion carried by
3 voice vote.

4
5 Ms. Griest moved, seconded by Mr. Passalacqua to approve the amended Findings of Fact for Cases
6 771-AM-13 and 772-S-13. The motion carried by voice vote with one opposing vote.

7
8 Ms. Capel entertained a motion to move to the Final Determination for Cases 771-AM-13 and 772-S-13.

9
10 Ms. Griest moved, seconded by Mr. Randol to move to the Final Determination for Cases 771-AM-13
11 and 772-S-13. The motion carried by voice vote.

12
13 Ms. Capel informed the petitioners that two Board members were absent therefore it is at their discretion to
14 either continue Cases 771-AM-13 and 772-S-13 until a full Board is present or request that the present Board
15 move to the Final Determination. She informed the petitioners that four affirmative votes are required for
16 approval.

17
18 Mr. Hopkins requested that the present Board proceed to the Final Determination.

19
20 **Final Determination for Case 771-AM-13:**

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22 Ms. Griest moved, seconded by Mr. Passalacqua that pursuant to the authority granted by Section 9.2
23 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County
24 determines that the Zoning Ordinance Amendment requested in Case 771-AM-13 should BE
25 ENACTED by the County Board in the form attached hereto.

26
27 Ms. Capel requested a roll call vote.

28
29 The roll was called:

30			
31	Griest-yes	Lee-no	Miller-absent
32	Passalacqua-yes	Randol-yes	Thorsland-absent
33	Capel-yes		

34
35 **Final Determination for Case 772-S-13:**

36
37 Ms. Griest moved, seconded by Mr. Passalacqua that the Champaign County Zoning Board of
38 Appeals finds that, based upon the application, testimony, and other evidence received in this case, the
39 requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority granted
40 by Section 9.1.6 B. of the Champaign Zoning Ordinance, determines that the Special Use requested in
41 Case 772-S-13 is hereby GRANTED WITH SPECIAL CONDITIONS to the applicants Randy and
42 Sue Hopkins d.b.a. Atlantic Services, Inc., to authorize the following as a Special Use in the B-4

District:

- Part A. Authorize multiple principal buildings on the same lot consisting of the following:**
 - (1) Self-Storage Warehouses providing heat and utilities to individual units, as a special use that was previously authorized in Case 575-S-07; and**
 - (2) a Landscaping and Maintenance Contractor’s Facility with outdoor storage as proposed in Part B.**
- Part B. Authorize the construction and use of a Landscaping and Maintenance Contractor Facility with outdoor storage.**

SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:

- A. A complete Stormwater Drainage Plan that conforms to the requirements of the Stormwater Management Policy shall be submitted and approved as part of the Zoning Use Permit application and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.**
 The special condition stated above is required to ensure the following:
That the drainage improvements conform to the requirements of the Stormwater Management Policy.
- B. Heat and utilities provided to the individual self-storage units should be limited so that improper use cannot be made of those services. The following conditions will ensure that heat and utilities are provided as necessary but not to the extent that the services can be used for improper or illegal activities:**
 - a. Heating in the individual storage units shall not be controllable by the individual storage unit renters and shall be controlled by the management as described in the Hensley Storage Security Notes submitted by the petitioner.**
 - b. No plumbing shall be provided within the individual self-storage units nor within the immediate vicinity of the self-storage units as described in the Hensley Storage Security Notes submitted by the petitioner.**
 - c. Electrical power within the individual self-storage units shall be limited to one 15 amp outlet as described in the Hensley Storage Security Notes submitted by the petitioner.**
 The above special conditions are required to ensure the following:
Heat and utilities are provided as necessary but not to the extent that the services can be used for improper or illegal activities.
- C. The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed contractor’s facility until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new building complies with the following codes:**

- 1 (A) The 2006 or later edition of the International Building Code.
- 2 (B) The 2008 or later edition of the National Electrical Code NFPA 70.
- 3 (C) The Illinois Plumbing Code.

4 The special conditions stated above are required to ensure the following:
 5 **New buildings shall be in conformance with Public Act 96-704.**

- 7 **D. The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioner**
 8 **has demonstrated that any new or proposed exterior lighting on the subject property**
 9 **will comply with the lighting requirements of Section 6.1.2.**

10 The special conditions stated above are required to ensure the following:
 11 **That any proposed exterior lighting is in compliance with the Zoning Ordinance.**

- 13 **E. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the**
 14 **proposed contractor’s facility until the petitioner has demonstrated that the proposed**
 15 **Special Use complies with the Illinois Accessibility Code.**

16 The special condition stated above is necessary to ensure the following:
 17 **That the proposed Special Use meets applicable state requirements for accessibility.**

- 19 **F. The only two principal uses authorized by Case 772-S-13 are a Contractor’s Facility**
 20 **with outdoor storage and/or outdoor operations and self-storage warehouses providing**
 21 **heat and utilities to individual units.**

22 The special condition stated above is necessary to ensure the following:
 23 **That the petitioner and future landowners understand the requirements of the Zoning**
 24 **Ordinance.**

- 26 **G. The County Health Department recommends that the area for the subsurface septic**
 27 **system be identified, marked off and protected from compaction prior to construction.**
 28 **The following condition will ensure that the recommendations of the County Health**
 29 **Department are a requirement for a Zoning Use Permit:**

- 30 (1) **The Zoning Administrator shall not accept a Zoning Use Permit Application for**
 31 **the proposed contractor facility building unless there is a copy of an approved**
 32 **septic system permit by the Champaign County Health Department.**
- 33 (2) **The area proposed for the septic system shall be identified, marked off, and**
 34 **protected from compaction prior to any construction on the subject property**
 35 **and the site plan shall include notes to that effect.**
- 36 (3) **The Zoning Administrator shall not issue a Zoning Compliance Certificate**
 37 **without documentation of the approval of the as-built septic system by the**
 38 **Champaign County Health Department.**

39 The special condition stated above is necessary to ensure the following:
 40 **The septic system meets the requirements of the Champaign County Health Ordinance.**

- 42 **H. If access to the subject property is restricted there should be no vehicles or trailers**

1 required to sit or stand on CR 2100N while access is provided (ie, a gate is unlocked
2 and opened).

3 The special condition stated above is necessary to ensure the following:

4 Restricting access by customers should not create a traffic safety problem on CR
5 2100N.

6
7 Ms. Capel requested a roll call vote.

8
9 The roll was called:

10			
11	Passalacqua-yes	Randol-yes	Thorsland-absent
12	Griest-yes	Lee-no	Miller-absent
13	Capel-yes		
14			

15 Mr. Hall informed the petitioners that they have received approvals for both cases. He said that the map
16 amendment case has been included on the Environment and Land Use Committee meeting agenda which
17 will be held on September 4th at 6:30 p.m. in the Lyle Shields Meeting Room.

18
19 **Case 778-S-14 Petitioner: Charles and Mary Ellen Stites Request to authorize continued use of a**
20 **Major Rural Specialty Business in the CR District on the following property as previously approved**
21 **for a limited time in Special Use Permit 610-S-08. Location: A 5.0 acre tract in the East Half of the**
22 **Southeast Quarter of the Northeast Quarter of Section 1, Township 18 North, Range 10 East of**
23 **Sidney Township and commonly known as River Bend Wild Game and Sausage Company at 1161 CR**
24 **2400E, St. Joseph.**

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

34
35 Mr. John Hall, Zoning Administrator, stated that this case was continued tonight with the anticipation that
36 more Board members would be present for final action. He said that the Summary of Evidence, Findings of
37 Fact and Documents of Record were approved at the last public hearing.

38
39 Ms. Capel stated that there are two names on the witness register. She asked the audience if anyone else
40 desired to sign the witness register to present testimony tonight.

41
42 Mr. Passalacqua stated that no new testimony should be received at this time because the Summary of

1 Evidence and Findings of Fact have already been approved.

2

3 Mr. Randol agreed.

4

5 Mr. Hall stated that every time there is a public hearing the State’s Attorney has always advised the Board
6 that they should hear any testimony that witnesses would like to present. He said that hearing the testimony
7 does not mean that the Board has to revise the findings if the Board finds that the testimony does not merit
8 such but to take action there must be a public hearing and if someone desires to speak then the Board should
9 allow them the opportunity. He said that the Board may abide by the normal rules for testimony in that no
10 redundant testimony will be allowed.

11

12 Ms. Capel called Charles Stites to testify.

13

14 Mr. Charles Stites, who resides at 1161 CR 2400E, St. Joseph, stated that he signed the witness register in
15 case there were any questions from staff or the Board.

16

17 Mr. Hall stated that he had no questions for Mr. Stites at this time.

18

19 The Board indicated that they had no questions for Mr. Stites at this time.

20

21 Ms. Capel called Dennis Wandell to testify.

22

23 Mr. Dennis Wandell, who resides at 1167 CR 2400E, St. Joseph, stated that he also signed the witness
24 register in case there were any questions from staff or the Board.

25

26 Mr. Hall stated that he had no questions for Mr. Wandell at this time.

27

28 The Board indicated that they had no questions for Mr. Wandell at this time.

29

30 Ms. Capel entertained a motion to move to the Final Determination for Case 778-S-14.

31

32 **Ms. Griest moved, seconded by Ms. Lee to move to the Final Determination for Case 778-S-14. The**
33 **motion carried by voice vote.**

34

35 Ms. Capel informed the petitioner that two Board members were absent therefore it is at his discretion to
36 either continue Cases 771-AM-13 and 772-S-13 until a full Board is present or request that the present Board
37 move to the Final Determination. She informed the petitioner that four affirmative votes are required for
38 approval.

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40 Mr. Stites requested that the present Board proceed to the Final Determination.

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42 **Final Determination for Case 778-S-14:**

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Ms. Griest moved, seconded by Mr. Randol that the Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, the requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that the Special Use requested in Case 778-S-14 is hereby GRANTED WITH SPECIAL CONDITIONS to the applicants Charles and Mary Ellen Stites d.b.a. River Bend Wild Game & Sausage Company to authorize the following as a Special Use in the CR District:

**Authorize continued use of a Major Rural Specialty Business in the CR District
On the following property as previously approved for a limited time in Special
Use Permit 610-S-08 on the following property:**

**A 5.0 acre tract in the East Half of the Southeast Quarter of the Northeast Quarter
of Section 1, Township 18N, Range 10E, of Sidney Township and commonly
known as River Bend Wild Game and Sausage Company at 1161 CR 2400E, St. Joseph.**

SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:’

- A. The Special Use Permit authorized herein is only for the final dressing of field dressed wild game and none of the following shall occur on the subject property.**
 - (1) No slaughtering of wild game or animals of any kind is authorized except for the final dressing (i.e., further processing) of field dressed wild game carcasses.**
 - (2) No meat preparation or packaging that is subject to the Meat and Poultry Inspection Act is authorized except for the final dressing and packaging of field dressed wild game carcasses.**
 - (3) There shall be no sales to the general public of products made from wild game that has been dressed onsite.**
 - (4) The sale of goods produced off the premises must constitute less than 50 percent of the gross annual business income and less than 50 percent of the total annual stock in trade.**

The special condition stated above is required to ensure the following:
The continued operation of the Special Use Permit authorized herein shall be in conformance with the testimony and evidence presented and shall continue to qualify as a Rural Specialty Business in the CR District.

- B. The petitioner shall provide reasonable access to both the subject property and all relevant business records, including employee work records; the location where food supplies were purchased; food lot numbers; the identity of food purchasers; and other records as may be requested by the Champaign County Public Health Department pursuant to any complaint of food borne illness that**

is made after ingestion of products from the proposed special use.

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

The Champaign County Public Health Department shall be provided necessary access to property and records to respond to any relevant complaints of food borne illness.

C. The following condition shall apply until such time that the petitioner is regulated by and has a license authorized by the Illinois Department of Agriculture:

(1) the phrases “custom wild game processor” and “custom wild game processing” and the words “custom processor” and “custom processing” shall not be used in any advertising or description of services provided by the petitioner about the proposed special use; and

(2) The Petitioner shall conspicuously display a sign stating “NO SALES OF WILD GAME PRODUCTS PERMITTED” in the public area of the proposed special use and provide photographic proof of the sign’s installation within 30 days of the Special Use Permit approval.

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

The public has clear expectations of the types of services that may be provided at the proposed special use and the degree of public health regulation required of the petitioner.

D. The Special Use Permit approved in Case 610-S-08 and renewed in Case 778-S-14 shall only be valid for the current owners, Chuck and Mary Ellen Stites, on the subject property and if the business is ever transferred to new ownership a new Special Use Permit shall be required.

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

The risk to public health is adequately considered in management of the proposed Special Use.

E. The Petitioner is responsible to ensure that there shall be no queuing of customer traffic in the public right-of-way of CR 2400E and that no parking related to the Special Use Permit shall occur within any street right-of-way or on nearby properties.

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

There is no unreasonable risk to public safety caused either by on-street parking or long lines of standing traffic.

F. The Petitioners shall ensure that all buildings, including the structures, rooms, and compartments used in the Special Use Permit are of sound construction and are kept in good repair to allow for processing, handling, and storage of product and waste materials in a manner that will not result in unsanitary or nuisance

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conditions.

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

The proposed Special Use poses no risk to public health in general or to the immediate neighborhood.

G. In regards to the odors caused by the smoking and cooking of wild game products at the proposed Special Use, the Petitioners shall do the following:

- (1) The Enviro-Pak “Enviro-Kleen” Air Treatment System (or equivalent air treatment system) shall be used at all times during cooking and when the smokehouses are in operation.**
- (2) The Enviro-Pak “Enviro-Kleen” Air Treatment System (or equivalent air treatment system) is not expected to eliminate all odors from the smoking and cooking related to the Special Use Permit and some odor may still be present at the property line and adjacent dwellings.**
- (3) This condition does not exempt the proposed Special Use Permit from whatever Illinois Pollution Control Board or Environmental Protection Agency air pollution regulations are applicable or are later found to have been applicable and this Special Use Permit shall remain valid so long as the Petitioners comply with whatever air pollution regulations are found to be applicable.**

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

Odor from the cooking and smoking of wild game is reduced as much as practicable so as to preserve the essential character of the CR District and the Special Use shall comply with any Illinois air pollution regulations that are later found to be applicable.

H. In regards to the bone barrels and trash containers for the proposed Special Use, the Petitioners shall do the following:

- (1) No bone barrels shall be stored within 30 feet of any property line, except if stored within the walk-in cooler.**
- (2) No bone barrels shall be emptied within 70 feet of any property line.**
- (3) No more than 800 square feet of the proposed new storage building shall be used for storage of bone barrels, or any storage related to the proposed special use.**
- (4) All bone barrels shall be stored in a closed and secure building at all times except when being emptied into a rendering truck or a garbage truck for removal from the property.**
- (5) The bone barrels shall be stored in a cooled environment when necessary to maintain sanitary conditions.**
- (6) When the bone barrels and trash containers are not stored in a cooled environment they shall be covered adequately to prevent access by vermin.**

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(7) The bone barrels and trash containers shall be cleaned and sanitized when necessary to maintain sanitary conditions and all such cleaning and sanitizing shall occur in a closed and secure building and all wash water from cleaning of the bone barrels shall be treated in the approved wastewater treatment and disposal system for the Special Use and not disposed of in an untreated condition and any solid waste from the cleaning bone barrels shall also be properly disposed of and not dumped on the surface of the ground.

The proposed special condition stated above is required to ensure the following:
The bone barrels and trash containers shall be handled and used in a manner that does not create unsanitary or nuisance conditions in the neighborhood.

I. Any new refrigeration units shall have all condensers located inside the building except that the permanent bone barrel storage buildings may be cooled by a through-the-wall air conditioner if necessary.

The proposed special condition stated above is required to ensure the following:
There is maximum noise shielding for neighboring residences.

J. The Special Use Permit authorized in Case 610-S-08 and renewed in Case 778-S-14 shall be served by a wastewater disposal system as follows:

(1) A private sewage disposal system with subsurface discharge serving the Special Use Permit activities shall be in general conformance with the approved site plan.

(2) The private sewage disposal system serving the Special Use Permit shall be maintained as necessary or as recommended by the County Health Department but maintenance shall occur on at least a triennial basis and all maintenance reports shall be made available for inspection by the Zoning Administrator. Failure to keep copies of maintenance reports or maintenance receipts when requested by the Zoning Administrator or Champaign County Health Department shall constitute a violation of this Special Use Permit approval and the Zoning Administrator shall refer the violation to the Champaign County State’s Attorney for legal action.

(3) This Special Use Permit approval shall become void if the private sewage disposal system with subsurface discharge fails and cannot be repaired or if the system is repaired or modified later without the approval of both the County Health Department and the Zoning Administrator, as follows:

(a) The owner is obligated to provide notice of the failed system to both the Zoning Administrator and the County Health Department as soon as failure is suspected; and

(b) The Zoning Administrator and the County Health Department in

- 1 (4) The elevation of the proposed storage building received on October 1,
- 2 2008
- 3 (5) The elevation of the front view of the business building received on
- 4 October 12, 2008

5 The special condition stated above is required to ensure the following:
 6 **It is clear which Documents of Record constitute the proposed site plan for**
 7 **enforcement purposes.**

8
 9 **N. Regarding required maintenance on the Enviro-Pak “Enviro-Kleen” Air**
 10 **Treatment System:**

- 11 (1) The Petitioner shall follow the manufacturer’s recommended
- 12 maintenance for the Enviro-Pak “Enviro-Kleen” Air Treatment System
- 13 (or equivalent air treatment system); and
- 14 (2) The Petitioner shall keep a written log of all maintenance performed on
- 15 the Enviro-Pak “Enviro-Kleen” Air Treatment System (or equivalent air
- 16 treatment system); and
- 17 (3) The Petitioner shall provide a copy of the maintenance log for inspection
- 18 by the Zoning Administrator when necessary to respond to complaints.

19 The above special condition is required to ensure the following:
 20 **To ensure that odors caused by the smoking are kept at the minimum**
 21 **acceptable level of odor control.**

22
 23 **O. At the beginning of each annual smoking season the Petitioner shall provide an**
 24 **opportunity for the Zoning Administrator to visit the property while smoking is**
 25 **being done so that the Zoning Administrator may verify that the Enviro-Pak**
 26 **“Enviro-Kleen” Air Treatment System (or equivalent air treatment system) is in**
 27 **operation and so that the Zoning Administrator may experience the smoking**
 28 **odor.**

29 The above special condition is required to ensure the following:
 30 **To ensure that the Zoning Administrator is familiar with the actual odors that**
 31 **are emitted during the operation of the smoker and the Air Treatment System.**

32
 33 Ms. Capel requested a roll call vote.

34
 35 The roll was called:

36	37 Lee-yes	37 Miller-Absent	37 Passalacqua-yes
38	38 Randol-yes	38 Thorsland-absent	38 Griest-yes
39	39 Capel-yes		

40
 41 Mr. Hall informed the petitioners that they have received an approval of their second and final Special Use
 42 Permit.

1
2 **6. New Public Hearings**

3
4 **Case 784-V-14 Petitioner: Jerry O. and Barbara J. Kalk Request to authorize the following in the AG-**
5 **1 Agriculture Zoning District: Part A. Variance for lot coverage of 21.7% in lieu of the maximum**
6 **allowed 20%; Part B. Variance for a rear yard for two existing accessory buildings of 3 feet in lieu of**
7 **the minimum required 10 feet by Section 7.2.1.C. Location: A ¼ acre tract in Ogden Township in the**
8 **West Half of the Northwest Quarter of the Northeast Quarter of Section 17 of Township 19N, Range**
9 **14E of the Second Principal Meridian and commonly known as the home at 1592 CR 2650E, Ogden.**

10
11 Ms. Capel informed the audience that this is an Administrative Case and as such the County allows anyone
12 the opportunity to cross examine any witness. She said that at the proper time she will ask for a show of
13 hands for those who would like to cross examine and each person will be called upon. She requested that
14 anyone called to cross examine go to the cross examination microphone to ask any questions. She said that
15 those who desire to cross examine are not required to sign the witness register but are requested to clearly
16 state their name before asking any questions. She noted that no new testimony is to be given during the
17 cross examination. She said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
18 exempt from cross examination.

19
20 Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must sign the
21 witness register for that public hearing. She reminded the audience that when they sign the witness register
22 they are signing an oath.

23
24 Ms. Capel asked the petitioners if they desired to make a statement outlining the nature of their request.

25
26 Mr. Jerry Kalk, who resides at 1592 CR 2650E, Ogden, distributed photographs of the structures on the
27 subject property to the Board and staff for review. He submitted the photographs as Documents of Record.
28 He said that on the back side of the house where the concrete patio is located is where the proposed sunroom
29 will be located. He said that if you placed a stake from the east to the west and to the north and the south
30 you would find that the middle of the sunroom would almost be in the middle of the yard.

31
32 Mr. Randol asked Mr. Kalk if he has received any opinions or comments from the neighbors regarding his
33 request.

34
35 Mr. Kalk stated that the comments that he has received have all been positive. He said that some of the
36 neighbors offered to attend the meeting tonight but he informed them that their attendance was not
37 necessary.

38
39 Ms. Capel asked the Board if there were any questions for Mr. Kalk and there were none.

40
41 Ms. Capel asked if staff had any questions for Mr. Kalk and there were none.

- 1 Ms. Capel asked the audience if anyone desired to cross examine Mr. Kalk and there was no one.
2
- 3 Ms. Lee asked Mr. Hall how Parts C. and D. will be handled at tonight's meeting.
4
- 5 Mr. Hall stated that the Board could take action on Parts A. and B. and the unadvertised variances would be
6 Parts C. and D. of the same case with no fees imposed upon the Kalks. He said that the advertisement could
7 be placed in time so that the case could be on the agenda for the September 25th meeting and at that meeting
8 the Board will take final action on Parts C. and D. He said that if the Board takes action on Parts A. and B.
9 tonight, the Summary of Evidence for the Finding of Fact for Parts C. and D. would have all of the
10 information that is in front of the Board tonight plus the additional information in regards to those two parts
11 and at the end there will only be one Summary of Evidence, Findings of Fact and Final Determination.
12
- 13 Ms. Lee asked Mr. Hall if this case will be treated much like the previous cases were treated tonight in that
14 the Findings of Fact will be finalized but the Final Determination will not be until September 25th.
15
- 16 Mr. Hall stated that if the Board is comfortable they could take final action on Parts A. and B. tonight and
17 pretend that the other two things did not need addressed and then on September 25th the Board could take
18 action on Parts C. and D.
19
- 20 Mr. Passalacqua stated that Parts C. and D. do not change the lot coverage and are only in regards to the
21 location of the structures.
22
- 23 Mr. Hall stated that Mr. Passalacqua is correct because it is the same amount of coverage and is only
24 necessary due to the structures location.
25
- 26 Ms. Griest stated that there is no issue because the structure that is being authorized to be added on to is
27 nonconforming. She said that the Summary of Evidence indicates that the only reason why she is making
28 this assumption is because the Summary of Evidence indicates such.
29
- 30 Mr. Hall stated that the Summary of Evidence should be revised so that it is accurate but it does not increase
31 the nonconformity.
32
- 33 Ms. Griest stated that item #5.C.(3) indicates the following: Note that neither the nonconforming garage nor
34 the nonconforming dwelling were included in the legal advertisement for Parts A and B of the variance.
35 Nonconforming buildings cannot be rebuilt in the same location if damaged to more than 50% of
36 replacement value without first being authorized by variance.
37
- 38 Mr. Hall stated that the Board could take action on Parts A. and B. tonight and if we left it at that, even
39 though the Kalks would have gone through two variance cases, they would still have two nonconforming
40 buildings which could not be rebuilt without a third variance.
41
- 42 Ms. Lee stated that item #7.C.(4) states as follows: The existing property is a farm field with no structures.

1 She said that item #7.C.(4) should be revised as follows: The adjacent property is a farm field with no
2 structures.

3
4 Mr. Hall agreed.

5
6 Ms. Griest stated that item #7.C.(4) could read as follows: The adjacent property at the rear of the subject
7 property is a farm field with no structure.

8
9 Ms. Capel asked the audience if anyone desired to cross examine Mr. Kalk and there was no one.

10
11 Ms. Capel asked the audience if anyone desired to sign the witness register to present testimony and there
12 was no one.

13
14 Ms. Capel closed the witness register.

15
16 Ms. Capel stated that a new item #4 should be added to the Documents of Record as follows: Photos of
17 subject property submitted by Jerry Kalk at the August 28, 2014, public hearing.

18
19 **Findings of Fact for Case 784-V-14 Parts A & B:**

20
21 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
22 784-V-14 held on August 28, 2014, the Zoning Board of Appeals of Champaign County finds that:

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

27
28 Ms. Griest stated that special conditions and circumstances DO exist which are peculiar to the land or
29 structure involved, which are not applicable to other similarly situated land and structures elsewhere
30 in the same district because the subject property is a 10,890 square feet, (.25 acre) lot that is 82 feet wide
31 and 132 feet long. She said that the dwelling and the garage existed in 1973 which was prior to the adoption
32 of Zoning and the variance for lot coverage is allowable within the Administrative Variance limits except
33 that there are other variances required on the subject property.

- 34
35 **2. Practical difficulties or hardships created by carrying out the strict letter of the**
36 **regulations sought to be varied WILL prevent reasonable or otherwise permitted use of**
37 **the land or structure or construction.**

38
39 Mr. Passalacqua stated that practical difficulties or hardships created by carrying out the strict letter of
40 the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land
41 or structure or construction because for Part A, due to the small lot size and with the limit of 20% lot
42 coverage it would be impossible to add onto the home without the variance.

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Ms. Griest stated that for Part B, the two small sheds are supposed to be movable but they have been in the same location so long that moving them may destroy them.

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

Ms. Griest stated that for the special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant because for Part A, the lot to the south is a small nonconforming lot of record and the adjacent lot to the north is also a nonconforming lot of record and no sale of land would be possible to either the north or south and the adjacent land to the east is a farm field and any sale would interrupt the line of tillage. She said that for Part B, relocation of the sheds could cause irreparable damage to the sheds and the sheds would have to be replaced.

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

Mr. Passalacqua stated that the requested variance IS in harmony with the general purpose and intent of the Ordinance because, for both Parts A & B, it allows the petitioner to add on without being injurious to the neighborhood and not interfering with the neighbors.

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

Ms. Griest stated that the requested variance WILL NOT be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because, for both Parts A & B, the Ogden Township Highway Commissioner and the Ogden-Royal Fire Protection District have both been notified and no comments were received. She said that the variance will not increase traffic nor will the variance decrease public safety.

Ms. Lee stated that no objections have been voiced by the neighbors.

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

Ms. Griest 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.

Ms. Capel stated that no special conditions are hereby imposed.

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Ms. Capel entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings of Fact as amended.

Ms. Griest moved, seconded by Ms. Lee to adopt the Summary of Evidence, Documents of Record and Findings of Fact as amended. The motion carried by voice vote.

Ms. Capel entertained a motion to move to the Final Determination for Case 784-V-14.

Ms. Griest moved, seconded by Mr. Randol to move to the Final Determination for Case 784-V-14. The motion carried by voice vote.

Ms. Capel informed the petitioners that two Board members were absent therefore it is at their discretion to either continue Cases 784-V-14 until a full Board is present or request that the present Board move to the Final Determination. She informed the petitioners that four affirmative votes are required for approval.

Mr. Kalk requested that the present Board proceed to the Final Determination.

Final Determination for Case 784-V-14, Parts A & B:

Ms. Griest moved, seconded by Mr. Passalacqua that the Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority granted in Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that the Variance in Case 784-V-14 is hereby GRANTED to the petitioners Jerry and Barbara Kalk to authorize the following in the AG-1 Agriculture Zoning District:

- Part A. Variance for lot coverage of 21.7% in lieu of the maximum allowed 20%.**
- Part B. Variance for a rear yard of two existing accessory buildings of 3 feet in lieu of the minimum required 10 feet.**

Ms. Capel requested a roll call vote.

The roll was called:

Lee-yes	Miller-absent	Passalacqua-yes
Randol-yes	Thorsland-absent	Griest-yes
Capel-yes		

Mr. Hall informed the petitioners that they have received an approval for the variance. He said that staff will be in contact regarding the public hearing on September 25th.

1 Ms. Capel entertained a motion to continue Case 784-V-14, Parts C & D to the September 25, 2014,
2 meeting.

3
4 **Ms. Griest moved, seconded by Mr. Passalacqua to continue Case 784-V-14, Parts C & D to the**
5 **September 25, 2014, meeting. The motion carried by voice vote.**

6
7 **Case 785-V-14 Petitioner: Jarrett Clem and Kirsten Fantom, DVM Request to authorize the creation**
8 **and use of a lot that is 9.23 acres in area on best prime farmland in lieu of the maximum allowed three**
9 **acres on best prime farmland required by Footnote 13 in Section 5.3 in the AG-1 Agriculture Zoning**
10 **District. Location: A proposed 9.23 acre tract in Compromise Township in the South Half of the**
11 **Northwest Quarter of the Southeast Quarter of Section 34 of Township 21N, Range 10E of the Third**
12 **Principal Meridian and commonly known as the farmstead located at 2429 CR 2200E, St. Joseph, and**
13 **adjacent farmland.**

14
15 Ms. Capel informed the audience that this is an Administrative Case and as such the County allows anyone
16 the opportunity to cross examine any witness. She said that at the proper time she will ask for a show of
17 hands for those who would like to cross examine and each person will be called upon. She requested that
18 anyone called to cross examine go to the cross examination microphone to ask any questions. She said that
19 those who desire to cross examine are not required to sign the witness register but are requested to clearly
20 state their name before asking any questions. She noted that no new testimony is to be given during the
21 cross examination. She said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
22 exempt from cross examination.

23
24 Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must sign the
25 witness register for that public hearing. She reminded the audience that when they sign the witness register
26 they are signing an oath.

27
28 Ms. Capel asked the petitioners if they desired to make a statement outlining the nature of their request.

29
30 Mr. Jarrett Clem, who resides at 1159 CR 2400E, St. Joseph, thanked the Board for hearing his case at
31 tonight’s meeting. He said that his fiancé , Kirsten Fantom, DVM and Mitch Osterbur, tenant farmer for Mr.
32 Huls which is the owner of the subject property, are also present tonight to answer any questions that the
33 Board may have regarding the request. He said that he and Kirsten are getting married in November and
34 they are trying to start their own farm. He said that Kirsten is a large animal veterinarian whose practice is
35 located north of Paxton and he grew up outside of Homer and farms with his father. Mr. Clem stated that he
36 is an electrician by day but he does own farm ground of his own with hopes to acquire more in the future but
37 doing so is very hard to do. He said that he graduated from Parkland College with an agriculture degree and
38 showed hogs at the Champaign County Fair with his family.

39
40 Mr. Clem stated that as he said before, Kirsten’s veterinary office is north of Paxton therefore she needs to
41 be close enough to the clinic to be on call and their family farm is too far away to get to the clinic for
42 emergencies. He said that he and Kirsten were blessed to find the opportunity to find a farm and when they

1 spoke with the owner he indicated that he would be willing to sell them the tract of ground. Mr. Clem stated
2 that when he hired Hartke Surveyors they discovered that a variance was required to obtain the amount of
3 land that they required for their farmstead. He said that they would use the land for agricultural purposes
4 because they currently have their own livestock which is located at his home, his dad's home and his uncle's
5 home, therefore it would be nice to have it all in the same location. He said that they do not have a lot of
6 livestock but they do have quality livestock and would like to be able to maintain that operation at their
7 property. He said that they would immediately put a hay crop on the property as well as pasture ground and
8 a garden therefore all of the property would be used for agricultural purposes including some of the areas of
9 the current homestead area. He said that there will be no part of the land wasted.

10
11 Mr. Clem stated that the map indicates that they are squaring up the property to make it easier for everyone
12 involved. He said that the house and barns and proposed pasture/livestock area are proposed to be
13 incorporated into a rectangular shape and if they used the allowed three acre configuration by the County the
14 back barn and pasture area would not have been included and the tenant farmer would have to farm around
15 the homestead. He said that he and Kirsten are good stewards to the farm ground and the ground that they
16 farm now, as well as anywhere that they reside, is and will be taken care of because they want it to last
17 forever so that they can pass it on to their children one day.

18
19 Mr. Passalacqua asked Mr. Clem what is on the 1.9 acres and 2.89 acres currently.

20
21 Mr. Clem stated that currently both acreages are row crop currently.

22
23 Mr. Passalacqua asked Mr. Clem if he would leave those acreages in row crop production.

24
25 Mr. Clem stated that he would put hay crop on the 1.9 acres but it depends upon the timeline of how soon he
26 can get it planted. He said that if he is unable to plant hay on the 1.9 acres he will plant soybeans on it.

27
28 Mr. Passalacqua asked Mr. Clem if his livestock will be placed in one of these two locations.

29
30 Mr. Clem stated yes. He said that hopefully the 2.9 acre tract will be pastured for his livestock which
31 consists of cattle and pure-bred boar goats, etc. He said that hopefully the 1.9 acre tract will produce enough
32 hay to feed the livestock.

33
34 Mr. Passalacqua asked Mr. Hall if there is any issue with the farm ground being turned over to livestock.

35
36 Mr. Hall stated no.

37
38 Ms. Capel stated that livestock is part of the definition of livestock.

39
40 Mr. Clem stated that they have no interest in having mass numbers of livestock.

41
42 Ms. Capel asked the Board and staff if there were any further questions for Mr. Clem and there were none.

1
2 Ms. Capel asked the audience if anyone desired to cross examine Mr. Clem and there was no one.

3
4 Ms. Capel called Kirsten Fantom, DVM to testify.

5
6 Ms. Fantom declined to testify.

7
8 Ms. Capel called Mitch Osterbur to testify.

9
10 Mr. Mitch Osterbur, who resides at 2235 CR 2300E, St. Joseph, stated that he farms the ground around the
11 farmstead and has done so for approximately 20 years. He said that the farmstead will be going back to the
12 way it was 30 years ago. He said that the current owner, Melvin Huls, is 85 years old and does not have any
13 livestock therefore the older barn was torn down before it fell down and the area was put into row crop. He
14 said that what Mr. Clem and Ms. Fantom are proposing with farm ground on each side of the lane will
15 actually revert the farmstead back to its original condition because over 30 years ago there were cattle and
16 sheep on the property and the land on both sides of the lane was used for pasture. He said that he supports
17 the proposal because squaring up the parcel will eliminate the need to farm the short rows which will be in
18 front of the homestead.

19
20 Ms. Capel asked the Board and staff if there were any questions for Mr. Osterbur and there were none.

21
22 Ms. Capel asked the audience if anyone desired to cross examine Mr. Osterbur and there was no one.

23
24 Ms. Capel asked the audience if anyone desired to sign the witness register to present testimony regarding
25 this case and there was no one.

26
27 Ms. Capel closed the witness register.

28
29 **Findings of Fact for Case 785-V-14:**

30
31 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
32 785-V-14 held on August 28, 2014, the Zoning Board of Appeals of Champaign County finds that:

- 33
34 **1. Special conditions and circumstances DO exist which are peculiar to the land or**
35 **structure involved, which are not applicable to other similarly situated land and**
36 **structures elsewhere in the same district.**

37
38 Ms. Capel stated that special conditions and circumstances DO exist which are peculiar to the land or
39 structure involved, which are not applicable to other similarly situated land and structures elsewhere
40 in the same district because the lot is going to be created on best prime farm ground but will used for
41 agricultural purposes and the amount of the existing agricultural use will increase.

42

1 Ms. Griest stated that the current homestead sits in the middle of the field and the proposed lot will square
2 up the lot lines. She said that the maximum three acre lot size would prevent the barns from being included
3 in the farmstead.

4
5 **2. Practical difficulties or hardships created by carrying out the strict letter of the**
6 **regulations sought to be varied WILL prevent reasonable or otherwise permitted use of**
7 **the land or structure or construction.**

8
9 Mr. Passalacqua stated that practical difficulties or hardships created by carrying out the strict letter of
10 the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land
11 or structure or construction because it will not permit enough space to conduct the agricultural activities
12 permitted in the District.

13
14 Mr. Passalacqua asked Mr. Hall if the petitioner owns the property currently.

15
16 Mr. Hall stated no.

17
18 Mr. Passalacqua asked Mr. Hall if the variance is being given to the right person.

19
20 Mr. Hall stated that the current owner of the land is also a co-petitioner.

21
22 **3. The special conditions, circumstances, hardships, or practical difficulties DO NOT**
23 **result from actions of the applicant.**

24
25 Ms. Griest stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT
26 result from actions of the applicant.

27
28 **4. The requested variance IS in harmony with the general purpose and intent of the**
29 **Ordinance.**

30
31 Ms. Griest stated that the requested variance IS in harmony with the general purpose and intent of the
32 Ordinance because the proposal is to start a small farming operation. The requested space is necessary to
33 have the small farm agricultural livestock and row crop operations at this location. She said that the current
34 row crop ground would remain in agricultural production.

35
36 Ms. Griest stated that we, as a County, and several of the County Board members are interested in the small
37 farm operation or farmettes whether the small farm operation involves animals or crops. She said that it is
38 very difficult for young farmers to get started in the farming operation in an area like ours where ground
39 prices are extraordinarily high.

40
41 **5. The requested variance WILL NOT be injurious to the neighborhood or otherwise**
42 **detrimental to the public health, safety, or welfare.**

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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 testimony has been received indicating that the requested variance will be beneficial to both parties.

Mr. Randol stated that neither the township highway commissioner or the fire protection district have provided any comments.

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.

Ms. Griest stated that it squares up the boundary of the adjacent farm ground to make farming easier.

7. No special conditions are hereby imposed.

Ms. Capel entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings of Fact as amended.

Ms. Lee moved, seconded by Ms. Griest to adopt the Summary of Evidence, Documents of Record and Findings of Fact as amended. The motion carried by voice vote.

Ms. Capel entertained a motion to move to the Final Determination.

Ms. Griest moved, seconded by Ms. Lee to move to the Final Determination for Case 785-V-14. The motion carried by voice vote.

Ms. Capel informed the petitioners that two Board members were absent therefore it is at their discretion to either continue Cases 784-V-14 until a full Board is present or request that the present Board move to the Final Determination. She informed the petitioners that four affirmative votes are required for approval.

Mr. Clem requested that the present Board proceed to the Final Determination.

Final Determination for Case 785-V-14:

Ms. Griest moved, seconded by Ms. Lee that the Champaign County Board of Appeals, finds that, based upon the application, testimony, and other evidence received in this case, that the requirements of Section 9.1.9.C HAVE been met, and pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that the Variance requested in Case 785-V-14 is hereby GRANTED to the petitioners,

1 **Jarrett Clem and Kirsten Fantom, DVM, to authorize the creation and use of a lot that is 9.23 acres in**
2 **area on best prime farmland in lieu of the maximum allowed three acres on best prime farmland**
3 **required by Footnote 13 in Section 5.3, in the AG-1 Agriculture Zoning District.**

4
5 Ms. Capel requested a roll call vote.

6
7 The roll was called:

8			
9	Passalacqua-yes	Randol-yes	Griest-yes
10	Miller-absent	Lee-yes	Thorsland-absent
11	Capel-yes		

12
13 Mr. Hall informed the petitioners that they have received an approval of their request therefore they are free
14 to move forward. He said that staff will send the appropriate paperwork in the near future. He said that if
15 there were any questions the petitioners should feel free to call the office at any time.

16
17 **7. Staff Report**

18
19 Mr. Hall introduced the Department of Planning and Zoning Interns. He said that Jessica Gal and Gabrielle
20 Mattingly prepared two of the memorandums for tonight’s public hearing.

21
22 Ms. Griest complimented Ms. Gal and Ms. Mattingly for their excellent work on the two memorandums.
23 She said that their good work made the Board’s work much easier tonight.

24
25 Mr. Hall stated that Ms. Gal and Ms. Mattingly have also assisted Ms. Hitt, Zoning Officer, with
26 enforcement and to date there have been approximately 200 enforcement cases resolved this year.

27
28 Mr. Passalacqua asked Mr. Hall if a letter has been sent to Wishall Trucking.

29
30 Mr. Hall stated yes. He said that there will be three zoning cases in the near future on the docket for Wishall
31 Trucking.

32
33 Mr. Randol asked Mr. Hall why Mr. Clem was required to obtain a variance for an agricultural operation.

34
35 Mr. Hall stated that the County has a three acre maximum for best prime farmland. He said that the
36 conditions which favored the granting of Mr. Clem’s variance related to the land itself. He said that
37 variances for maximum lot size are the most difficult variances that he, as a staff person, ever deals with
38 because he cannot imagine the County Board approving an amendment to allow the maximum lot size to be
39 exceeded simply for squaring up lines of tillage. He said that time and time again we have found good
40 reasons to justify a variance for maximum lot size but they are so unique that at a staff level it is difficult to
41 formulate an amendment that the County Board will approve. He said that the County Board decided to
42 adopt the maximum lot size for best prime farmland and they believed that it would further their policies and

1 goals on agriculture, having to do with conversion of best prime farmland for non-agricultural purposes. He
 2 said that this Board realizes that there are some good reasons to allow some cutting up of best prime
 3 farmland because it makes it more affordable to those wanting to start their own farming operation. He said
 4 again that this is the kind of variance that he has the most difficulty with yet he knows that there is strong
 5 support for it.

6
 7 Ms. Griest stated that when the County Board was adopting these policies they were looking at the
 8 predominance of people that buy a tract for residential purposes as opposed to someone attempting to start
 9 as a farm operation. She said that placing a house in the country on a ten acre tract which will be mostly
 10 grass is very different than someone like our last petitioners who desired to start their own farm operation.
 11 She said that requests like Mr. Clem’s are requests that have really evolved since the establishment of the
 12 maximum lot size requirement in Champaign County. She said that there are many people who desire to
 13 start their own small agricultural operation where they can raise locally grown produce and foods. She said
 14 that having a large animal veterinarian in the local rural community is a huge asset to that community.

15
 16 Ms. Capel stated that the idea of using the old farmstead is also desirable.

17
 18 Mr. Hall stated that if over 50% of the last petitioners’ income was from farming then the lot would have
 19 been considered agricultural and no variance would have been necessary for the lot size.

20
 21 **8. Other Business**
 22 **A. Review of Docket**

23
 24 Mr. Hall stated that he did not have an opportunity to prepare an updated docket for distribution tonight. He
 25 said that he will include an updated docket in the next mailing.

26
 27 **9. Audience Participation with respect to matters other than cases pending before the Board**

28
 29 None

30
 31 **10. Adjournment**

32
 33 Ms. Capel entertained a motion to adjourn the meeting.

34
 35 **Ms. Griest moved, seconded by Ms. Lee to adjourn the meeting. The motion carried by voice vote.**

36
 37 The meeting adjourned at 8:04 p.m.

38
 39
 40
 41
 42 Respectfully submitted

ZBA

AS APPROVED SEPTEMBER 25, 2014

8-28-14

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Secretary of Zoning Board of Appeals