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3 **MINUTES OF REGULAR MEETING**

4 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

5 **1776 E. Washington Street**

6 **Urbana, IL 61801**

7
8
9 **DATE: December 17, 2015**

PLACE: John Dimit Meeting Room

1776 East Washington Street

Urbana, IL 61802

10
11 **TIME: 6:30 p.m.**

12
13 **MEMBERS PRESENT:** Catherine Capel, Frank DiNovo, Debra Griest, Marilyn Lee, Brad
14 Passalacqua, Jim Randol

15
16 **MEMBERS ABSENT :** Eric Thorsland

17
18 **STAFF PRESENT :** Connie Berry, Susan Chavarria, John Hall

19
20 **OTHERS PRESENT :** Matt Waughtel, Scott Harding, Mike Kobel

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22
23 **1. Call to Order**

24
25 The meeting was called to order at 6:33 p.m.

26
27 Ms. Chavarria informed the Board that due to the planned absence of Eric Thorsland, Chair, the Board needs
28 to appoint an Interim Chair for tonight's meeting.

29
30 **Mr. Passalacqua moved, seconded by Mr. Randol to appoint Catherine Capel as the Interim Chair for**
31 **tonight's meeting. The motion carried by voice vote.**

32
33 **2. Roll Call and Declaration of Quorum**

34
35 The roll was called and a quorum declared present with one member absent.

36
37 Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must sign the
38 witness register for that public hearing. She reminded the audience that when they sign the witness register
39 they are signing an oath.

40
41 **3. Correspondence**

42
43 None

44
45 **4. Approval of Minutes**

46
47 None

1 Ms. Capel entertained a motion to rearrange the agenda and hear Case 816-V-15, Matt and Amanda
2 Waughtel d.b.a. Bulldog Bullpen Day Care prior to Case 819-AT-15, Zoning Administrator.

3
4 **Ms. Lee moved, seconded by Ms. Griest to rearrange the agenda and hear Case 816-V-15, Matt and**
5 **Amanda Waughtel d.b.a. Bulldog Bullpen Day Care prior to Case 819-AT-15, Zoning Administrator.**
6 **The motion carried by voice vote.**

7
8 **5. Continued Public Hearing**
9

10 **Case 819-AT-15 Petitioner: Champaign County Zoning Administrator Request: Amend the**
11 **Champaign County Zoning Ordinance by adding the following: A. In Section 4.2.1 C. add**
12 **“HOSPITAL, medical CLINIC, HOSPITAL AND MEDICAL clinic, and/or any use and/or structure**
13 **that is accessory to a HOSPITAL and/or medical CLINIC may be authorized in the CR District only**
14 **as an additional principal USE or additional principal STRUCTURE on Public Fairgrounds by**
15 **SPECIAL USE Permit subject to Section 5.2” B. In Section 5.2, add “HOSPITAL” as a Special Use**
16 **Permit in the CR District and add a footnote stating the “HOSPITAL, medical CLINIC, HOSPITAL**
17 **and medical CLINIC, and/or structure that is accessory to a HOSPITAL and/or medical CLINIC,**
18 **may be authorized in the CR District only as an additional principal USE or additional principal**
19 **STRUCTURE on Public Fairgrounds by SPECIAL USE Permit subject to the standard conditions in**
20 **Section 6.1.3.” C. In Section 5.2, add “Medical and Dental Clinic” as a Special Use Permit in the CR**
21 **District and make the Special Use Permit subject to the same footnote as for HOSPITAL as a Special**
22 **Use Permit in the CR District. D. In Section 6.1.3 add “HOSPITAL, medical CLINIC, HOSPITAL**
23 **and medical CLINIC, and/or any use and/or structure that is accessory to a HOSPITAL and/or**
24 **medical CLINIC, as an additional principal USE or additional principal STRUCTURE on a Public**
25 **Fairgrounds in the CR District” and require no minimum fencing; require the minimum LOT AREA,**
26 **Width, Maximum HEIGHT, and Required Yards to be the same as in the CR Zoning DISTRICT; and**
27 **add the following special provisions (standard conditions)” 1. The Public Fairgrounds must have**
28 **been an established use at the subject location on October 10, 1973. 2. Traffic impacts shall be**
29 **considered. 3. Site design, land management, and storm water management designs and practices**
30 **shall provide effective site drainage; meet or exceed state and federal water quality standards; protect**
31 **downstream drainage patterns; minimize impacts on adjacent properties; provide for stream flows**
32 **that support healthy aquatic ecosystems; and, wherever possible, preserve existing habitat and**
33 **enhance degraded habitat. 4. A Public Fair must continue to be held at the Public Fairgrounds or the**
34 **Special Use Permit shall become void.**

35
36 Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must sign the
37 witness register for that public hearing. She reminded the audience that when they sign the witness register
38 they are signing an oath.

39
40 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum dated December 17,
41 2015, to the Board for review. He said that the description on the front page of the new memorandum is the

1 old description and is not intended to confuse people but the case has not been changed yet. He said that
2 Attachment A. to the new memorandum is the revised proposed amendment. He said that page 2 of the new
3 memorandum includes a summary of the revised proposed amendment and it is being changed in three ways.
4 He said that the only fairgrounds buildings that will be non-fairgrounds buildings will be passenger waiting
5 buildings related to the parking lot. He said that the parking lot itself can be used by a single non-fairground
6 entity or for multiple other uses that would be a function of a special use permit which would provide greater
7 flexibility and use of the parking area.

8
9 Mr. Hall stated that the requirement for site design, land management and storm water management designs
10 and practices should apply to the fairgrounds and not just to the parking area. He said that in the revised
11 proposed amendment on page A-3 in the proposed amendment to Section 6.1.3 the one condition regarding
12 storm water management literally applies to the fairgrounds. He said that the new special use, Parking Lot
13 and related passenger waiting buildings, is an additional principal use or additional principal structure on a
14 Public Fairgrounds in the CR District. He said that this is where it is established that this has to be a
15 fairground that was at the subject property on October 10, 1973, and traffic impacts shall be considered and a
16 public fair must continue to be held at the public fairgrounds or the special use permit shall become void.
17 He said that this is a substantial restructuring of the amendment but the restructuring is necessary to meet the
18 Land Resource Management Plan and to guarantee that the policies in the LRMP are met. He said that as a
19 practical matter he does not believe that it changes anything on any anticipated special use permit because
20 those things were all going to be done anyway. He said that he would like to publish a new legal
21 advertisement.

22
23 Mr. Hall stated that the changes in Section 6.1.3 in regards to how some things apply to the fairgrounds and
24 the others just to the parking lot were not based on any other concerns other than his own. He said that the
25 change regarding the only non-fairground buildings to be allowed would be the passenger waiting buildings
26 related to the parking area was intended to answer the concerns of the City of Urbana staff. He said that the
27 proposed revised amendment meets the needs of the Champaign County Fair Association and it is always
28 better if we can get through these types of changes with the least amount of disagreement.

29
30 Mr. Hall stated that the amendment was circulated to everyone ahead of time and it appeared that it was
31 something that everyone could agree on. He said that he would like to publish a new legal advertisement
32 and have this case continued to the January 14, 2016, meeting. He said that there is a draft Finding of Fact
33 that is attached to the new memorandum and he is not anticipating action tonight but this will give the Board
34 ample time to review this Finding of Fact. He said that the January 14th meeting is already a big meeting and
35 adding this to the end will make it a longer meeting but he would like to have this case in front of ELUC in
36 February if possible and since the Board only has one meeting in January that's the only opportunity for a
37 continuance. He said that a continuance date is entirely up to the Board and if continuing the case to the
38 January 14th meeting is too soon then that is the Board's call but currently this is the state of this case.

39
40 Mr. Passalacqua asked Mr. Hall if he is the only Board member who will be absent from the January 14th
41 meeting.

1
2 Mr. Hall stated yes, at this time.
3
4 Ms. Griest asked Mr. Hall if the restructure will allow a health fair on the fairgrounds.
5
6 Mr. Hall stated yes.
7
8 Ms. Griest asked Mr. Hall if the Board will be far enough along on January 14th that this case will be
9 relatively quick therefore moving it up on the agenda as the first case.
10
11 Mr. Hall stated that he hopes that it will be a quick case and moving the case as the first case of the night
12 would be a reasonable thing to do because the other three cases are not going to be quick. He said that he
13 trusts the Board's judgement of the arrangement of the agenda.
14
15 Ms. Capel asked the Board if there were any additional questions for Mr. Hall.
16
17 Mr. DiNovo stated he would like clarification of the changes in Sections 5.2 and 6.1. He said that the
18 limitation in doing this in conjunction with the fairgrounds is included in Section 6.1 as a standard condition
19 which is waivable. He asked Mr. Hall if Section 5.2 would ensure that the provision could never be used by
20 another parcel of land in the County which is zoned CR.
21
22 Mr. Hall stated that the only things established in Section 5.2 are that the only time that a parking lot is
23 allowed in the CR district is as a conditional principal use on public fairgrounds. He said that one can
24 imagine a new public fairgrounds being created in the CR district in which case the standard condition
25 regarding it being a fairgrounds in existence on October 10, 1973, could be waived. He said that the only
26 way to make it non-waivable would be to write in the fairgrounds being in existence on October 10, 1973, as
27 part of Section 5.2.
28
29 Mr. DiNovo stated that perhaps he is being paranoid as this is a very small issue.
30
31 Mr. Hall stated that it is not a small issue and it is a good point. He said that this change would make it
32 consistent with what we did in the amendment for the Residential Recovery Center because we did not want
33 Residential Recovery Centers popping up any place other than where the Board spent a lot of time listening
34 to good testimony. He said that he appreciates Mr. DiNovo's suggestion and he would go so far as to
35 include the requirement that a public fair must continue to be held at the public fairgrounds. He said that in
36 a zoning interpretation sense that would be a requirement nonetheless but it is better to have it as a
37 requirement in black and white.
38
39 Mr. DiNovo stated that the changes would assure that people don't misunderstand the Ordinance.
40
41 Ms. Capel asked the Board if there were any additional questions for staff and there were none.

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Ms. Capel called Mike Kobel to testify.

Mr. Mike Kobel, who resides at 1408 E. Florida Avenue, stated that he is the President of the Champaign County Fair Association Board of Directors. He said that he is present tonight to address any concerns that the Board may have regarding the proposed project. He noted that he is also a fire chief in the County.

Ms. Capel asked the Board if there were any questions for Mr. Kobel and there were none.

Ms. Capel asked if staff had any questions for Mr. Kobel and there were none.

Ms. Capel called Scott Harding to testify.

Mr. Scott Harding, Vice-President of Facilities and Support Services for Carle Hospital, stated that his office is located at 611 West Park, Urbana. He said that he is also present tonight to address any questions or concerns that the Board may have regarding the proposed project. He said that he has been working closely with Mr. Kobel regarding the project.

Ms. Capel asked the Board if there were any questions for Mr. Harding.

Ms. Griest asked Mr. Harding if the proposed changes to the text amendment are acceptable.

Mr. Harding stated yes.

Ms. Capel asked if staff had any questions for Mr. Harding and there were none.

Ms. Capel stated that the Board will now review the Summary Finding of Fact.

Summary Finding of Fact for Case 819-AT-15:

From the documents of record and the testimony and exhibits received at the public hearing conducted on December 10, 2015, and December 17, 2015, the Zoning Board of Appeals of Champaign County finds that:

- 1. Regarding the effect of this amendment on the Land Resource Management Plan (LRMP):
 - A. **Regarding Goal 8 Natural Resources:**
 - This amendment will *HELP ACHIEVE* Objective **8.4 requiring the County to work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation** because it will *HELP ACHIEVE* the following:

- 1 · Policy **8.4.2 requiring the County to require stormwater management designs and practices**
- 2 **that provide effective site drainage, protect downstream drainage patterns, minimize**
- 3 **impacts on adjacent properties and provide for stream flows that support healthy aquatic**
- 4 **ecosystems (See Item 13.A.(2)).**
- 5 · Policy **8.4.5 requiring the County to ensure that non-point discharges from new development**
- 6 **meet or exceed state and federal water quality standards (See Item 13.A.(3)).**

7
8 Ms. Capel stated that there are basically no decision points in the Summary Finding of Fact for the Board.

9
10 Mr. Hall stated that there is only a recommendation for everything and Ms. Capel is correct in that there are
11 no apparent decision points for the Board but staff could be wrong with these recommendations and the
12 Board should go back and read items 13.A.(2), 13.A.(3), 13.B.(2). He add that what this boils down to is
13 that the specific requirements from each policy have been written in as standard conditions; therefore, he
14 believes that it is fair to say that it is going to achieve those policies and of course that really depends on any
15 particular special use permit that is approved. He said that all that the text amendment can do is establish a
16 proper structure and that is what it is doing. He said that there is not a lot of evidence in the Finding of Fact
17 and it just simply states that the wording from this policy is verbatim as a standard condition therefore it
18 will achieve it. He said that he did not see any place where he had to recommend anything other than
19 WILL ACHIEVE.

20
21 Ms. Capel asked the Board if they desired to go through the Finding of Fact point by point to review the
22 appropriate LRMP references.

23
24 Mr. Randol stated that he sees no reason to go through it since there are no decision points for the Board.

25
26 Ms. Griest stated that she is happy with the Finding of Fact as it is proposed however the Board may want to
27 wait in taking a final vote on it until the next meeting so that any citizens who attend could present
28 testimony.

29
30 Ms. Capel agreed with Ms. Griest. Ms. Capel said that waiting until the next public hearing for this case
31 would also give the Board additional time to review the findings and the LRMP.

32
33 Mr. Hall stated that in the mailing for the next public hearing for this case the Board will receive a revised
34 draft because he has to change the description of the text amendment on the first page of the finding and the
35 new version will have a copy of the proposed amendment attached. He said that between now and then he
36 does not plan to take any time tickling the finding of fact but he is certainly open to any suggestions that the
37 Board may have.

38
39 Ms. Griest stated that staff should include the footnote change in Section 5.2, Footnote 22.

40
41 Mr. Hall stated that he will be doing that in the morning and will send the new legal advertisement to the

1 newspaper tomorrow for publication.

2
3 Mr. DiNovo asked if the Board will review each item in the Draft Finding of Fact at the next public hearing.

4
5 Ms. Capel stated that the Board will have to accept the revised Draft Finding of Fact and move to the Final
6 Determination. She said that the Board will also have to add to the Documents of Record at the next public
7 hearing.

8
9 Mr. Hall stated that he needs to point out that there may be some disagreement on item 1.(B) of the
10 Summary Finding of Fact. He said that he will not go into it tonight but he is comfortable in recommending
11 HELP ACHIEVE but he could imagine that others might think that HELP ACHIEVE is an overstatement.
12 He said that he tends to overstate what the text amendment might achieve rather than understate and the
13 Board could disagree but he is comfortable enough to recommend HELP ACHIEVE. He said that some
14 Board members might disagree.

15
16 Ms. Capel stated that she thought it was thin but not too thin.

17
18 Ms. Capel entertained a motion to continue Case 819-AT-15 to the January 14, 2016, meeting.

19
20 **Ms. Griest moved, seconded by Mr. Randol to continue Case 819-AT-15 to the January 14, 2016,**
21 **meeting. The motion carried by voice vote.**

22
23
24 **6. New Public Hearing**

25
26 **Case 816-V-15 Petitioner: Matt and Amanda Waughtel d.b.a. Bulldog Bullpen Daycare Request to**
27 **authorize the following variances for a Neighborhood Home Occupation in the R-4, Multi-Family**
28 **Residential Zoning District: Part A. The petitioner’s home day care to operate from 6:30 a.m. to**
29 **11:00 p.m. in lieu of 6:30 a.m. to 10:00 p.m. as per Subsection 7.1.1F. Part B. Employees of the**
30 **petitioner’s home daycare to start as early as 6:30 a.m. in lieu of the required 8:00 a.m. start time**
31 **established in Subsection 7.1.1A. Part C. A maximum of 16 children in lieu of the maximum**
32 **authorized 12 children established in Subsection 7.1.1E.i. Part D. An identification sign for the home**
33 **daycare that is 10 square feet in area in lieu of the required maximum 2 square foot in area. Location:**
34 **A 0.18 acre tract on Lot 101-1 of Siemsen Replat Subdivision in Mahomet Township in the West Half**
35 **of the Southwest Quarter of Section 12, Township 20 North, Range 7 East of the Third Principal**
36 **Meridian and commonly known as 2002 A Middletown Drive, Mahomet.**

37
38 Ms. Capel informed the audience that this is an Administrative Case and as such the County allows anyone
39 the opportunity to cross examine any witness. She said that at the proper time she will ask for a show of
40 hands for those who would like to cross examine and each person will be called upon. She requested that
41 anyone called to cross examine go to the cross examination microphone to ask any questions. She said that

1 those who desire to cross examine are not required to sign the witness register but are requested to clearly
2 state their name before asking any questions. She noted that no new testimony is to be given during the
3 cross examination. She said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
4 exempt from cross examination.

5
6 Ms. Capel asked the petitioner if he desired to make a statement outlining the nature of the request.
7

8 Mr. Matt Waughtel, who resides at 2002 A Middletown Drive, Mahomet, stated that they are requesting to
9 change the hours that they are allowed to operate to be more consistent with what their insurance allows
10 them to do and what they cover them for. He said that the daycare starts at 6:30 a.m. and the only time that
11 they need an assistant is when they exceed 12 children at their home during any one time and that time is
12 only before and after school. He said that the Ordinance indicates that they are only allowed to have 12
13 children present at the daycare but their Department of Children and Family Services license allows them to
14 have 16 children present if they are licensed as a Group Daycare Home. He said that they have four children
15 of their own plus the 12 daycare children that they are licensed for thus the need for the Group Daycare
16 Home license with DCFS. He said that there will be times when they do have 16 total children at the house.
17 He said that in regards to the sign request, their daycare is operated a little bit differently than most daycares
18 as they are open on the evenings and weekends. He said that they do not have a huge demand for the
19 evening and weekend services yet but they are not a regular daycare that has clients who come every day. He
20 said that they are the type of a daycare that will also provide a service for people who are not regular
21 customers and only need an occasional night out. He said that the submitted images of the existing banner
22 are a good idea of the sign although the white space will be eliminated.
23

24 Ms. Lee stated that the documentation indicates a maximum of 16 children in lieu of the maximum
25 authorized 12 children established in Subsection 7.1.1E.i. She said that DCFS allows a group daycare to
26 care for up to 16 children if they have a full-time assistant and if at least 4 are school-aged children related to
27 the caregivers. She said that perhaps the language should be modified to be consistent with DCFS
28 regulations and consistent with what the petitioners are actually doing, 12 children not related to the
29 caregivers and 4 children who are related to the caregivers.
30

31 Mr. Waughtel stated that DCFS allows 12 children plus 4 related children of the caregivers. He said that
32 they can have 12 children that fall under a range of ages under 12 that are not school-aged. He said that the
33 plus 4 children does not necessarily mean your own children as it could also include 4 school-aged children
34 which allows them to provide after school daycare.
35

36 Ms. Capel stated that typically it is 12 non-school-aged children and 4 school-aged children regardless of
37 whether they are the caregivers or not.
38

39 Mr. Waughtel stated yes. He said that their 4 children happen to be school-aged children.
40

41 Mr. Passalacqua asked Mr. Waughtel if the daycare operation is currently certified by DCFS.

1
2 Mr. Waughtel stated yes.
3
4 Mr. Passalacqua asked Mr. Waughtel how often the license is renewed or the daycare operations are visited
5 for compliance.
6
7 Mr. Waughtel stated that the license is renewed once every three years but the DCFS licenser visits their
8 operation on a regular basis and the visits are random. He said that they are also visited by an agent with the
9 state food program that they are enrolled with.
10
11 Ms. Capel asked Mr. Waughtel to indicate how long he and his wife have been operating the daycare.
12
13 Mr. Waughtel stated that they opened their daycare operation at this location on September 21, 2015. He
14 said that his wife was previously a daycare provider for two years and he finished his MBA at the University
15 of Illinois and wanted to make his own money and start his own business. He said that he loves kids and he
16 has 4 of his own to care for and he is an expert in the super-nanny method of discipline and childrearing so
17 this business was a perfect fit for him and his wife.
18
19 Mr. Randol asked Mr. Waughtel if his property is fenced.
20
21 Mr. Waughtel stated yes.
22
23 Mr. Randol stated that the Sangamon Valley Water District property, located beside the subject property, is
24 also fenced.
25
26 Mr. Waughtel stated that their insurance company originally indicated that they had one year to construct a
27 fence and then soon after the insurance company contacted them indicating that they had 25 days to fence in
28 their property. He said that he and his brother scrambled around and immediately fenced the entire property.
29
30 Mr. Passalacqua asked Mr. Waughtel if he owns the home that has a zero lot line.
31
32 Mr. Waughtel stated yes.
33
34 Mr. Randol asked Mr. Waughtel if they would be using property that is not owned by him and his wife, such
35 as the area, strip of grass, to the west of his house which is owned by the Sangamon Valley Water District.
36
37 Mr. Waughtel stated yes. He said that he has been speaking with the manager of the Sangamon Valley
38 Water District and when Sangamon Valley Water District installed the fence it was their intention to give
39 Mr. and Mrs. Waughtel that strip of grass. He said that in lieu of purchasing the lot they have been mowing
40 the area. He said that for insurance purposes it would be less of a mess if the grass area was transferred to
41 him and his wife so they have been working with the Village of Mahomet to come to a resolution for

1 transferring the property without requiring a subdivision. He said that he is still waiting to hear from the
2 Village of Mahomet regarding what steps need to be taken to accomplish the land transfer. He said that the
3 manager for Sangamon Valley Water District desires to just initiate a quit claim deed but Mr. Waughtel
4 wants to make sure that everything is on the right page with the Village of Mahomet.

5
6 Mr. Passalacqua asked Mr. Waughtel if the fence will be move to encompass the grass area.

7
8 Mr. Waughtel stated that the manager for the Sangamon Valley Water District told him to go ahead and
9 fence in the area so that is what he did although it is only across the front. He said that the back portion of
10 the fence is entirely on his property but the front part of the fence does section off a portion of the SVWD
11 property but if he needs to make a change it could be easily done.

12
13 Mr. Passalacqua noted that Mr. Randol is employed by the Sangamon Valley Water District.

14
15 Mr. Waughtel stated that he did not know that Mr. Randol was employed by the Sangamon Valley Water
16 District.

17
18 Mr. Randol stated that the Sangamon Valley Water District does not have any issue with the variance request
19 before the Board tonight.

20
21 Mr. DiNovo stated that the petitioner has a desire to serve the daycare market until 11:00 p.m. He asked Mr.
22 Waughtel if there is a perceived demand or is there a true demand for this service.

23
24 Mr. Waughtel stated that he and his wife were single parents for some time and they wished that there was a
25 place that they could take their children for a night so that they could have a night out without them and there
26 were not a lot of licensed facilities as an option. He said that they believe that the service will take off once
27 people are aware that it is available but it hasn't happened yet. He said that they had originally thought about
28 providing overnight weekend daycare so that people could have a weekend without their children. He said
29 that the service is focused mainly on people around Mahomet who do not have family in the area.

30
31 Mr. DiNovo asked Mr. Waughtel to indicate when the employees would be at the daycare operation.

32
33 Mr. Waughtel stated that during the summer the employees would be at the daycare operation at 6:30 a.m.
34 and will leave at 5:30 p.m. He said that during the school year the employees will be there during a time slot
35 between 8:00 a.m. and 3:30 p.m. when they do not need coverage because their personal children will be in
36 school. He said that when there are 12 daycare children at their facility they will not need an assistant but
37 when they exceed 12 children they do require an assistant which is before and after school during the school
38 year and during the summer all day. He said that they are almost at full capacity but they do have one slot left
39 for a pre-school child.

40
41 Ms. Capel asked Mr. Waughtel if the daycare operation is open until 11:00 p.m. during the summer an

1 employee will be necessary.
2
3 Mr. Waughtel stated yes. He said that currently they do not because they have not been contacted by any
4 clients but potentially they could require an employee if the weekend concept takes off.
5
6 Ms. Capel asked the audience if anyone desired to cross examine Mr. Waughtel and there was no one.
7
8 Mr. Randol asked Mr. Waughtel if he has discussed the operation with the fire protection district and do they
9 need to perform an inspection to satisfy any DCFS requirements.
10
11 Mr. Waughtel stated that before DCFS allows anyone to have a group daycare operation license the fire
12 marshal has to complete an inspection.
13
14 Mr. DiNovo asked Mr. Waughtel why employees are required during the morning.
15
16 Mr. Waughtel stated that in a worst case scenario, if they have a lot a children being dropped off between
17 6:30 a.m. and 7:30 a.m. prior to their own children going to school or during the summer time when parents
18 desire to drop their children off early and they exceed 12 children they have to have an assistant present.
19
20 Mr. DiNovo asked Mr. Waughtel if he is always present at the daycare.
21
22 Mr. Waughtel stated absolutely.
23
24 Mr. DiNovo asked Mr. Waughtel to indicate how many children they currently have or expect to have after
25 6:00 p.m.
26
27 Mr. Waughtel stated none currently and he does not expect the demand to exceed more than 3 or 4 children.
28 He said that they have spoken with other daycare operators regarding evenings and weekends and they have
29 experienced the same shortage in demand.
30
31 Ms. Capel stated that the demand may not be there due to the marketing of the service.
32
33 Mr. Waughtel stated that Ms. Capel could be correct. He said that the option of hiring an in-home babysitter
34 is a nice and cheaper option and it allows the children to rest in their own beds and eliminates shuffling them
35 around late at night. He said that it may be more of an option if they were closer to Champaign but they are
36 willing to give it a shot and offer the service. He said that perhaps local businesses may be interested in
37 giving gift certificates away during raffles to get the word out about their services.
38
39 Mr. DiNovo asked Mr. Waughtel if Siemsen Replat Subdivision has a homeowner's association.
40
41 Mr. Waughtel stated no.

1
2 Mr. DiNovo asked Mr. Waughtel if there are any covenants or restrictions regarding the daycare operation.
3
4 Mr. Waughtel stated no.
5
6 Mr. Capel asked the audience if anyone desires to cross examine Mr. Waughtel and there was no one.
7
8 Ms. Capel asked the audience if anyone desired to sign the witness register to present testimony regarding
9 this case and there was no one.
10
11 Ms. Capel closed the witness register.
12
13 Ms. Capel stated that there are no proposed special conditions of approval or new Documents of Record.
14
15 Mr. DiNovo asked Ms. Chavarria if staff reviewed the text amendment that developed these standards to
16 determine what the rationale was for these standards. He said that there must be documentation to support
17 the text amendment.
18
19 Ms. Chavarria stated no.
20
21 Mr. DiNovo asked Ms. Chavarria is staff has researched the standards for a daycare operation within the
22 Village of Mahomet.
23
24 Ms. Chavarria stated no. She noted that staff did review the State of Illinois DCFS standards for a group
25 daycare home operation to make sure that the variance was in line with those standards and it was
26 determined that the Champaign County Ordinance was stricter than the DCFS standards.
27
28 Mr. DiNovo asked Ms. Chavarria if staff has any information regarding any future extension of Middletown
29 Drive to the west.
30
31 Ms. Chavarria stated that the Village of Mahomet has indicated that there could be future extension of
32 Middletown Drive.
33
34 Mr. Randol stated that an extension will not happen due to the layout of the land because the building is in
35 line with Middletown Drive therefore it would have to jog to the north if it is expanded.
36
37 Mr. DiNovo asked Ms. Chavarria if the sign will be located in the visibility triangle.
38
39 Ms. Chavarria stated no.
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41 Mr. DiNovo asked Mr. Waughtel to describe the type of construction for the sign.

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Mr. Waughtel stated that the sign will be constructed of wood and will not have all of the white-space indicated in the photograph. He said that it will have a small base to sit on and will be as visible as the banner. He said that with the white garage door they decided to eliminate the white-space for better visibility.

Mr. DiNovo asked Mr. Waughtel if the overall area will be less than 10 square feet.

Mr. Waughtel stated that he is not exactly sure what size it will be and it could be close to the two foot square which is smaller than what they have asked for but the sign is a \$500 investment that has been put off until they received approval of their variance.

Mr. DiNovo asked Ms. Chavarria if staff has researched the case files for any similar variance request.

Ms. Chavarria stated that she could not find any variance case files regarding a daycare. She said that sign variances have been requested and approved but none related to a daycare operation.

Finding of Fact for Case 816-V-15:

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 816-V-15 held on December 17, 2015, the Zoning Board of Appeals of Champaign County finds that:

- 1. 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.**

Mr. Passalacqua 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 because of the inconsistency with the State of Illinois Department of Children and Family Services' regulations.

Mr. DiNovo stated that there are some points in the Summary of Evidence which should be adjusted due to the testimony received at tonight's hearing. He said that item 7.C.2. should be revised as follows: In order for clients to be able to drop off their kids before work, in conformance with DCFS regulations, the Petitioners will need the assistance of an employee to help cover while they get their own four children ready for school. He said that item 8.B.(1) should be revised as follows: Without Part A of the proposed variance, the petitioner's daycare would not be able to reach a segment of the market that the business is designed to serve including the weekend and night-time demand.

Mr. DiNovo stated that he would argue that item 9.D.(1) is not relevant to these circumstances.

- 1 Ms. Chavarria stated that the last sentence of item 9.D.(1) states that the size of this sign should not be
2 justification for the proposed sign. She asked Mr. DiNovo if he would like to eliminate the entirety of item
3 9.D.(1).
4
- 5 Mr. DiNovo stated that if we believe the last sentence then the entire item should be eliminated. He said that
6 it is not a big deal one way or the other but it is a cleaner document if item 9.D.(1) was not included.
7
- 8 Mr. DiNovo asked Ms. Chavarria if the variance request is to accommodate the petitioner's own children or
9 4 other school-aged children.
10
- 11 Ms. Chavarria stated the variance is to accommodate children that are not the petitioners. She said that
12 currently the petitioners have 4 school-aged children but at some time that will not be the case so this would
13 enable them to still have 4 school-aged children other than their own.
14
- 15 Mr. Passalacqua stated that it is his understanding that the petitioner's school-aged children counted in the
16 tally.
17
- 18 Ms. Chavarria stated yes, but in the future when the petitioner's children are older and do not require
19 babysitting the variance would allow the petitioners to have 16 children whether they are their children or
20 not.
21
- 22 Mr. Passalacqua stated that there should be no confusion because it is really only a number.
23
- 24 Ms. Chavarria stated that DCFS requires that the petitioner's own children be included in the tally.
25
- 26 Mr. Passalacqua stated that it never states whether the children can be the operator's children or not. He said
27 that it is just a number and it doesn't say including or not including the petitioner's own children therefore he
28 is not sure what needs to be clarified.
29
- 30 Ms. Chavarria stated that DCFS requires that operator's own children be counted.
31
- 32 Mr. Hall stated that what is most important is that the Board is clear as to what they are approving. He said
33 that currently the request to approve the maximum number of 16 children.
34
- 35 Mr. Passalacqua stated that the request is for the approval of a maximum number of 16 children, period with
36 no labels.
37
- 38 Mr. Hall asked staff if Mr. DiNovo's concerns regarding item 9.D.(1) is clear for the minutes.
39
- 40 Ms. Berry stated that Mr. DiNovo stated that it was his opinion that item 9.D.(1) was not relevant and staff
41 and the Board agreed to delete the item.

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

Ms. Griest stated that practical difficulties or hardships created by carrying out the strict letter of the regulations to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or construction because without Part A, the petitioner’s daycare would not be able to reach a segment of the market that the business is designed to serve including the weekend and night-time demand. She said that without Parts B and C, the petitioners would be limited to 8 children in daycare instead of 12 children and without Part D, existing and potential clients might have difficulty finding the subject property.

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

Ms. Griest stated that special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant because the Champaign County Zoning Ordinance is more restrictive than the allowable DCFS regulations.

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

Mr. DiNovo stated that the requested variance IS in harmony with the general purpose and intent of the Ordinance because it is not disruptive given the adjacent land uses, apartment building and the traffic that it generates and the adjacent industrial use to the west, therefore the level of intensity as proposed will not be out of place for this setting.

Ms. Capel stated that the variance contributes positively to the economic viability of the business.

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 the business is regularly inspected by DCFS and the State Fire Marshal and both the Mahomet Township Highway Commissioner and the Cornbelt Fire Protection District were notified and neither submitted comments.

Mr. Randol stated that neighbors voiced no objections and signed a letter in favor of the business and signage.

6. The requested variance IS the minimum variation that will make possible the

1 reasonable use of the land/structure.

2
3 Ms. Capel stated that the requested variance IS the minimum variation that will make possible the reasonable
4 use of the land/structure.

5
6 **7. No special conditions are hereby imposed.**
7

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

10
11 **Ms. Griest moved, seconded by Ms. Lee to adopt the Summary of Evidence, Documents of Record and**
12 **Findings of Fact as amended. The motion carried by voice vote.**

13
14 Ms. Capel entertained a motion to move to the Final Determination for Case 816-V-15.

15
16 **Ms. Griest moved, seconded by Mr. Passalacqua to move to the Final Determination for Case 816-V-**
17 **15. The motion carried by voice vote.**

18
19 Ms. Capel informed Mr. Waughtel that currently the Board has one absent Board member therefore it is at
20 his discretion to either continue Case 816-V-15 until a full Board is present or request that the present Board
21 move to the Final Determination. She informed Mr. Waughtel that four affirmative votes are required for
22 approval.

23
24 Mr. Waughtel requested that the present Board move to the Final Determination.

25
26 **Final Determination for Case 816-V-15:**
27

28 **Ms. Griest moved, seconded by Mr. Passalacqua, that the Champaign County Zoning Board of**
29 **Appeals finds that, based upon the application, testimony, and other evidence received in this case,**
30 **that the requirements for approval in Section 9.1.9C HAVE been met, and pursuant to the authority**
31 **granted by Section 9.1.6B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals**
32 **of Champaign County determines that the Variance requested in Case 816-V-15 is hereby GRANTED**
33 **to the petitioners Matt and Amanda Waughtel, d.b.a. Bulldog Bullpen, to authorize the following**
34 **variances in the R-4 Multi-Family Residence Zoning District:**

- 35
36 **Part A: The petitioner’s home daycare to operate from 6:30 a.m. to 11:00 p.m. in lieu of**
37 **6:30 a.m. to 10:00 p.m. as per Subsection 7.1.1F.**
38 **Part B: Employees of the petitioner’s home daycare to start as early as 6:30 a.m. in lieu**
39 **of the required 8:00 a.m. start time established in Subsection 7.1.1A.**
40 **Part C: A maximum of 16 children in lieu of the maximum authorized 12 children**
41 **established in Subsection 7.1.1E.i.**

1 **Ms. Griest moved, seconded by Mr. Passalacqua to adjourn the meeting. The motion carried by voice**
2 **vote.**

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4 The meeting adjourned at 7:45 p.m.

5
6 Respectfully submitted

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9
10 Secretary of Zoning Board of Appeals