

CASE NO. 822-S-15
SUPPLEMENTAL MEMORANDUM #3
May 19, 2016

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

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

Petitioner: Nick Brian, d.b.a. Greenside Lawn Care

Request: Authorize a Special Use Permit for a Contractor's Facility (with or without outdoor storage and/or outdoor operations) and an office that contains a dwelling unit that is not used as a dwelling in addition to an existing single family dwelling in the AG-1 Agriculture Zoning District.

Location: A tract of land comprised of Lot 1 of Meadow Ridge Subdivision in the Southwest Quarter of the Northwest Quarter of Section 17 of Township 20 North, Range 8 East of the Third Principal Meridian in Hensley Township and commonly known as the contractor business Greenside Lawn Care, located at 707 CR 2200 North, Champaign, Illinois.

Site Area: 11.09 acres

Time Schedule for Development: Already in use

Prepared by: **Susan Chavarria**
Senior Planner

John Hall
Zoning Administrator

STATUS

The purpose of Supplemental Memorandum #3 is to summarize information received since the last hearing on February 25, 2016. Please refer to the corresponding sections below.

1. The Petitioners and their Attorney were notified by letter on March 2, 2016 of information and documentation requested by ZBA members and staff at that hearing, as follows:
 - Revised site plan with more details
 - Answers to questions regarding: use of the proposed shed; annual breakdown of salt deliveries; employment figures by month; firm hours of operation; and any changes in plans since the hearing
 - Documentation from the State Fire Marshall regarding inspection and approval of the fuel tanks by the existing shed
 - Documentation from Illinois Capital Development Board Accessibility Specialist noting any accessibility concerns
 - Permission to change the Special Use case description to replace "caretaker's dwelling" with "an office that contains a dwelling unit but that is not used as a dwelling"
 - Any letters/complaints received from neighbors about the uses on the property
2. In addition, staff sought more information from the Champaign County Soil and Water Conservation District on the waterway that had been improved and later filled in by Mr. Brian.
3. Neighbors contacted the Zoning Department on March 29, 2016, April 21, 2016, and May 5, 2016 to communicate concerns. Please see below for more information on the concerns and Mr. Brian's response.

4. Neighbors Jeff and Sarah Carpenter submitted a number of documents via an email received May 19, 2016. Those documents are provided as Attachment K to this memo.

REVISED SITE PLAN

The Revised Site Plan received May 9, 2016 indicates the following additional information, which will be added to the Summary of Evidence:

- A proposed 80 feet by 112 feet shed located 30 feet from the east property line;
- A proposed 30 feet by 80 feet concrete parking area on the west side of the proposed shed;
- Additional gravel area to the west of the proposed concrete parking area;
- A proposed 4-6 foot evergreen line of trees to partially screen the east and south property lines;
- The approximate location of the waterway in the southwest corner of the property;
- The approximate location of the existing gas pipeline; and
- Outdoor lighting at 4 locations on the proposed shed.

PROPOSED SHED USE, EMPLOYEES, HOURS OF OPERATION

Staff received an email on May 16, 2016 from Matt Deering, Attorney for Mr. Brian, with the following information:

- “New shed will be used primarily to house/store a farm tractor, farm field cultivator and sprayer. However, Nick would also like to store some personal ATVs, a personal lawn mower, and snow plows when not being used (i.e., out of season for the snow removal business).”
- Regarding annual estimates for salt delivery and loading for winter weather events:
 - “2 or 3 semi loads of salt per year delivered to the salt/mulch bin.”
 - “Night time loading for winter weather events has been about 4-5 times in the past few years, but always depends on the number and severity of weather events.”
- Regarding estimated workdays extending past 10 pm:
 - Lawn care workday: “Does not extend past 10 pm”
 - Snow removal/de-icing workday: “Again, depends on weather events, but in any case workers are only on site to get equipment to use off site.”
- Regarding estimated workdays starting before 7 am:
 - Lawn care workday: “Only a day or two per month at 6:30 to get ahead of incoming rain, or to catch-up after rain.”
 - Snow removal/de-icing workday: “Again, depends on weather events.”
- Regarding number of employees, listed by month: “2 full time and 3 part time. Part time work consistently during mowing months, and typically 2 days a week during snow removal months, again, depending on weather. Nick does not foresee ever having more than 6 employees.”
- Based on existing and potential demand, identify firm hours of operation for the lawn care and snow removal business: “Subject to adjustments based upon weather events, 7am to 5pm is standard for lawn care. Snow removal is dictated more to us by weather events. However, we generally load trucks and ready equipment during the daytime. Then afterhours is primarily

limited to workers picking up equipment. However, in particularly bad winter weather events, trucks may require reloading during the night.”

- Identify any changes you have made or plan to make based on testimony from the first hearing: “Lights on existing shed have been replaced with compliant lamps, and standard lawn care start time will be bumped to 7 from 6:30. The proposed new shed has also been turned so that doors face west, away from the Carpenter property.”

FUEL TANKS

Mr. Brian contacted Daniel Starks with the State Fire Marshal’s office regarding the above-ground fuel tanks located next to the salt storage unit. Mr. Starks said that the above ground fuel tanks required an inspection once installed, but not after that. Staff followed up with Mr. Starks by phone, and he said that the fuel tanks passed inspection and no further action is necessary.

ACCESSIBILITY COMPLIANCE

Mr. Brian contacted Felicia Burton, Accessibility Specialist with the Illinois Capital Development Board. On April 7, 2016, staff verified with Ms. Burton that his shed housing the lawn business does not have to meet Illinois Accessibility Code requirements because no customers come to the facility.

CHANGE IN SPECIAL USE PERMIT DESCRIPTION

Staff requested that the Special Use case description be changed to replace “caretaker’s dwelling” with “an office that contains a dwelling unit but that is not used as a dwelling.” Mr. Brian agreed to that change with staff via phone on April 7, 2016.

WATERWAY IMPROVEMENT

Jonathon Manuel, Resource Conservationist with the Champaign County Soil and Water Conservation District, provided more information via email received May 10, 2016 about the improvements made to the waterway traversing the subject property.

Jonathan believes the land that received improvements was sold without the Farm Service’s knowledge. He stated that maintenance responsibilities are no longer under contract, so the owners are not required to maintain the waterway or other improvements. However, he recommends keeping the grass waterway due to the amount of water moving through the property.

NEIGHBORHOOD CONCERNS

Neighbors contacted the Zoning Department on March 29, 2016, April 21, 2016, and May 5, 2016 with the following complaints:

- March 29: A large pile of mulch was delivered on Thursday, 3/24 and has been sitting outside rather than being stored in the lean-to (salt is still being stored in the lean-to). There are also two pieces of machinery (loader and a box scraper) that have been sitting on the Brian property for a couple of weeks.

- April 21: Another load of mulch was delivered today. The last delivery sat outside for 3 weeks. There is still salt in the storage bin. There is also a smaller pile of brush/clippings that might or might not be from the property and another small pile of gravel with an orange ring resting on it.
- May 5: The neighbor believes the dwelling unit in the shed is being lived in for the last month or so by one of Mr. Brian's employees.

Regarding the delivery and storage of mulch outside the salt/mulch storage shed, Mr. Brian stated by phone on May 6, 2016 that there is still salt in the bin. He has agreed to screen items stored outdoors with evergreens along the east and part of the south property lines.

Regarding the occupancy of the shed's dwelling unit by an employee, Mr. Brian stated by phone on May 6, 2016 that no one is living in the dwelling unit, and that staff is welcome to come visit the property.

DOCUMENTS FROM JEFF AND SARAH CARPENTER, ATTORNEY CARL WEBBER

Staff received an email with a number of attachments from Jeff and Sarah Carpenter on May 19, 2016. Attachment K includes the email and the following documents:

- Cover letter dated May 18, 2016
- Two photos
- Letter from the Carpenters to the Brians, dated March 21, 2016
- Letter from Bryan Bradshaw, former owner of the Carpenter property, dated August 11, 2010
- Appraisal of Carpenter property by James H Webster, MAI, SRA dated March 21, 2016

Given the timing of the submittal, staff has not had time to provide any analysis of these documents. It can generally be noted that the Carpenters are against the level of activity noted at the Brian lawncare business, additional growth of the lawncare business, and construction of the proposed shed. The appraiser notes that the Carpenter's property values have decreased by \$30,000 due to the activity and uses on the Brian property.

Staff received a letter from Attorney Carl Webber on May 19, 2016, which challenges the Petitioners' previous statement that the Covenants of the Meadow Ridge Subdivision would allow their requested construction and use. This letter is provided as Attachment L.

PROPOSED SPECIAL CONDITIONS TO DATE

Staff proposes the following special conditions. Previous Special Condition B regarding compliance with the Illinois Accessibility Code has been removed based on new evidence.

- A. *NEW* This Special Use Permit is for a "lawn care and snow removal" Contractor's Facility (with outdoor storage and/or outdoor operations as noted on the site plan) and an office that contains a dwelling unit that is not used as a dwelling.**

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

To ensure as much as possible that the Special Use Permit is conducted in conformance with the testimony and evidence presented in the public hearing.

- B. *NEW* The Special Use Permit cannot be conveyed to a different owner.**

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

To ensure that the Special Use Permit only applies to the applicant Nicholas Brian who has provided the testimony and evidence presented in the public hearing.

- C. **In the event that the Contractor's Facility ceases to exist, the right to a second dwelling unit will become void. A Miscellaneous Document must be filed with the Recorder of Deeds within one month of approval of this Special Use Case so that a prospective buyer will be alerted to that requirement.**

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

That the proposed Special Use complies with the Zoning Ordinance regarding number of dwellings allowed on a property.

- D. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

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

That exterior lighting for the proposed Special Use meets the requirements established for Special Uses in the Zoning Ordinance.

- E. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 822-S-15 by the County Board.**

The above special condition is required to ensure the following:

The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.

- F. **Approval of the Special Use Permit limits its operations to the existing large shed, the existing salt shed, the existing parking and vehicle maneuvering area, the proposed shed, the proposed concrete and gravel parking areas adjacent to the proposed shed, and the house.**

The above special condition is required to ensure the following:

That any additional construction on the subject property only be for personal use and not for expanding the Special Use.

- G. **With the exception of vehicles being used for late night snow removal and deicing events, all vehicles, trailers, and equipment used in the Special Use Permit must be parked indoors when onsite between the hours of 10PM and 7AM.**

The above special condition is required to ensure the following:

To comply with the Champaign County Nuisance Ordinance regarding noise impacts.

- H. **All Zoning Ordinance requirements for a Rural Home Occupation, except for the fuel tanks and ice melt and salt storage, apply to this Special Use Permit, except where other special conditions on the Special Use Permit are more restrictive.**

The above special condition is required to ensure the following:

That the Special Use is no more intensive than a Rural Home Occupation.

- I. **Outdoor storage and operations for the Special Use are limited to only those that are specified on the approved site plan.**

The above special condition is required to ensure the following:

That activities approved under the Special Use Permit do not expand beyond the intent of the Zoning Ordinance.

- J. **Within six months of the approval of the Special Use Permit, a door must be installed on the salt storage shed that will be closed completely when the salt is not being accessed.**

The above special condition is required to ensure the following:

That all storage and operations related to the Special Use are completely indoors.

- K. **The petitioner must plant evergreen screening from the northeast property corner along the east lot line to screen the proposed shed and then westward to screen the south face of the proposed shed. The approved Site Plan must indicate the location of the evergreen screening. As per standard Department practice, a vegetative screen must (1) consist of an evergreen species and (2) the actual plants must be 2/3 of desired height at time of planting and (3) the selected evergreen species must provide 50% of the required screen within 2 years and (4) if recommended spacing of a single row of the selected evergreen species will not provide 50% screen in 2 years, then screen must be planted in staggered rows.**

The above special condition is required to ensure the following:

To promote public health, safety, and general welfare that is a purpose of the Zoning Ordinance.

ATTACHMENTS

- A Request for information from staff after the February 25, 2016 public hearing, sent to the Petitioners March 2, 2016
- B Revised Site Plan received May 9, 2016
- C Documentation of requested information received May 16, 2016
- D Email from Felicia Burton received April 7, 2016
- E Email from Nick Brian regarding outdoor lighting received April April 8, 2016
- F Email from Jonathon Manuel received May 10, 2016
- G Comparison Table of proposed use – Special Use Permit and Rural Home Occupation regulations (previously distributed as Attachment A to Supplemental Memorandum #2 dated February 23, 2016)
- H Draft minutes from February 25, 2016 ZBA meeting
- I Exhibit G from Letter of Opposition (with attachments) from Carl Webber, Attorney for the Carpenters, received February 22, 2016 and first distributed to ZBA on February 25, 2016
- J Letters of Support from the Stutsmans and the Myers, received February 25, 2016

- K Email from Jeff and Sarah Carpenter received May 19, 2016, with attachments:
- Cover letter dated May 18, 2016
 - Two photos
 - Letter from the Carpenters to the Brians, dated March 21, 2016
 - Letter from Bryan Bradshaw, former owner of the Carpenter property, dated August 11, 2010
 - Appraisal of Carpenter property by James H Webster, MAI, SRA dated March 21, 2016
- L Letter from Carl Webber, Attorney for the Carpenters, dated May 19, 2016
- M Revised Summary of Evidence dated May 19, 2016

March 2, 2016

Champaign
County
Department of

PLANNING &
ZONING

Nick and Lori Brian
707 CR 2200 North
Champaign, IL 61822

RE: Additional items needed for your Special Use Permit case

Dear Mr. and Mrs. Brian:

Thank you for attending the February 25, 2016 ZBA meeting. I wanted to follow up with you to provide a list of items the ZBA requested so they can fully consider your application for your case's next hearing, **tentatively scheduled for May 26, 2016.** Please submit the requested materials at least two weeks prior to the next hearing.

1. **A more detailed site plan, drawn to scale. I have enclosed an example Site Plan that was recently approved. The Site Plan needs to show the entire property and at minimum include:**
 - All existing and proposed buildings, with labels indicating uses and dimensions;
 - Distance between all existing and proposed buildings;
 - Distance between all existing and proposed buildings and property lines;
 - Access driveways (existing and planned);
 - Gas tanks location and their distance from building;
 - Location of the property's septic system components and well;
 - Paved areas (existing and planned);
 - Any existing and proposed handicap accessibility features (ramps, hard surface parking, signs, restrooms, etc.); and
 - Location of outdoor lighting fixtures.

2. **A document responding to the following questions:**
 - Regarding the proposed shed, I'd like to verify whether the proposed use is agriculture in a zoning sense but to do that I need to know what items are actually going to be stored in the shed so that I can determine the primary use that the shed will be used for. Could you please provide a list of what you expect to store in the shed so that I'll have a better understanding if those items are personal/ recreational use (4 wheelers, canoes, tents, RV, etc.) or agricultural (tractor and implements used in farming) or business? After I review the list I'll let you know what the primary use appears to be and whether or not the shed should be added to the special use permit.
 - Annually, about how often do you...
 - load/unload salt, including delivery to your property and loading for winter weather events?
 - have a lawn care workday that extends past 10 pm?

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

(217) 384-3708

- have a snow removal/de-icing workday that extends past 10 pm?
 - have a lawn care workday that starts before 7 am?
 - have a snow removal/de-icing workday that starts before 7 am?
 - Approximately how many employees do you have, listed by month?
 - Based on existing and potential demand, identify firm hours of operation for the lawn care and snow removal business.
 - Identify any changes you have made or plan to make based on testimony from the first hearing.
3. Please provide documentation regarding the Office of the State Fire Marshall's inspection/approval of the fuel tanks.
4. Please contact Felicia Burton, Accessibility Specialist with the Illinois Capital Development Board. I gave her contact information to Matt Deering. She will determine if there are any accessibility concerns that need to be resolved based on state regulations.
5. **Miscellaneous documentation:**
- Any letters/complaints you have received from neighbors about the uses on your land (one from Mr. Bradshaw was mentioned at the hearing)
 - Any other documents that you think would support your case.
6. John Hall intends to change the description of the case. Please provide a written or email note to our department on whether you agree with the following change:
- Authorize a Special Use Permit for a Contractor's Facility (with or without outdoor storage and/or outdoor operations) ~~and a caretaker's dwelling with an office that contains a dwelling unit but that is not used as a dwelling~~, in addition to an existing single family dwelling in the AG-1 Agriculture Zoning District.**

Please feel free to contact me at 384-3708 or schavarr@co.champaign.il.us with any questions or concerns. Thanks for your time and efforts.

Sincerely,



Susan Chavarria
Senior Planner

Xc: Matt Deering at Meyer Capel

Susan Chavarria

From: Matt C. Deering <mdeering@MeyerCapel.com>
Sent: Monday, May 16, 2016 9:24 AM
To: Susan Chavarria; greensidelawncare@live.com
Subject: RE: May 26th ZBA hearing

RECEIVED

MAY 16 2016

CHAMPAIGN CO. P & Z DEPARTMENT

Susan:

Please see responses inserted below:

MCD

From: Susan Chavarria [mailto:schavarr@co.champaign.il.us]
Sent: Friday, May 13, 2016 8:35 AM
To: Matt C. Deering <mdeering@MeyerCapel.com>; greensidelawncare@live.com
Subject: RE: May 26th ZBA hearing

Hi Nick and Matt,

Do you have the responses to the other questions from the March 2 letter? It would be great if I could get these today.

- Regarding the proposed shed, I'd like to verify whether the proposed use is agriculture in a zoning sense but to do that I need to know what items are actually going to be stored in the shed so that I can determine the primary use that the shed will be used for. Could you please provide a list of what you expect to store in the shed so that I'll have a better understanding if those items are personal/recreational use (4 wheelers, canoes, tents, RV, etc.) or agricultural (tractor and implements used in farming) or business? After I review the list I'll let you know what the primary use appears to be and whether or not the shed should be added to the special use permit.

New shed will be used primarily to house/store a farm tractor, farm field cultivator and sprayer. However, Nick would also like to store some personal atv's, a personal lawn mower, and snow plows when not being used (i.e., out of season for the snow removal business).

- Annually, about how often do you...
 - o load/unload salt, including delivery to your property and loading for winter weather events?

2 or 3 semi loads of salt per year delivered to the salt/mulch bin.

Night time loading for winter weather events has been about 4-5 times in the past few years, but always depends on the number and severity of weather events.

- o have a lawn care workday that extends past 10 pm?

Lawn care workdays do not extend past 10pm.

- o have a snow removal/de-icing workday that extends past 10 pm?

Again, depends on weather events, but in any case workers are only on site to get equipment to use off site.

- o have a lawn care workday that starts before 7 am?

Only a day or two per month at 6:30 to get ahead of incoming rain, or to catch-up after rain.

- o have a snow removal/de-icing workday that starts before 7 am?

Again, depends on weather events.

- Approximately how many employees do you have, listed by month?

2 full time and 3 part time. Part time work consistently during mowing months, and typically 2 days a week during snow removal months, again, depending on weather. Nick does not foresee ever having more than 6 employees.

- Based on existing and potential demand, identify firm hours of operation for the lawn care and snow removal business.

Subject to adjustments based upon weather events, 7am to 5pm is standard for lawn care. Snow removal is dictated more to us by weather events. However, we generally load trucks and ready equipment during the daytime. Then afterhours is primarily limited to workers picking up equipment. However, in particularly bad winter weather events, trucks may require reloading during the night.

- Identify any changes you have made or plan to make based on testimony from the first hearing.

Lights on existing shed have been replaced with compliant lamps, and standard lawn care start time will be bumped to 7 from 6:30. The proposed new shed has also been turned so that doors face west, away from the Carpenter property.

Thanks,
Susan

Susan Chavarria, AICP, PCED
Senior Planner
Champaign County Planning and Zoning
1776 East Washington Street
Urbana, IL 61802
217-819-4086
www.co.champaign.il.us

RECEIVED

MAY 16 2016

CHAMPAIGN CO. P & Z DEPARTMENT

From: Matt C. Deering [<mailto:mdeering@MeyerCapel.com>]
Sent: Monday, May 09, 2016 9:06 AM
To: Susan Chavarria
Cc: nick
Subject: RE: May 26th ZBA hearing

Susan:

Please see the attached, and confirm whether this covers all you have requested.

Thanks again.
MCD

Susan Chavarria

From: Burton, Felicia <Felicia.Burton@Illinois.gov>
Sent: Thursday, April 07, 2016 1:28 PM
To: Susan Chavarria
Subject: RE: Nick Brian property accessibility verification

Susan,

If this is the gentleman I spoke with that has the lawn business and his facility is only used for equipment storage, not for meeting with customers, yes. Per the Illinois Accessibility Code, Section 400.320(h)(5), "Product storage areas need not be accessible" for business and mercantile uses.

The authority to issue Illinois Accessibility Code interpretations is project specific and is granted to the Capital Development Board by the Illinois Environmental Barriers Act. It does not relieve the project from conformance with the 2010 Americans with Disabilities Act or other applicable codes.

Sincerely,

Felicia Burton
Accessibility Specialist

State of Illinois Capital Development Board
Third Floor, Wm. G. Stratton Building
401 South Spring Street, Springfield, IL 62706
Phone: (217) 782-3081

 Please consider the environment before printing this email.

From: Susan Chavarria [<mailto:schavarr@co.champaign.il.us>]
Sent: Thursday, April 07, 2016 9:08 AM
To: Burton, Felicia
Subject: Nick Brian property accessibility verification

Hi Felicia,

A zoning case for Nick Brian, 707 CR 2200 North, Champaign, requires that he ensure his business facilities comply with the IAC. He said he spoke with you by phone earlier this week or perhaps last week and you indicated he would not have to make any changes for accessibility. Could you please verify if this is the case?

Thanks,
Susan

Susan Chavarria, AICP, PCED
Senior Planner
Champaign County Planning and Zoning
1776 East Washington Street
Urbana, IL 61802
217-819-4086
www.co.champaign.il.us

RECEIVED
APR 07 2016
CHAMPAIGN CO. P & Z DEPARTMENT

Susan Chavarria

From: nick <greensidelawncare@live.com>
Sent: Friday, April 08, 2016 9:31 AM
To: Susan Chavarria
Subject: Re: Lights

Follow Up Flag: Follow up
Flag Status: Flagged

Yes those are the lights. Did you contact the guy with the Fire Marshall. I had left a voice mail with his info to you last week but never heard back from you about it. He said my tanks are all ok.

Thanks,

Nick Brian
707 County Road 2200 North
Champaign, Il 61822

On Apr 8, 2016, at 9:08 AM, Susan Chavarria <schavarr@co.champaign.il.us> wrote:

Is this the lighting that you installed on the shed?

Thanks,
Susan

From: nick [<mailto:greensidelawncare@live.com>]
Sent: Wednesday, March 23, 2016 10:17 AM
To: Susan Chavarria
Subject: Lights.

Will these work.

http://www.e-conolight.com/pdf/SpecSheets/eco_spc_wp13_series.pdf

RECEIVED

APR 08 2016

CHAMPAIGN CO. P & Z DEPARTMENT



Home /



LED Full Cutoff Wall Pack, 6000 Lumens, 5000K

\$189.99

SKU: E-WP13L07UCZ

*** COLOR TEMPERATURE:**

Cool White (5000K)

COOL WHITE (5000K)

NEUTRAL WHITE (4000K)

*** FINISH COLOR:**

Dark Bronze



Quantity

ADD TO CART

ADD TO QUOTE

IN STOCK

RATINGS

WRITE A REVIEW

ASK A QUESTION

OVERVIEW

Replaces 175-watt metal halide (MH) / 150-watt pulse start metal halide (PSMH). 70-watt LED Full Cutoff Wall Pack in cool white (5000K) with 6000 delivered lumens. 5-year limited warranty.

FEATURES

Housing:

- Low-copper, die-cast aluminum housing and door frame
- Dark bronze polyester powder-coat finish

Lens Assembly:

- Tempered glass lens is thermal, shock and impact resistant
- White polycarbonate reflector

Mounting:

- 1/2" threaded knockouts provided for conduit entry (one on top, one on each side, one on back) or mount over recessed junction box

UL Listed:

- Wet locations

RECOMMENDED USE

- Building facades
- Parking areas & garages
- Perimeter lighting
- When control of spill light is important

TYPICAL MOUNTING HEIGHT

10 to 15 feet

RECEIVED

APR 8 2016

CHAMPAIGN CO. P & Z DEPARTMENT



Susan Chavarria

From: Manuel, Jonathon - NRCS-CD, Champaign, IL <Jonathon.Manuel@il.nacdnet.net>
Sent: Tuesday, May 10, 2016 12:06 PM
To: Susan Chavarria
Subject: RE: Nick Brian property

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

Ok, so what looks like has happened is that the land was sold without the Farm Service agencies knowledge. However, all of the contracts are and have been up on the property.

They did help with a tree planting (which if I remember right did not take) and the original grass waterway. These are no longer under contract so what you want to do is completely up to you.

I would recommend keeping the grass water way due to the amount of water moving thru the property.

On the trees that would be up to the land owner, however if they are not there after 15 years it would be hard for me to recommend replacing them unless they were removed by a land owner.

I hope this helps with your questions.

Jonathon Manuel CPESC-IT
Resource Conservationist
Champaign County Soil and Water Conservation District

From: Susan Chavarria [<mailto:schavarr@co.champaign.il.us>]
Sent: Tuesday, May 10, 2016 8:42 AM
To: Manuel, Jonathon - NRCS-CD, Champaign, IL <Jonathon.Manuel@il.nacdnet.net>
Subject: RE: Nick Brian property

Thanks Jonathon.
Susan

From: Manuel, Jonathon - NRCS-CD, Champaign, IL [<mailto:Jonathon.Manuel@il.nacdnet.net>]
Sent: Tuesday, May 10, 2016 8:38 AM
To: Susan Chavarria
Subject: RE: Nick Brian property

Hi,
Could I get you to send me your aerial of the property?
There are several things going on around 700 and I want to make sure I report the correct ones to you.

Thank you.

Jonathon Manuel CPESC-IT
Resource Conservationist
Champaign County Soil and Water Conservation District

From: Susan Chavarria [<mailto:schavarr@co.champaign.il.us>]
Sent: Thursday, May 05, 2016 1:56 PM

RECEIVED

MAY 10 2016

CHAMPAIGN CO. P & Z DEPARTMENT

To: Manuel, Jonathon - NRCS-CD, Champaign, IL <Jonathon.Manuel@il.nacdnet.net>

Subject: Nick Brian property

Hi Jonathon,

We have a zoning case for Nick Brian, 707 CR 2200 North, Champaign (Lot 1 Meadow Ridge Subdivision). Through the ZBA hearing process, it is our understanding that prior owners did considerable work along a ditch that traverses several properties, with a grant perhaps from USDA. The waterway was widened and they had 1,000 trees planted, among other things.

Do you have any documentation about what was done there, and what the maintenance responsibilities are for that area? Mr. Brian apparently plowed the improved ditch under on his part, and we want to make sure it gets put back in proper order.

Thanks,
Susan

Susan Chavarria, AICP, PCED
Senior Planner
Champaign County Planning and Zoning
1776 East Washington Street
Urbana, IL 61802
217-819-4086
www.co.champaign.il.us

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Attachment A: Comparison of Proposed Use as Special Use Permit and as Rural Home Occupation

Proposed Use	as Proposed Contractor Facility (822-S-16)	as Special Use Permit	as Rural Home Occupation
lawn care and snow removal business	accessory to the main residence and housed in an accessory structure	eligible as a contractor's facility with or without outdoor operations and storage in AG-1	Processes employed shall not create odor, dust, noise, gas, smoke, or vibration discernable at the property line other than of such a nature, quantity, intensity, duration, or time of occurrence customarily associated with AGRICULTURE. changes to the exterior of the DWELLING or ACCESSORY BUILDING which would indicate that it is being utilized in whole or in part for any purpose other than that of a residential or farm BUILDING are prohibited accessory use to a dwelling in AG-1
second dwelling unit in shed	petitioner uses for paperwork, family uses it for parties and play area; has kitchen and bathroom	allowed as caretaker's dwelling for a contractor's facility	only one dwelling per lot in AG-1
salt/ice melt (as hazardous material)	salt/ice melt stored in open building that is used for mulch in warmer seasons	only restricted by County Nuisance Ordinance	No storage of volatile liquid, flammable gases, hazardous material or explosives shall be permitted except as such might be kept for customary agricultural purposes in quantities and concentrations customarily found on farms
non-family employees	2 employees and 2 mowing crews (not quantified)	may be limited as required by the ZBA	limited to two employees on premises and no more than 3 additional employees may report to the site for work performed off premises
fuel tanks	500 gallon dual wall tank storing diesel fuel and gasoline (Mr. Brian stated they are used for farm equipment)	may be limited as required by the ZBA	No storage of volatile liquid, flammable gases, hazardous material or explosives shall be permitted except as such might be kept for customary agricultural purposes in quantities and concentrations customarily found on farms.
non-farm motor vehicles	2 trucks for both business and personal use	only restricted by County Nuisance Ordinance	No more than 10 vehicles in total excluding patron or employee or owner personal vehicles but no more than 3 vehicles that are a truck tractor or vehicle with double axles; Type A screen required for more than 4 vehicles if no more than 15,000 pounds each and Type D screen required for more than one vehicle of more than 15,000 pounds gross weight or a combination vehicle and connected trailer of more than 15,000 pounds gross weight.
equipment	2 tractors, 2 skid steers, and 3-4 mowers	only restricted by County Nuisance Ordinance	No more than 10 vehicles and/or complete pieces of equipment may be stored outside; no limit on the number of equipment stored indoors
outdoor storage and screening	young evergreen trees surround the property; no fencing on property	A Type D SCREEN shall be located so as to obscure or conceal any part of any YARD used for outdoor STORAGE which is visible within 1,000 feet from any point within the BUILDING RESTRICTION LINE of any lot occupied by a DWELLING conforming as to USE; Type D screen can be up to 8 feet tall.	same as SUP, but limited to side yards and rear yard

Attachment A: Comparison of Proposed Use as Special Use Permit and as Rural Home Occupation

exterior lighting	lighting is already installed and is not full-cutoff	full-cutoff fixtures, with manufacturer's documentation of such, installed so as to minimize glare and light trespass onto adjacent properties; no lamps greater than 250 watts; locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the board	same as SUP
prohibited locations		may be limited as required by the ZBA	an RHO is not authorized on lots fronting streets located wholly within a recorded subdivision or within 500 feet of a residential zoning DISTRICT

Attachment H: Draft Minutes from 2/25/16 ZBA are provided separately in this mailing

EXHIBIT G

Specific limitations should, at a minimum, include:

1. Commercial activity
 - a. Limit scope/footprint of commercial activity to current level of business and only allow lawn care, not plowing and salting.
 - b. No burning
 - c. No bulk fert/chem/fuel storage or through-put
 - d. No activity outside the scope of neighborhood covenants

2. Buildings
 - a. No more sheds/commercial buildings to be constructed
 - b. Existing shed/commercial yard to be full screened with mature trees
 - c. Cover/door installed on lean-to
 - d. Full cut-off lighting installed
 - e. No new or larger propane bottles to be installed
 - f. No new or larger fuel barrels to be installed
 - g. No expansion of existing shed allowed

3. Traffic
 - a. Maximum two employee cars parked on property
 - b. No non-resident overnight parking
 - c. No trailers parked outside on shed yard
 - d. No dumpsters parked outside on shed yard
 - e. Commercial activity limited to hours between 7am and 7pm
 - f. Nothing parked on lot other than aforementioned two employee cars and maximum one work truck. All other vehicles and machinery, if on site, must be inside with doors closed. Work trucks to be max 3/4 ton and no loads over maximum allowed on road.
 - g. No construction equipment on property
 - h. No semi-tractors (trucks) on property at any time.

Please consider:

1. "Operations" are defined in the Ordinance as including (i) processing, assembly, fabrication or handling of materials or products or (ii) movement of bulk materials or products not in containers or pipelines. This definition must be limited under any issued Permit. Operations must be limited.
2. A Permit must preclude the construction of concrete patios, sidewalks, etc, fences, retaining walls, porches, gazebos, fountain/streams, etc.
3. There should be no other "accessory buildings" and the one in illegal use should not visually pollute.

4. "Storage" in the Ordinance allows equipment, raw materials, packaged or bulk finished materials, salvage goods, and machinery awaiting maintenance or repair. This must be limited if a Permit is issued.
5. Storage should be expressly limited as it relates to landscaping materials to include dirt, sand, fertilizer, stones, rocks, gravel, sand, fencing, retaining wall components, trees, bushes, end loaders, to mention a few.
6. No use of dump trucks, tree planting trucks, gasoline tanks, anhydrous ammonia tanks, fertilizer storage buildings or mixing systems should be allowed.
7. The appearance of any building should be compatible with the residences in the area.

February 25, 2016

Mr. Eric Thorsland, Chair
And Members of the Champaign County
Zoning Board of Appeals
1776 E. Washington
Urbana, Illinois 61801

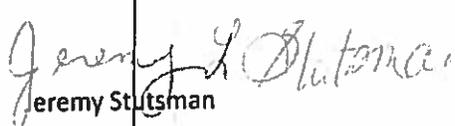
Re: Application from Nick and Lori Brian for a Special Use Permit

Ladies and Gentlemen:

Unanticipated circumstances will prevent us from attending the Public Hearing this evening and speaking in favor of the Brians' application for a Special Use Permit. However, please accept this letter as our statement of support for the issuance of a Special Use Permit as requested by the Brians.

We own and live on Lot 5 of Meadow Ridge Subdivision, which is to the south side of the Brian's property, and have since 2014. We do not object to the operation of a landscape and snowplow business from the Brians' property, and do not find the related activities to be incompatible with the variety of activities in even the immediate vicinity include an excavation company, two trucking companies, a kennel and heavy agriculture operations. We encourage you to grant the Brians' request for a Special Use Permit and to refrain from placing unnecessary conditions upon their activities.

Thank you for your consideration.


Jeremy Stutsman
2176 CR 700E
Champaign, IL 61822-1368


Monica Stutsman
2176 CR 700E
Champaign, IL 61822-1368

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FEB 25 2016

CHAMPAIGN CO. P & Z DEPARTMENT

February 25, 2016

Mr. Eric Thorsland, Chair
And Members of the Champaign County
Zoning Board of Appeals
1776 E. Washington
Urbana, Illinois 61801

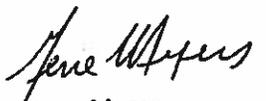
Re: Application from Nick and Lori Brian for a Special Use Permit

Ladies and Gentlemen:

Please accept this letter as our statement of support for the issuance of a Special Use Permit as requested by the Brians. We own and live on Lot 3 of Meadow Ridge Subdivision, which is to the south and east of the Brian's property, and have since before the Brians built their shed and home, and began operating their business from their property.

We do not object to the operation of a landscape and snowplow business from the Brians' property, and do not find the related activities to be incompatible with the variety of activities in even the immediate vicinity include an excavation company, two trucking companies, a kennel and heavy agriculture operations. We encourage you to grant the Brians' request for a Special Use Permit and to refrain from placing unnecessary conditions upon their activities.

Thank you for your consideration.


Gene Myers
724 CR 2175N
Champaign, IL 61822


Julie Myers
724 CR 2175N
Champaign, IL 61822

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FEB 25 2016

CHAMPAIGN CO. P & Z DEPARTMENT

Susan Chavarria

From: Sarah Carpenter <sacz1@yahoo.com>
Sent: Thursday, May 19, 2016 10:58 AM
To: Susan Chavarria
Cc: Jeff Carpenter; Carl Webber; Dhruv Chadha
Subject: Fw: additional evidence/case no. 822-S-15
Attachments: Letter to Brians 3-21 .pdf; Bradshaw letter to N. Brian.pdf; packet 2 pics.zip; Webster appraisal .pdf; cover letter hearing.docx

Hello Susan,

Please find attached documents that Jeff and I would like to be included in the packet being prepared for the zoning board members leading up to next week's hearing.

The documents include:

- 1) An appraisal completed by Jim Webster from Webster and Associates with current value as well as addendums stating the "atypical" existing structure and it's detrimental effects on the views to the front and North as well as the estimated diminution in value that would result from further building and/or increase in current activity.
- 2) A letter that Jeff drafted and delivered on March 21 to the Brian's requesting a formal and detailed proposal, to which we received no response.
- 3) Photographs representing the two occasions that a large amount of mulch was delivered the Brian's for use in their landscaping business. The mulch piles are not being stored in the lean-to that was claimed to be used for this purpose and sit outside for weeks as they use it bit by bit. The photographs are date-stamped on my camera on March 31 and April 25.
- 4) A photograph representing the regular amount of employees parking at the Brian's residence.
- 5) A letter sent by a previous resident, Brian Bradshaw, in August 2010 outlining a concern about lighting and the "confrontational" way in which it was received by Mr Brian.
- 6) A statement composed by Jeff and myself

Thank you and enjoy your day!
Sarah

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DESIGN CO. P & Z DEPARTMENT

May 18, 2016

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MAY 19 2016

CHAMPAIGN CO. P & Z DEPARTMENT

Members of the Zoning Board,

With regard to Nick Brian's application for a Special Use Permit to operate his landscaping business, Greenside, we feel there is little/no evidence to support the request for a privilege incompatible with our subdivision. Nick Brian has a history of disregard for the regulations set forth by the County Zoning office, the covenants to which he agreed to abide by upon purchasing his home, as well as the concerns of his neighbors. The existing landscaping business has a negative impact on our property's value, and expansion of said commercial activity would have a further negative impact on our home and property.

The Zoning Board is well aware of Mr. Brian's abuse of the Zoning Ordinance as pertains to the construction and use sections of the Zoning Ordinance by maintaining two main or principal structures on his lot. He has further ignored the ordinance by operating a landscaping business to a degree which requires a Special Use Permit prior to obtaining said permit. This includes exceeding allowable man hours, constructing a salt storage shed and installing 500 gallon diesel fuel and gasoline storage which are used for his landscaping and snow removal vehicles and machinery, not agricultural equipment. Although Mr. Brian has ceased burning rubbish and yard waste generated off-site, he only did so after being ordered by the Zoning office (neighborly requests were disregarded).

While the restrictive covenants of Meadow Ridge subdivision are not enforceable by the Board nor do they have bearing on the Zoning Board members, we feel that they clearly define our 40 acres as a residential subdivision, which should be acknowledged when considering whether the special use permit is consistent with the current neighborhood. There are plenty of acreages available for purchase which do not carry restrictive covenants and should be considered by those wishing to "do as they please".

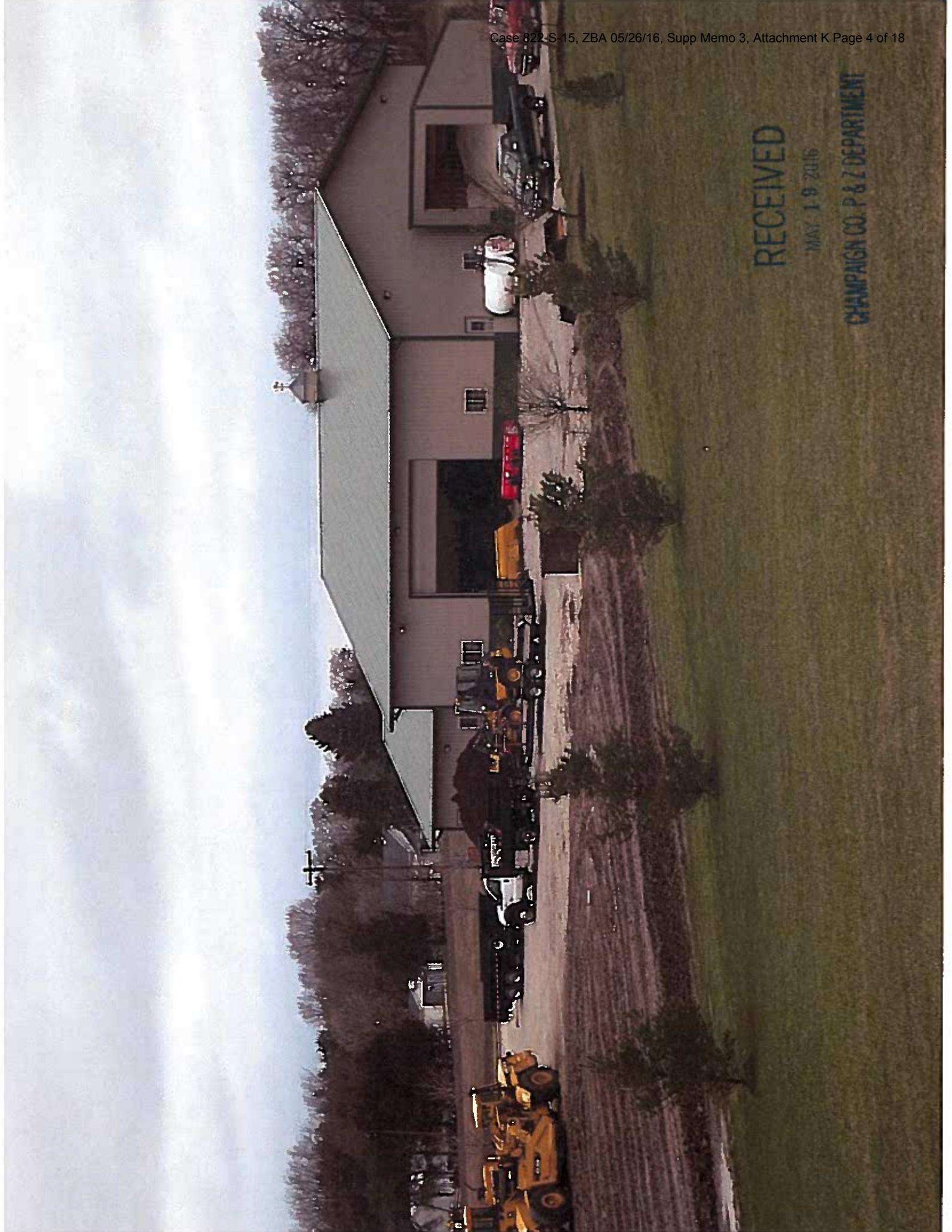
As direct neighbors of Nick Brian, we have a unique insight into the operations of his current landscaping and snow removal business. He consistently has three to four employees parked on the property seven days a week from the hours of 6:30am until 7pm, with later hours during snow removal. There have been numerous occasions when he has had five employees parked on the property. Any business that carries bulk inventory can be challenging to manage, as evidenced by Greenside's lean-to still sitting full of salt, requiring the storage of mulch in large piles on the lot. We have witnessed changes on the Brians' lot in the ten months we have resided here, including an increase in implements, or perhaps the visibility of their storage outside, as well as the addition of a large dumpster. As our included appraisal indicates, these activities are currently negatively impacting the value of our property, and there will be a further significant negative impact should Nick Brian be allowed to continue building on his property.

Since the last board meeting, we have discussed solutions with the Brians including limiting the business to the existing shed (no second shed), with proper screening to be installed and commercial limitations in line with initial zoning office suggestions and the Brians' initial testimony (4,000 man hours per annum; no product inventory stored outside on lot; no vehicles parked outside overnight; observing county noise/nuisance restrictions; no customer traffic; hours of operation 7am-9pm; etc). We also briefly thought we had an agreement with the Brians to help them obtain an alternate site for their business. The suggestions were ultimately rejected.

The existing operations of the Brians/Greenside Lawn Care are negatively impacting the quality of life on, and value of our property. The Brians' business has shown increasing commercial activity over time, and so we are concerned with an increasingly negative impact on the value of our property if Greenside's trajectory of expansion is allowed to continue. We have seen zero evidence of Nick Brian using Greenside Lawn Care for agricultural operations. Other than tilling (roughly) 5 acres of his lawn, we do not believe Nick farms in this area. We remain very concerned about the Brians' request for a special use permit and plans for a second shed given their history of regulatory violations and non-compliance, as well as the incompatibility of the request with our residential neighborhood and ongoing detrimental effect on the value of our property.

Sincerely,

Jeff and Sarah Carpenter



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HAMPAIGN CO. P & Z DEPARTMENT

Nick and Lori Brian

March 21, 2016

Hand Delivered

Dear Nick and Lori,

From our recent conversation, we thought that the four of us might have arrived at a satisfactory resolution. We were talking about our purchasing some nearby land outside of the subdivision so that we could sell you enough acreage for you to have a mutually agreeable operation. We now understand that you are no longer interested in this resolution.

As you know, we have not approved any of your drawings to date, and, would emphatically say that none of your drawings are sufficient to qualify under the Covenants. If, at some time in the future, you have a proposal that qualifies as a formal set of plans and specifications under the requirements of the Covenants, please let us know. We will certainly give your request all due consideration.

In addition, we would like to suggest that if you have a neighborhood meeting about these outstanding matters, we should be included.

Your current business requires a Special Use Permit. This must be because, in drafting the Zoning Ordinance, the County Board did not believe that it was appropriate to allow such a use as a matter of right. The question has been – what limitations should be required in order to allow a “Lawn Care Business”, if it is to be allowed at all.

We now understand that you may wish to change your request to allow a “Landscaping Business.” If that is true, we are very concerned. In that case, the whole issue becomes more complicated, as we believe this would greatly increase the intensity of use on the site. With that increased intensity, others in the subdivision may also be more concerned.

We are willing to consider a resolution that generally follows the discussion at the prior meeting of the Committee, only as it relates to a Lawn Care Business. We are, by no means, anxious to accept less than the Covenants or the County Zoning Ordinance would require, but we are willing to seriously address a compromise.

The Committee asked that we attempt to resolve the issues. Since our proposals have not been acceptable to you, we would suggest that you provide us with a formal detailed proposal in the form of a complete agreement. With such a document, we and the other lot owners in the subdivision can review it and respond.

Please consider this only as an attempt to settle outstanding issues.

Sincerely,

Jeff and Sarah

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MAY 19 2016

CHAMPAIGN CO. P & Z DEPARTMENT

August 11, 2010

725 CR 2200 N
Champaign, IL 61822

Mr. Nicholas A. Brian
206 Blazing Star Dr.
Savoy IL, 61874

Dear Mr. Brian,

I am writing to follow-up with our conversation on August 8 regarding the newly installed high-wattage fluorescent lighting on your house/shed at 707 CR 2200N. With your confrontational attitude of that meeting, all future correspondence between us will need to be in writing.

As we discussed, that outdoor light is in violation of the Meadow Ridge Subdivision covenants stating that all outdoor lighting shall contain a maximum of 100 watt bulbs. More importantly, the light diminishes the enjoyment of my property. The light is oriented to shine outward away from your building, onto my front yard and the front of my house. My family enjoys "country living" by sitting on our front porch and star gazing. This activity is significantly diminished with the presence of your outdoor lighting. In addition, that type of security lighting isn't present on any other house in the subdivision and doesn't reflect the residential nature of our properties.

After our meeting I thought of two compromise options that may continue to meet your need for a security type light without negatively impacting my property – installing a motion detecting sensor at the light or installing a hood at the light so only your building and adjacent driveway receives direct light. Both options would appear to be of minor cost and wouldn't require any change to the lighting fixture itself.

I would appreciate it if we could resolve this issue in a neighborly fashion by the end of August. As a measure of good faith, I would also appreciate you turning the light off until a compromise/fix is completed. Thank you.

Sincerely,

Bryan Bradshaw

Xc: Gene & Julie Myers - 724 CR 2175N
Greg & Crystal Bailey - 710 CR 2175 N
Ryan & Natalie Beckley - 2176 CR 700 E

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MAY 19 2016

CHAMPAIGN CO. P & Z DEPARTMENT

File No. 16-01270

APPRAISAL OF



LOCATED AT:

725 County Road 2200 N
Champaign, IL 61822

CLIENT:

Jeffrey and Sarah Carpenter
501 W University
Champaign, IL 61820

AS OF:

March 21, 2016

BY:

James H. Webster MAI, SRA

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MAY 19 2016
CHAMPAIGN CO. P & Z DEPARTMENT

File No. 16-01270

Jeffrey and Sarah Carpenter
501 W University
Champaign, IL 61820

File Number: 16-01270

In accordance with your request, I have appraised the real property at:

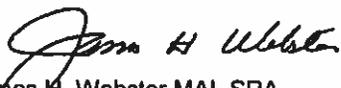
725 County Road 2200 N
Champaign, IL 61822

The purpose of this appraisal is to develop an opinion of the defined value of the subject property, as improved. The property rights appraised are the fee simple interest in the site and improvements.

In my opinion, the defined value of the property as of March 21, 2016 is:

\$600,000
Six Hundred Thousand Dollars

The attached report contains the description, analysis and supportive data for the conclusions, final opinion of value, descriptive photographs, assignment conditions and appropriate certifications.


James H. Webster MAI, SRA

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MAY 19 2016
CHAMPAIGN CO. P & Z DEPARTMENT

Summary Residential Appraisal Report

File No. 16-01270

PURPOSE

The purpose of this appraisal report is to provide the client with a credible opinion of the defined value of the subject property, given the intended use of the appraisal.

Client Name/Intended User **Jeffrey and Sarah Carpenter** E-mail **sacz1@yahoo.com**

Client Address **501 W University** City **Champaign** State **IL** Zip **61820**

Additional Intended User(s) **Carl Webber**

Intended Use **Planning/zoning**

SUBJECT

Property Address **725 County Road 2200 N** City **Champaign** State **IL** Zip **61822**

Owner of Public Record **Jeffrey & Sarah Carpenter** County **Champaign**

Legal Description **Lot 2 in Meadow Ridge Subdivision**

Assessor's Parcel # **12-14-17-100-009** Tax Year **2014** R.E. Taxes \$ **9,956.22**

Neighborhood Name **Meadow Ridge** Map Reference Census Tract **0106.04**

Property Rights Appraised Fee Simple Leasehold Other (describe)

SALES HISTORY

My research did did not reveal any prior sales or transfers of the subject property for the three years prior to the effective date of this appraisal.

Prior Sale/Transfer: Date **07/2015** Price **\$612,500** Source(s) **Assessor**

Analysis of prior sale or transfer history of the subject property (and comparable sales, if applicable) **The subject property has sold in the past three years as shown above. The comparable sales most recent transactions have been reported on Page 2. However, none of these properties had any other transactions in the year preceding these transfers.**

Offerings, options and contracts as of the effective date of the appraisal **The subject property is not available for sale nor has it been for sale in the past year.**

NEIGHBORHOOD

Neighborhood Characteristics				One-Unit Housing Trends				One-Unit Housing		Present Land Use %	
Location	<input type="checkbox"/> Urban	<input type="checkbox"/> Suburban	<input checked="" type="checkbox"/> Rural	Property Values	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining	PRICE	AGE	One-Unit	90 %
Built-Up	<input checked="" type="checkbox"/> Over 75%	<input type="checkbox"/> 25-75%	<input type="checkbox"/> Under 25%	Demand/Supply	<input type="checkbox"/> Shortage	<input checked="" type="checkbox"/> In Balance	<input type="checkbox"/> Over Supply	\$(000)	(yrs)	2-4 Unit	%
Growth	<input type="checkbox"/> Rapid	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Slow	Marketing Time	<input type="checkbox"/> Under 3 mths	<input checked="" type="checkbox"/> 3-6 mths	<input type="checkbox"/> Over 6 mths	300 Low	5	Multi-Family	%
Neighborhood Boundaries The neighborhood is being limited to uses in the subdivision which is bordered by CR 2200 N-North, CR 700 E-West, CR 2175 N-South and agricultural land-East.								600 High	15	Commercial	%
Neighborhood Description The subject property is located in a rural area which is situated approximately three miles northeast of Mahomet and eight miles northwest of Champaign. It is in the Mahomet School District. There are several high quality residences situated on small acre tracts in the neighborhood with a mix of ranch and two story designs.								450 Pred.	10	Other Vacant	10 %
Market Conditions (including support for the above conclusions) Sales activity increased over the March-October period, moderated over the Autumn/Winter and it has recently begun to increase again at this time.											

SITE

Dimensions **538.54 x 841.81 x 538.27 x 842.27** Area **10.4 acres** Shape **Rectangular** View **Average**

Specific Zoning Classification **R-1** Zoning Description **Single family**

Zoning Compliance Legal Legal Nonconforming (Grandfathered Use) No Zoning Illegal (describe)

Is the highest and best use of the subject property as improved (or as proposed per plans and specifications) the present use? Yes No If No, describe.

Utilities	Public	Other (describe)	Public	Other (describe)	Off-site Improvements—Type	Public	Private
Electricity	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/> Well	Street Tar/Gravel	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gas	<input type="checkbox"/>			<input checked="" type="checkbox"/> Septic	Alley None	<input type="checkbox"/>	<input type="checkbox"/>

Site Comments **See Attached Addendum**

IMPROVEMENTS

GENERAL DESCRIPTION		FOUNDATION		EXTERIOR DESCRIPTION		INTERIOR	
Units	<input checked="" type="checkbox"/> One <input type="checkbox"/> One w/Acc. unit	<input type="checkbox"/> Concrete Slab <input type="checkbox"/> Crawl Space		Foundation Walls	Prd Con/Good	Floors	HW/Cpt/Good
# of Stories	2	<input checked="" type="checkbox"/> Full Basement <input type="checkbox"/> Partial Basement		Exterior Walls	BV/Wood/Good	Walls	Drywall/Good
Type	<input checked="" type="checkbox"/> Det. <input type="checkbox"/> Att. <input type="checkbox"/> S-Det./End Unit	Basement Area	2074 sq. ft.	Roof Surface	Asph Sng/Good	Trim/Finish	Wood/Good
	<input checked="" type="checkbox"/> Existing <input type="checkbox"/> Proposed <input type="checkbox"/> Under Const.	Basement Finish	80 %	Gutters & Downspouts	Metal/Good	Bath Floor	Cer Tile/Good
Design (Style)	2 Story	<input type="checkbox"/> Outside Entry/Exit <input checked="" type="checkbox"/> Sump Pump		Window Type	Dbl Hung/Good	Bath Wainscot	Cer Tile/Good
Year Built	2006			Storm Sash/Insulated	Insulated/Good	Car Storage	<input type="checkbox"/> None
Effective Age (Yrs)	5			Screens	Screens/Good	<input checked="" type="checkbox"/> Driveway # of Cars	1
Attic	<input type="checkbox"/> None	Heating	<input checked="" type="checkbox"/> FWA <input type="checkbox"/> HW <input type="checkbox"/> Radiant	Amenities	<input type="checkbox"/> WoodStove(s) #0	Driveway Surface	Gravel
<input type="checkbox"/> Drop Stair	<input type="checkbox"/> Stairs	<input type="checkbox"/> Other	Fuel LP	<input checked="" type="checkbox"/> Fireplace(s) # 1	<input type="checkbox"/> Fence None	<input checked="" type="checkbox"/> Garage # of Cars	4
<input type="checkbox"/> Floor	<input checked="" type="checkbox"/> Scuttle	Cooling	<input checked="" type="checkbox"/> Central Air Conditioning	<input checked="" type="checkbox"/> Patio/Deck Scr	<input checked="" type="checkbox"/> Porch Covered	<input type="checkbox"/> Carport # of Cars	0
<input type="checkbox"/> Finished	<input type="checkbox"/> Heated	<input type="checkbox"/> Individual <input type="checkbox"/> Other		<input type="checkbox"/> Pool None	<input type="checkbox"/> Other None	<input checked="" type="checkbox"/> Att. <input checked="" type="checkbox"/> Det. <input type="checkbox"/> Built-in	
Appliances	<input type="checkbox"/> Refrigerator <input checked="" type="checkbox"/> Range/Oven <input checked="" type="checkbox"/> Dishwasher <input checked="" type="checkbox"/> Disposal <input checked="" type="checkbox"/> Microwave <input type="checkbox"/> Washer/Dryer <input type="checkbox"/> Other (describe)						
Finished area above grade contains: 9 Rooms 5 Bedrooms 3.5 Bath(s) 3,512 Square Feet of Gross Living Area Above Grade							
Additional Features Additional features include a two story living room, treyed dining room ceiling, nine foot ceilings on the first floor, granite countertops and a jacuzzi tub. There is a 26 by 38 foot detached building which serves as a garage along with an office that has an additional one bathroom.							
Comments on the Improvements The subject property has been periodically maintained with no items of repair noted.							

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MAY 19 2016

CHAMPAIGN CO. P & Z DEPARTMENT

Summary Residential Appraisal Report

File No. 16-01270

FEATURE	SUBJECT	COMPARABLE SALE NO. 1		COMPARABLE SALE NO. 2		COMPARABLE SALE NO. 3	
725 County Road 2200 N Address Champaign		2485 County Road 550 E Mahomet, IL 61853		1209 Oak Creek Rd Mahomet, IL 61853		1915 N County Road 1225 E White Heath, IL 61884	
Proximity to Subject		2.68 miles NW		3.31 miles SW		13.10 miles SW	
Sale Price	\$	\$ 544,000		\$ 572,750		\$ 465,000	
Sale Price/Gross Liv. Area	\$ 0.00 sq. ft.	\$ 173.08 sq. ft.		\$ 155.30 sq. ft.		\$ 155.00 sq. ft.	
Data Source(s)		MLS		MLS		MLS	
Verification Source(s)		Assessor		Assessor		Assessor	
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION	+(-) \$ Adjustment	DESCRIPTION	+(-) \$ Adjustment	DESCRIPTION	+(-) \$ Adjustment
Sale or Financing Concessions		Cash		Conv		Conv	
Date of Sale/Time		4/2015		9/2014		6/2015	
Location	Good	Good		Good		Good	
Leasehold/Fee Simple	Fee Simple	Fee Simple		Fee Simple		Fee Simple	
Site	10.4 acres	8.3 acres	20,000	1 acre	90,000	5.08 acre	50,000
View	Average	Average		Average		Average	
Design (Style)	2 Story	2 Story		2 Story		2 Story	
Quality of Construction	Good/BV/Wood	Good/BV/Wood		V Good/BV/Wood	-57,000	Good/BV/Wood	
Actual Age	10+/- Years	4 years	-6,000	16 years	6,000	10+/- Years	
Condition	Good	Good		Good		Good	
Above Grade	Total Bdrms Baths	Total Bdrms Baths		Total Bdrms Baths		Total Bdrms Baths	
Room Count	9 5 3.5	8 4 3.5		8 4 3.5		8 4 3.5	
Gross Living Area 30.00	3,512 sq. ft.	3,143 sq. ft.	11,100	3,688 sq. ft.	-5,300	3,000 sq. ft.	15,400
Basement & Finished Rooms Below Grade	2074 Sq.Ft. 2BR/FR/Bath	2062 Sq.Ft. FR/BR/Bath	100 0	2322 Sq.Ft. FR/BR/Bath	-2,500 0	1420 Sq.Ft. FR/.5 Bath	6,500 10,000
Functional Utility	Average	Average		Average		Average	
Heating/Cooling	FWA C/Air	FWA C/Air		FWA C/Air		FWA C/Air	
Energy Efficient Items	None noted	None noted		None noted		None noted	
Garage/Carport	4-Garage	3-Garage	7,000	3-Garage	7,000	3-Garage	7,000
Porch/Patio/Deck	Scr Porch, Porch	Porch, Patio	5,000	Deck, Porch	4,000	Porch, Patio	5,000
	F/P	F/P		F/P		F/P	
	Office	None	20,000	Pool/Fence		None	20,000
Net Adjustment (Total)		X+ - \$ 57,200		X+ - \$ 42,200		X+ - \$ 113,900	
Adjusted Sale Price of Comparables		Net Adj. 10.5% Gross Adj. 12.7% \$ 601,200		Net Adj. 7.4% Gross Adj. 30.0% \$ 614,950		Net Adj. 24.5% Gross Adj. 24.5% \$ 578,900	

Summary of Sales Comparison Approach Sale 1 is considered to be the best comparable with Sales 2 and 3 slightly less comparable. Sale 2 has been judged to be superior in quality with Sales 1 and 3 similar.

COST APPROACH TO VALUE		
Site Value Comments		
ESTIMATED <input type="checkbox"/> REPRODUCTION OR <input type="checkbox"/> REPLACEMENT COST NEW	OPINION OF SITE VALUE = \$	
Source of cost data	Dwelling 3,512 Sq. Ft. @ \$ = \$ 0	
Quality rating from cost service Effective date of cost data	Bsmt: 2074 Sq.Ft. Sq. Ft. @ \$ = \$ 0	
Comments on Cost Approach (gross living area calculations, depreciation, etc.)	Garage/Carport 622 Sq. Ft. @ \$ = \$ 0	
<div style="text-align: center; font-size: 2em; color: blue; font-weight: bold;">RECEIVED</div> <div style="text-align: center; color: blue; font-weight: bold;">MAY 19 2016</div> <div style="text-align: center; color: blue; font-weight: bold; font-size: 1.2em;">CHAMPAIGN CO. P & Z DEPARTMENT</div>	Total Estimate of Cost-New = \$ 0	
	Less Physical Functional External	Depreciation = \$ (0)
	Depreciated Cost of Improvements	= \$ 0
	As-is Value of Site Improvements	= \$
	INDICATED VALUE BY COST APPROACH	= \$ 0

INCOME APPROACH TO VALUE	
Estimated Monthly Market Rent \$ X Gross Rent Multiplier = \$	0 Indicated Value by Income Approach
Summary of Income Approach (including support for market rent and GRM)	

Methods and techniques employed: Sales Comparison Approach Cost Approach Income Approach Other:

Discussion of methods and techniques employed, including reason for excluding an approach to value: **The Cost Approach was not developed due to the subjectivity involved in estimating depreciation. The Income Approach was omitted due to the lack of rental and GRM data.**

Reconciliation comments: **The Sales Comparison Approach has been given sole consideration.**

Based on the scope of work, assumptions, limiting conditions and appraiser's certification, my (our) opinion of the defined value of the real property that is the subject of this report as of **03/21/2016**, which is the effective date of this appraisal, is:

Single point \$ **600,000** Range \$ _____ to \$ _____ Greater than Less than \$ _____

This appraisal is made "as is," subject to completion per plans and specifications on the basis of a hypothetical condition that the improvements have been completed, subject to the following repairs or alterations on the basis of a hypothetical condition that the repairs or alterations have been completed subject to the following:

Summary Residential Appraisal Report

File No. 16-01270

Scope of Work, Assumptions and Limiting Conditions

Scope of work is defined in the Uniform Standards of Professional Appraisal Practice as "the type and extent of research and analyses in an assignment." In short, scope of work is simply what the appraiser did and did not do during the course of the assignment. It includes, but is not limited to: the extent to which the property is identified and inspected, the type and extent of data researched, the type and extent of analyses applied to arrive at opinions or conclusions.

The scope of this appraisal and ensuing discussion in this report are specific to the needs of the client, other identified intended users and to the intended use of the report. This report was prepared for the sole and exclusive use of the client and other identified intended users for the identified intended use and its use by any other parties is prohibited. The appraiser is not responsible for unauthorized use of the report.

The appraiser's certification appearing in this appraisal report is subject to the following conditions and to such other specific conditions as are set forth by the appraiser in the report. All extraordinary assumptions and hypothetical conditions are stated in the report and might have affected the assignment results.

1. The appraiser assumes no responsibility for matters of a legal nature affecting the property appraised or title thereto, nor does the appraiser render any opinion as to the title, which is assumed to be good and marketable. The property is appraised as though under responsible ownership.
2. Any sketch in this report may show approximate dimensions and is included only to assist the reader in visualizing the property. The appraiser has made no survey of the property.
3. The appraiser is not required to give testimony or appear in court because of having made the appraisal with reference to the property in question, unless arrangements have been previously made thereto.
4. Neither all, nor any part of the content of this report, copy or other media thereof (including conclusions as to the property value, the identity of the appraiser, professional designations, or the firm with which the appraiser is connected), shall be used for any purposes by anyone but the client and other intended users as identified in this report, nor shall it be conveyed by anyone to the public through advertising, public relations, news, sales, or other media, without the written consent of the appraiser.
5. The appraiser will not disclose the contents of this appraisal report unless required by applicable law or as specified in the Uniform Standards of Professional Appraisal Practice.
6. Information, estimates, and opinions furnished to the appraiser, and contained in the report, were obtained from sources considered reliable and believed to be true and correct. However, no responsibility for accuracy of such items furnished to the appraiser is assumed by the appraiser.
7. The appraiser assumes that there are no hidden or unapparent conditions of the property, subsoil, or structures, which would render it more or less valuable. The appraiser assumes no responsibility for such conditions, or for engineering or testing, which might be required to discover such factors. This appraisal is not an environmental assessment of the property and should not be considered as such.
8. The appraiser specializes in the valuation of real property and is not a home inspector, building contractor, structural engineer, or similar expert, unless otherwise noted. The appraiser did not conduct the intensive type of field observations of the kind intended to seek and discover property defects. The viewing of the property and any improvements is for purposes of developing an opinion of the defined value of the property, given the intended use of this assignment. Statements regarding condition are based on surface observations only. The appraiser claims no special expertise regarding issues including, but not limited to: foundation settlement, basement moisture problems, wood destroying (or other) insects, pest infestation, radon gas, lead based paint, mold or environmental issues. Unless otherwise indicated, mechanical systems were not activated or tested.

This appraisal report should not be used to disclose the condition of the property as it relates to the presence/absence of defects. The client is invited and encouraged to employ qualified experts to inspect and address areas of concern. If negative conditions are discovered, the opinion of value may be affected.

Unless otherwise noted, the appraiser assumes the components that constitute the subject property improvement(s) are fundamentally sound and in working order.

Any viewing of the property by the appraiser was limited to readily observable areas. Unless otherwise noted, attics and crawl space areas were not accessed. The appraiser did not move furniture, floor coverings or other items that may restrict the viewing of the property.

9. Appraisals involving hypothetical conditions related to completion of new construction, repairs or alteration are based on the assumption that such completion, alteration or repairs will be competently performed.

10. Unless the intended use of this appraisal specifically includes issues of property insurance coverage, this appraisal should not be used for such purposes. Reproduction or Replacement cost figures used in the cost approach are for valuation purposes only, given the intended use of the assignment. The Definition of Value used in this assignment is unlikely to be consistent with the definition of Insurable Value for property insurance coverage/use.

11. The ACI General Purpose Appraisal Report (GPAR™) is not intended for use in transactions that require a Fannie Mae 1004/Freddie Mac 70 form, also known as the Uniform Residential Appraisal Report (URAR).

Additional Comments Related To Scope Of Work, Assumptions and Limiting Conditions

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Summary Residential Appraisal Report

File No. 16-01270

Appraiser's Certification

The appraiser(s) certifies that, to the best of the appraiser's knowledge and belief:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are the appraiser's personal, impartial, and unbiased professional analyses, opinions, and conclusions.
3. Unless otherwise stated, the appraiser has no present or prospective interest in the property that is the subject of this report and has no personal interest with respect to the parties involved.
4. The appraiser has no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
5. The appraiser's engagement in this assignment was not contingent upon developing or reporting predetermined results.
6. The appraiser's compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
7. The appraiser's analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
8. Unless otherwise noted, the appraiser has made a personal inspection of the property that is the subject of this report.
9. Unless noted below, no one provided significant real property appraisal assistance to the appraiser signing this certification. Significant real property appraisal assistance provided by:

Additional Certifications:

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Definition of Value: Market Value Other Value: _____

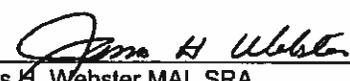
Source of Definition: _____

Market Value is defined as the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeable, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- (1) buyer and seller are typically motivated;
- (2) both parties are well informed or well advised, and acting in what they consider their own best interests;
- (3) a reasonable time is allowed for exposure in the open market;
- (4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale. (Source: 12 C.F.R. Part 34.42(g); 55 Federal Register 34696, August 24, 1990, as amended at 57 Federal Register 12202, April 9, 1992; 59 Federal Register 29499, June 7, 1994)

ADDRESS OF THE PROPERTY APPRAISED:
725 County Road 2200 N
Champaign, IL 61822
 EFFECTIVE DATE OF THE APPRAISAL: 03/21/2016
 APPRAISED VALUE OF THE SUBJECT PROPERTY \$ 600,000

APPRAISER

Signature: 
 Name: James H. Webster MAI, SRA
 State Certification # 553.000270
 or License # _____
 or Other (describe): _____ State #: _____
 State: IL
 Expiration Date of Certification or License: 09/30/2015
 Date of Signature and Report: 04/28/2016
 Date of Property Viewing: 3/23/2016
 Degree of property viewing:
 Interior and Exterior Exterior Only Did not personally view

SUPERVISORY APPRAISER

Signature: _____
 Name: _____
 State Certification # _____
 or License # _____
 State: _____
 Expiration Date of Certification or License: _____
 Date of Signature: _____
 Date of Property Viewing: _____
 Degree of property viewing:
 Interior and Exterior Exterior Only Did not personally view

Client: Jeffrey and Sarah Carpenter	File No.: 16-01270
Property Address: 725 County Road 2200 N	Case No.:
City: Champaign	State: IL Zip: 61822

Site Comments

The site is rolling with the home-site situated on a knoll with a good view in all directions. It adjoins an agricultural field to the east with residences in the remaining directions. It should be noted that there is a large pole frame structure constructed on the northeast corner of the adjoining property to the west which is in direct view of the subject. As a result of the subject's setback's and the placement of this structure it is a predominant view to the front or north. The building is reportedly being used as a landscape company who has employee vehicles and equipment. There are plans to construct another building which will be used in connection with the aforementioned use. The use and the resulting view are atypical of a residence in a subdivision which has housing in the price range described. Therefore, it is considered to be an adverse influence with the existing building and use which will be aggravated by the addition.

Extra Comments

Market value, subject to completion of a proposed 38 by 268 foot building on the adjoining property for use as a landscaping business, has been estimated to be \$570000. The diminution in value is the result of activity of employees and their vehicles within view of the subject.

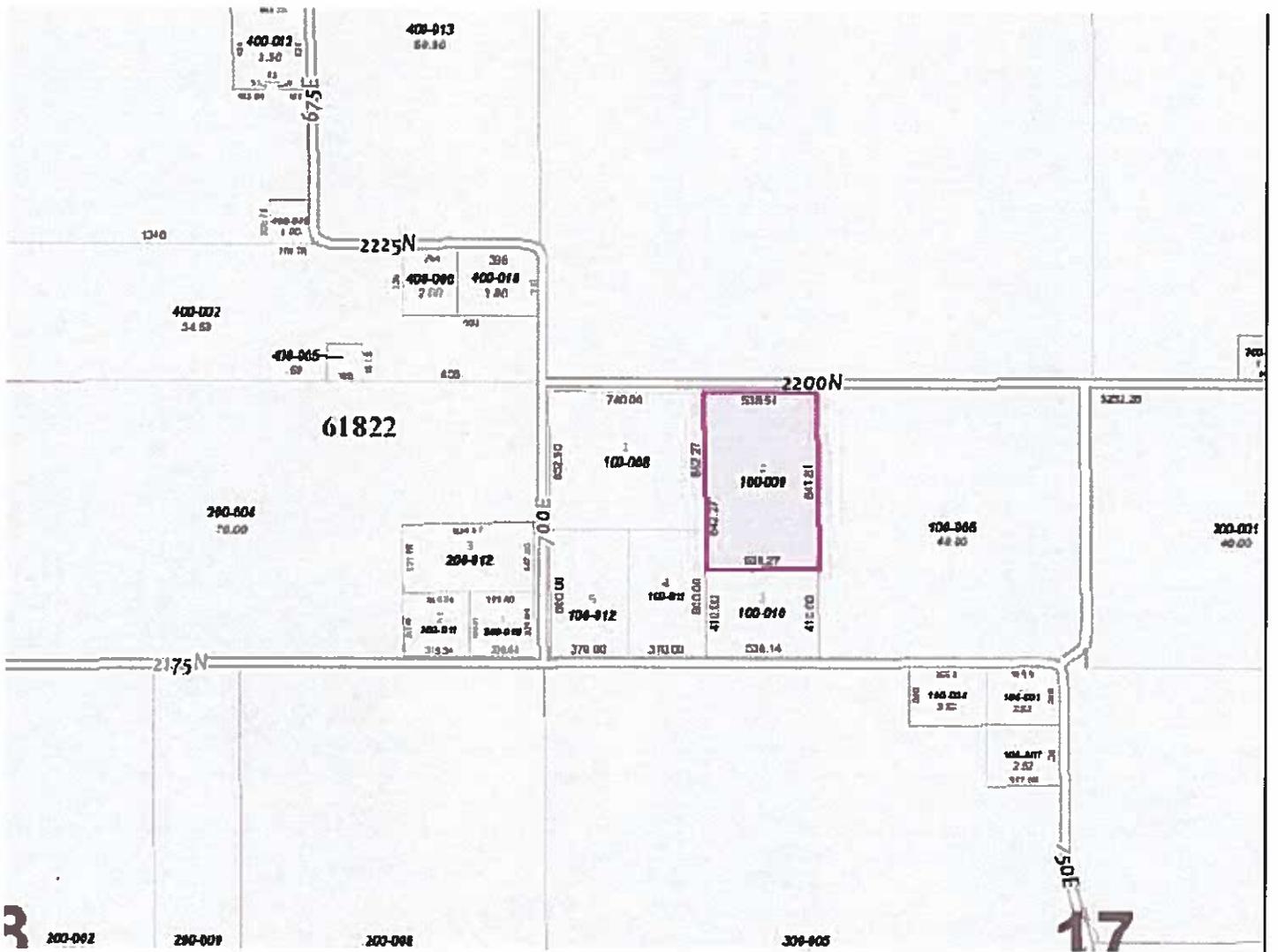
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PLAT MAP

Client: Jeffrey and Sarah Carpenter	File No.: 16-01270
Property Address: 725 County Road 2200 N	Case No.:
City: Champaign	State: IL Zip: 61822

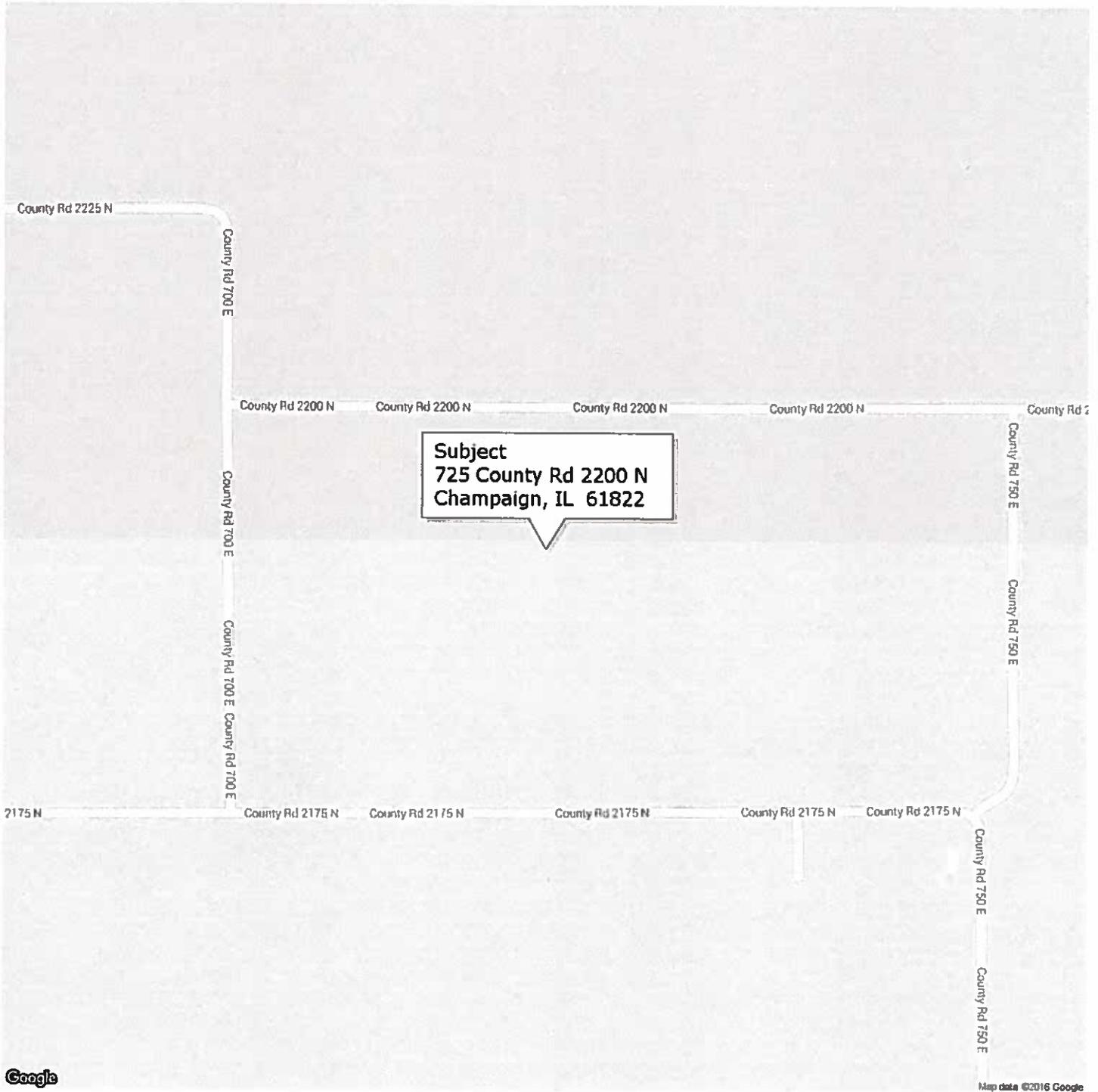


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Client: Jeffrey and Sarah Carpenter	File No.: 16-01270
Property Address: 725 County Road 2200 N	Case No.:
City: Champaign	State: IL Zip: 61822



FLOOD INFORMATION

Community: Champaign County
Property is NOT in a FEMA Special Flood Hazard Area
Map Number: 17019C0280D
Panel: 0280D
Zone: X
Map Date: 10-02-2013
FIPS: 17019
Source: FEMA DFIRM

LEGEND

-  = FEMA Special Flood Hazard Area – High Risk
-  = Moderate and Minimal Risk Areas
- Road View:**
-  = Forest
-  = Water

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Sky Flood™

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No representations or warranties to any party concerning the content, accuracy or completeness of this flood report, including any warranty of merchantability or fitness for a particular purpose is implied or provided. Visual scaling factors differ between map layers and are separate from flood zone information at marker location. No liability is accepted to any third party for any use or misuse of this flood map or its data.

Client: Jeffrey and Sarah Carpenter
Property Address: 725 County Road 2200 N
City: Champaign

File No.: 16-01270

Case No.:

State: IL

Zip: 61822



Garage and Office



Adjoining property



Adjoining Property

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COMPARABLE PROPERTY PHOTO ADDENDUM

Case 022-S-15, ZBA 05/20/16, Supp Memo 3, Attachment K Page 18 of 18

Client: Jeffrey and Sarah Carpenter	File No.: 16-01270
Property Address: 725 County Road 2200 N	Case No.:
City: Champaign	State: IL Zip: 61822



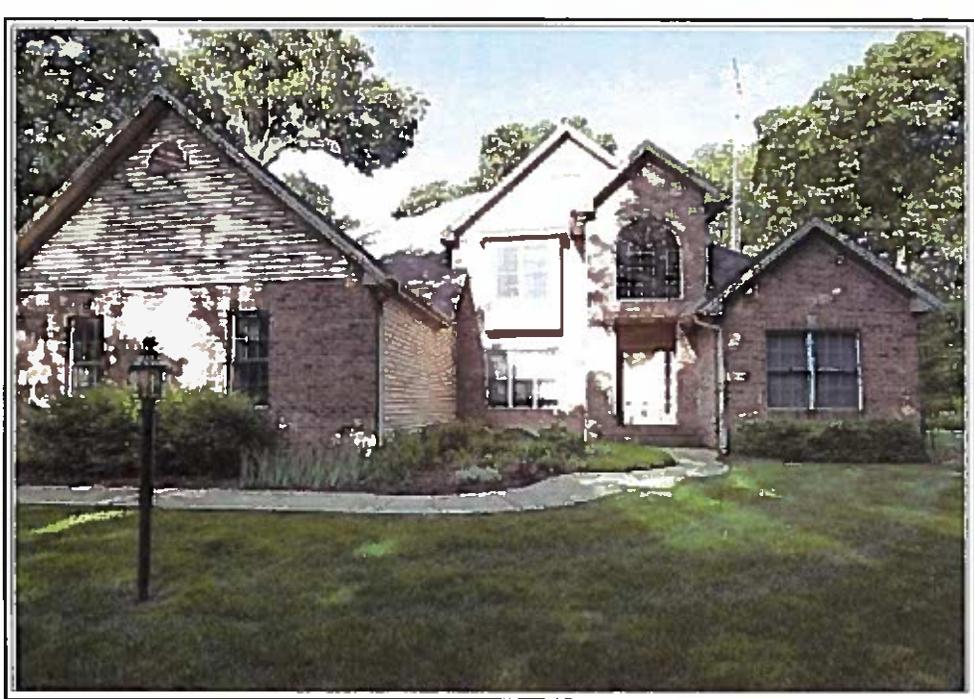
COMPARABLE SALE #1

2485 County Road 550 E
Mahomet, IL 61853
Sale Date: 4/2015
Sale Price: \$ 544,000



COMPARABLE SALE #2

1209 Oak Creek Rd
Mahomet, IL 61853
Sale Date: 9/2014
Sale Price: \$ 572,750



COMPARABLE SALE #3

1915 N County Road 1225 E
White Heath, IL 61884
Sale Date: 6/2015
Sale Price: \$ 465,000

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To: Susan Chavarria, Senior Planner
From: Carl Webber, Attorney for Jeffrey and Sarah Carpenter
Re: Covenants and Restrictions of Meadow Ridge Subdivision
Your Case Number 822-S-15
Date: May 19, 2016

Susan,

Petitioners have suggested that the Covenants of Meadow Ridge Subdivision would allow their requested construction and use.

This is not correct for, among others, the following reasons:

1. The introduction to the Covenants and Restrictions states that purpose of the Architectural Committee is to "promote the residential development." Actions or Resolutions that do not promote the residential development would be void. Further, any ambiguity in the Covenants would be interpreted in favor of residential construction and residential use.
2. Article IV of the Covenants allows only construction materials that are "good quality suitably adapted for use in the construction of a *residence*." The current and proposed sheds are clearly not constructed out of residential construction materials. A change to this Section requires the vote of 100% of the owners. The petitioners do not have the votes of 100% of the owners.
3. Article V of the Covenants allows only a residence a garage and other buildings *incidental* to residential use. The current and proposed sheds are clearly not limited to uses "incidental" to a residential use, as required. A change to this Section requires the vote of at least 80% of the Owners. The petitioners do not have the votes of 80% of the Owners.
4. Article V of the Covenants may grant a majority of the Owners the right to allow *uses* other than a residential use – but, in any case, *that right would be extended only to the use of an allowed structure*. There is no provision allowing a different structure without a change in the Covenants.
5. A requested use would, by implication, have to be compatible with the overall character of the subdivision. The Architectural Committee might have a right to allow an accounting business with employees on site – but, it could not allow Owners to have, for example, a steel fabricating plant. Even if the Committee could allow other uses, there are limits. The residential nature of the subdivision may not be changed by a majority of the Architectural Committee.

So, under the covenants, a majority of the Owners might have the right to allow a use compatible with a residential subdivision, but only in allowed residential buildings.

Thank you for your consideration,

Jeffrey and Sarah Carpenter

By: Webber Law Offices, P.C.

By:

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CHAMPAIGN CO. P & Z DEPARTMENT

REVISED DRAFT 05/19/16

822-S-15

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

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

Date: *{February 25, 2016}*

Petitioners: Nicholas Brian, d.b.a. Greenside Lawn Care

Request: Authorize a Special Use Permit for a Contractor’s Facility with or without outdoor storage and/or outdoor operations and an office that contains a dwelling unit that is not used as a dwelling in addition to an existing single family dwelling in the AG-1 Agriculture Zoning District

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Case 822-S-15 Final Determination37 - 39

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 25, 2016**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioner Nicholas Brian, d.b.a. Greenside Lawn Care, owns the subject property.
2. The subject property is an 11.09 acre tract comprised of Lot 1 of Meadow Ridge Subdivision in the Southwest Quarter of the Northwest Quarter of Section 17 of Township 20 North, Range 8 East of the Third Principal Meridian in Hensley Township and commonly known as the contractor business Greenside Lawn Care, located at 707 CR 2200 North, Champaign, Illinois.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the Village of Mahomet, a municipality with zoning. Municipalities with zoning do not have protest rights on Special Use Permits within their ETJ; however, they do receive notice of such cases and they are invited to comment.
 - (1) Regarding the Village of Mahomet Comprehensive Plan: The Draft Village of Mahomet Comprehensive Plan dated October 2015 shows the subject property in the Agricultural future land use area.
 - B. The subject property is located within Hensley Township, which has a Plan Commission. Townships with Plan Commissions do not have protest rights on Special Use Permits; however, they do receive notice of such cases and they are invited to comment.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity adjacent to the subject property are as follows:
 - A. The subject property is zoned AG-1 Agriculture and is in use as a single-family residence and lawncare business with an office that contains a dwelling unit that is not used as a dwelling-a caretaker's dwelling. The lawncare business and contractor's dwelling are not authorized without a Special Use Permit in the AG-1 Zoning District.
 - B. The land surrounding the subject property is zoned AG-1 Agriculture.
 - C. The subject property is bordered by agricultural production to the north and west, and single family residences to the east and south.
 - D. The following nearby Rural Home Occupations (RHOs) are registered with the Zoning Department and can be seen on the Land Use Map in Attachment A:
 - (1) Dig-It Construction at 700 CR 2175 North; and
 - (2) Kevin Mitchaner's trucking business at 745 CR 2175 North.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the site plan and operations of the proposed Special Use:

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Page 3 of 39

- A. The Site Plan received December 17, 2015 indicates the following:
- (1) A single family residence;
 - (2) A shed with the following areas:
 - a. A 32 feet by 42 feet area on the west end with the following:
 - (a) An “open area” with a “kitchen area”, approximately 950 square feet;
 - (b) A 10 feet by 10 feet utility room;
 - (c) A 10 feet by 10 feet bathroom; and
 - (d) A 12 feet by 16 feet office; and
 - b. A 60 feet by 64 feet area on the east end, used for both farm and Greenside Lawn Care equipment storage.
 - (3) A 20 feet by 18 feet shed with an opening facing south located east of the larger shed, used for ice melt/salt and mulch storage.
- B. A Final Plat of Subdivision received December 17, 2015 indicates the subject property as Lot 1 of the Meadow Ridge Subdivision, and also notes:
- (1) A gas pipeline running through Lots 1 and 5:
 - (a) A Notice of Pipeline Impact Radius provided by the Zoning Administrator to Nick Brian on May 12, 2010 stated “the subject property contains two hazardous liquid (propane) pipelines located in a 50 feet wide easement that is located in the western 270 feet of the property”.
 - (b) The Zoning Administrator determined that the property is exempt from the building restrictions related to the pipeline impact radius, but not exempt from the easement.
 - (2) An 80 feet wide drainage easement running from the west side of the subject property to the southeast and continuing south onto Lots 4 and 5.
- C. A letter from Nick Brian received December 17, 2015 stated the following:
- (1) His lawn care business consists of 2 employees with 2 mowing crews as well as 2 trucks and trailers and mowing and snow removal equipment;
 - (2) The business does not have customers coming and going out of their office and it is strictly a place to park the equipment and work on it in the shed;
 - (3) Mr. Brian stores some of his farm equipment in the shed;
 - (4) The office area attached to the shed that is referred to as the second dwelling unit is an office, bathroom, kitchen area with an open floor plan for his kids to enjoy;

REVISED DRAFT 05/19/16

- (5) Mr. Brian uses the office for paper work and the open area is where they have the kids' birthday parties along with family events, and the kids use it a lot to play in with friends.
- D. A Site Plan showing additional information was received January 13, 2016 and indicates the following:
- (1) All existing buildings above;
 - (2) A proposed 60 feet by 80 feet new shed approximately 85 feet from the east property line, south of the existing shed;
 - (3) 2 to 3 existing parking spaces south of the 32 feet by 42 feet shed;
 - (4) An existing driveway that currently circles around the existing sheds and will extend to the proposed new shed;
 - (5) A well southwest of the existing sheds; and
 - (6) A septic system east of the house.
- E. A Revised Site Plan was received May 9, 2016 and indicates the following existing and proposed structures:
- (1) Existing features include:
 - a. A single family residence;
 - b. A shed with the following areas:
 - (a) A 32 feet by 42 feet area on the west end with the following:
 - i. An "open area" with a "kitchen area", approximately 950 square feet;
 - ii. A 10 feet by 10 feet utility room;
 - iii. A 10 feet by 10 feet bathroom; and
 - iv. A 12 feet by 16 feet office;
 - (b) A 60 feet by 64 feet area on the east end, used for both farm and Greenside Lawn Care equipment storage;
 - c. A 20 feet by 18 feet shed with an opening facing south located east of the larger shed, used for ice melt/salt and mulch storage;
 - d. A well west of the existing shed;
 - e. A septic system 75 feet southeast of the residence;

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Page 5 of 39

- f. The approximate location of the waterway in the southwest corner of the property; and
 - g. The approximate location of the existing gas pipeline on the west half of the property;
- (2) Proposed features include:
- a. An 80 feet by 112 feet proposed shed approximately 30 feet from the east property line;
 - b. A 30 feet by 80 feet concrete parking area on the west side of the proposed shed;
 - c. Additional gravel area to the west of the proposed concrete parking area;
 - d. A line of evergreen trees to screen the east property line between the existing and proposed sheds and another line south of the proposed shed extending enough to screen the existing and proposed sheds from the south viewpoint; and
 - e. Outdoor lighting on the proposed shed: 2 on the west side and 2 on the north side.
- F. The following information about employees and operations was received via email on May 16, 2016 from Matt Deering, Attorney for Mr. Brian:
- (1) “New shed will be used primarily to house/store a farm tractor, farm field cultivator and sprayer. However, Nick would also like to store some personal ATVs, a personal lawn mower, and snow plows when not being used (i.e., out of season for the snow removal business).”
 - (2) Regarding annual estimates for salt delivery and loading for winter weather events, the Petitioner responded:
 - a. “2 or 3 semi loads of sale per year delivered to the salt/mulch bin.”
 - b. “Night time loading for winter weather events has been about 4-5 times in the past few years, but always depends on the number and severity of weather events.”
 - (3) Regarding estimated workdays extending past 10 pm, the Petitioner responded:
 - a. Lawn care workday: “Does not extend past 10 pm”
 - b. Snow removal/de-icing workday: “Again, depends on weather events, but in any case workers are only on site to get equipment to use off site.”
 - (4) Regarding estimated workdays starting before 7 am, the Petitioner responded:
 - a. Lawn care workday: “Only a day or two per month at 6:30 to get ahead of incoming rain, or to catch-up after rain.”

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b. Snow removal/de-icing workday: "Again, depends on weather events."

(5) Regarding number of employees, the Petitioner responded: "2 full time and 3 part time. Part time work consistently during mowing months, and typically 2 days a week during snow removal months, again, depending on weather. Nick does not foresee ever having more than 6 employees."

(6) Regarding hours of operation, based on existing and potential demand, the Petitioner responded: "Subject to adjustments based upon weather events, 7am to 5pm is standard for lawn care. Snow removal is dictated more to us by weather events. However, we generally load trucks and ready equipment during the daytime. Then afterhours is primarily limited to workers picking up equipment. However, in particularly bad winter weather events, trucks may require reloading during the night."

(7) Regarding changes made since the February 26, 2016 public hearing, the Petitioner responded: "Lights on existing shed have been replaced with compliant lamps, and standard lawn care start time will be bumped to 7 from 6:30. The proposed new shed has also been turned so that doors face west, away from the Carpenter property."

G. Regarding employees at the subject property, the Petitioner testified the following at the February 25, 2016 public hearing:

(1) Mr. Brian stated that he has two full-time employees and the other three employees are seasonal. He said that the two full-time employees run the two mowing crews and usually there is only one other person with that full-time employee. He said that much like the previous case tonight, his operation is very seasonal. He said that this winter has been very slow but during the last two previous winters were busy times. He said that unfortunately in his type of business he cannot afford to pay a lot of full-time employees.

(2) Mr. Brian stated that during the mowing season there would be no more than four or five employees and during the snow season the employees meet at the jobsite but it depends upon the weather.

(3) Mr. Brian stated that his head employees and the two full-time employees always meet at the shop because they are the ones that drive the vehicles and the equipment to the jobsite. He said that generally during the lawn care season the crew will meet at the shop but during the snow removal season the seasonal employees will meet the full-time employees at the jobsite.

H. Regarding the scope of business operations, the following testimony was provided at the February 25, 2016 public hearing:

(1) Mr. Webber asked Mr. Brian is he is willing to limit the types of work, amount of work or size of the buildings. He asked Mr. Brian if he is willing to limit the future of his business to the scope that he is currently operating.

REVISED DRAFT 05/19/16**Case 822-S-15
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a. Mr. Brian responded yes. He said that as the property stands he is limited on land, due to the pipeline, and nothing to the west of him can ever be built upon due to the amount of separation that is required from the pipeline. He said that he is not violating any rules by the number of full-time employees that he has for the business. He said that he does not believe that he is violating any rules regarding buildings either as currently he only has one shed.

- I. The following are previous Zoning Use Permits on the subject property:
- (1) Permit #126-10-02 was approved on May 11, 2010 for construction of a single family home with attached garage; this is the shed with the dwelling unit. No Zoning Compliance Certificate was issued for this permit.
 - (2) Permit #152-12-02 was approved on June 8, 2012 for construction of a single family residence with attached garage with a condition that the existing single family home (in the shed) must be decommissioned (kitchen or bath must be removed) prior to the issuance of a Zoning Compliance Certificate. No Zoning Compliance Certificate was issued for this permit.
- J. Previous Permits in the area include:
- (1) Permit #58-07-03 was approved for 700 CR 2175 North on May 8, 2007 for construction of a detached storage shed to be used for an excavating business (Permit #73-07-01RHO).
 - (2) Permit #73-07-01RHO was approved for 700 CR 2175 North on May 8, 2007 for the Rural Home Occupation Dig It of Champaign, Inc.
 - (3) Permit #174-04-01 was approved for 745 CR 2175 North on June 30, 2004 for construction of a garage attached to the residence.
 - (4) Permit #312-99-02 was approved for 745 CR 2175 North on November 8, 1999 for construction of a detached storage shed.
 - (5) Permit #350-08-01 was approved for 745 CR 2175 North on January 1, 2009 for placement of an above ground swimming pool.
 - (6) Permit #350-08-02RHO was approved for 745 CR 2175 North on January 15, 2009 for establishing a Rural Home Occupation. Special conditions for approval limited number of employees and the number and storage of vehicles on the property.
 - (7) Permit #257-09-02 was approved for 745 CR 2175 North on September 23, 2009 for construction of an addition to a detached building.
- K. Previous Zoning Cases in the area include:
- (1) Case 655-S-09 was approved on December 17, 2009 for a Kennel.

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6. Regarding authorization for contractors' facilities both with and without outdoor operations and storage in the AG-1 Agriculture Zoning DISTRICT in the *Zoning Ordinance*:
- A. Section 4.2.1.C. states that it shall be unlawful to erect or establish more than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT or more than one PRINCIPAL USE per LOT in the AG-I, Agriculture Zoning District.
 - B. Section 5.2: Table of Authorized Principal Uses states that Contractors Facilities (with no outdoor STORAGE nor outdoor OPERATIONS) can be established with a Special Use Permit in the AG-1 Agriculture Zoning District.
 - C. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
 - (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
 - a. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
 - b. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
 - c. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
 - (2) Subsection 6.1.3 establishes the following standard conditions for Contractors Facilities with or without Outdoor STORAGE and/or Outdoor OPERATIONS:
 - a. In all DISTRICTS other than the B-5 DISTRICT, outdoor STORAGE and/or outdoor OPERATIONS are allowed as an ACCESSORY USE subject to subsection 7.6.
 - (3) Subsection 7.6 establishes the following conditions for Outdoor Storage and/or Outdoor Operations:
 - a. Outdoor STORAGE and/or OPERATIONS shall be allowed in all DISTRICTS only as ACCESSORY USES unless permitted as a principal USE in Section 5.2 and shall be allowed in any YARD in all DISTRICTS subject to the provisions of Section 7.2 without a permit provided that

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outdoor STORAGE and/or outdoor OPERATIONS shall not be located in any required off-street PARKING SPACES or LOADING BERTHS.

- b. A Type D SCREEN shall be located so as to obscure or conceal any part of any YARD used for outdoor STORAGE and/or outdoor OPERATIONS which is visible within 1,000 feet from any of the following circumstances:
 - (a) Any point within the BUILDING RESTRICTION LINE of any LOT located in any R DISTRICT or any LOT occupied by a DWELLING conforming as to USE or occupied by a SCHOOL; church or temple; public park or recreational facility; public library, museum, or gallery; public fairgrounds; nursing home or HOSPITAL; recreational business USE with outdoor facilities; or
 - (b) Any designated urban arterial street or MAJOR STREET.

D. Section 7.4 establishes requirements for off-street PARKING SPACES and LOADING BERTHS:

- (1) All off-street PARKING SPACES shall be located on the same LOT or tract of land as the USE served.
- (2) The number of such PARKING SPACES shall be the sum of the individual requirements of the various individual ESTABLISHMENTS computed separately in accordance with this section. Such PARKING SPACES for one such ESTABLISHMENT shall not be considered as providing the number of such PARKING SPACES for any other ESTABLISHMENT.
- (3) Parking spaces for heavy motor trucks, motor buses or other vehicles shall be of dimensions specified for off-street loading berths.
 - a. All LOADING BERTHS shall have vertical clearance of at least 14 feet.
 - b. All LOADING BERTHS shall be designed with appropriate means of vehicular access to a STREET or ALLEY in a manner which will least interfere with traffic movement.
 - c. No LOADING BERTH shall be located less than 10 feet from any FRONT LOT LINE and less than five feet from any side or REAR LOT LINE.
 - d. Off street loading berths for commercial establishments must be improved with a compacted base at least six inches thick and shall be surfaced with at least two inches of some all-weather dustless material.
- (4) Any other establishments than specified will provide one parking space for every 200 square feet of floor area.

E. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):

- (1) "ACCESSORY BUILDING" is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or

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attached to the MAIN or PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE.

- (2) “ACCESSORY USE” is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
- (3) “AGRICULTURE” is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry, and the keeping, raising, and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting, and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning, or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.
- (4) “BUILDING” is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.
- (5) “BUILDING, DETACHED” is a BUILDING having no walls in common with other BUILDINGS.
- (6) “BUILDING, MAIN or PRINCIPAL” is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
- (7) “DWELLING UNIT” is one or more rooms constituting all or part of a DWELLING which are used exclusively as living quarters for one FAMILY, and which contains a bathroom and kitchen.
- (8) “ESTABLISHMENT” is a business, retail, office, or commercial USE. When used in the singular this term shall be construed to mean a single USE, BUILDING, STRUCTURE, or PREMISES of one of the types here noted.
- (9) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.

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- (10) "OPEN SPACE" is the unoccupied space open to the sky on the same LOT with a STRUCTURE.
- (11) "PARKING SPACE" is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (12) "PIPELINE, GAS" is any transmission pipeline for gases including within a storage field. This definition does not apply to either service lines for local service to individual buildings or distribution lines, as defined in 49 CFR 192.3.
- (13) "PIPELINE, HAZARDOUS LIQUID" is any pipeline used for the transmission of anhydrous ammonia, petroleum, or petroleum products such as propane, butane, natural gas liquids, benzene, gasoline, jet fuel, diesel fuel, fuel oil, and kerosene.
- (14) "PIPELINE IMPACT RADIUS" is the distance within which the potential failure of a GAS PIPELINE or a HAZARDOUS LIQUIDS PIPELINE could have significant impact to people and property.
- (15) "SCREEN" is a STRUCTURE or landscaping element of sufficient opaqueness or density and maintained such that it completely obscures from view throughout its height the PREMISES upon which the screen is located.
- (16) "SPECIAL CONDITION" is a condition for the establishment of a SPECIAL USE.
- (17) "SPECIAL USE" is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (18) "STORAGE" is the presence of equipment, or raw materials or finished goods (packaged or bulk) including goods to be salvaged and items awaiting maintenance or repair and excluding the parking of operable vehicles.
- (19) "STREET" is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
 - (a) MAJOR STREET: Federal or State highways.
 - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
 - (c) MINOR STREET: Township roads and other local roads.
- (20) "STRUCTURE" is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.

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- (21) “SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
- a. The site features or site location will not detract from the proposed use;
 - b. The site will not create a risk to health, safety or property of the occupants, the neighbors or the general public;
 - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
 - d. Necessary infrastructure is in place or provided by the proposed development; and
 - e. Available public services are adequate to support the proposed development effectively and safely.

- (22) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.

F. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:

- (1) That the Special Use is necessary for the public convenience at that location;
- (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
 - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
 - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
- (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
- (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.

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(5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.

G. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS NECESSARY FOR THE PUBLIC CONVENIENCE AT THIS LOCATION

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioner has testified on the application, **“Because it is located where I live and this lawn business along with farming is my livelihood along with my source of income”**.

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

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

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
- A. The Petitioner has testified on the application, **“1) Everything out here including buildings and house is very nice and kept up; 2) There is nothing hazardous or harmful to the area; and 3) This business has let me improve this property’s value”**.
- B. Regarding surface drainage:
- (1) The Champaign County Soil and Water Conservation District Natural Resource Report received January 25, 2016 states “The site has a slit slope to the south that leads to a grass waterway. The developed areas seem to have good drainage. The water from the site will leave by way of a grass waterway and a culvert under the road to the west”.
- C. Regarding traffic in the subject property area:
- (1) The subject property has two access points (a U-shaped driveway) on the south side of CR 2200 North, and has its western boundary on the east side of CR 700 East.
- (2) CR 2200 North is a two-lane rural cross section that is approximately 20 feet wide and comprised of oil and chip.
- (3) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2011 in the vicinity of the subject property. CR 2175 North had

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an ADT of 600 east of its intersection with CR 700 East. The subject property is not adjacent to this count location.

- (4) The subject property is located about 2.5 miles northeast of the I-74 Interchange at Prairieview Road (Mahomet).
 - (5) The Hensley Township Road Commissioner has been notified of this case and no comments have been received.
- D. Regarding fire protection on the subject property, the subject property is located approximately 5 miles from the Cornbelt Fire Protection District station in Mahomet. The FPD Chief was notified of this case and no comments have been received.
- E. No part of the subject property is located within a mapped floodplain.
- F. The subject property is not considered BEST PRIME FARMLAND. The soil on the subject property consists of Wyonet silty loam 622B and 622C2, and Drummer silty clay loam 152A, and has an average LE of approximately 83.
- G. Regarding outdoor lighting on the subject property:
- (1) The Petitioner did not include information on their Site Plan.
 - (2) In an email received April 8, 2016, the Petitioner said that he replaced the outdoor lights on the existing shed so that they are full cutoff. The email included manufacturer's specifications that were reviewed by staff and found to be in compliance with the Zoning Ordinance.
 - (3) The Revised Site Plan received May 9, 2016 indicates four outdoor lights on the proposed shed, but does not indicate existing lighting on the existing shed.
- H. Regarding wastewater treatment and disposal on the subject property:
- (1) According to the revised Site Plan received January 13, 2016, the subject property has a septic system east of the residence. The Site Plan does not indicate whether the restroom in the Shed connects to that septic system.
 - (2) Mike Flanagan, Environmental Health Specialist II with the Champaign-Urbana Public Health District, confirms that the shed's dwelling and the main residence are connected to the same septic system, and that the system has sufficient capacity for a 4 bedroom house and the shed's restroom.
- I. Regarding life safety considerations related to the proposed Special Use:
- (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
 - a. The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and

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Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.

- b. The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
- c. The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
- d. Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
- e. Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
- f. The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required.
- g. The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
- h. The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
- i. When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.
- j. Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building

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design and construction necessary to provide a safe means of egress from all parts of the building are not checked.

- J. Regarding fuel tanks on the subject property:
- (1) In an email received February 11, 2016, Mr. Brian noted that there is a 500 gallon dual wall tank that holds diesel fuel and gasoline used for farm equipment.
 - (2) Mr. Brian contacted Daniel Starks with the State Fire Marshal's office regarding the above-ground fuel tanks located next to the salt storage unit. Mr. Starks said that the above ground fuel tanks required an inspection once installed, but not after that. Staff followed up with Mr. Starks by phone, and he said that the fuel tanks passed inspection and no further action is necessary.
- K. Regarding ice melt and salt storage on the subject property:
- (1) The 18 feet by 20 feet storage shed on the east end of the main shed is used for ice melt/salt storage in the winter and mulch storage in the warmer months. The shed is open on the south side.
- L. Regarding neighborhood concerns:
- (1) On December 4, 2015, the Zoning Department received a complaint from a neighbor that the Petitioner was burning landscape materials on the subject property. They were also concerned that the Petitioner had starting moving dirt the day before and asked if the Department had information on what the Petitioner was constructing.
 - (2) On December 7, 2015, the Zoning Department called Mr. Brian to inquire about operations at the subject property, including whether he burned materials on site.
 - a. Mr. Brian indicated that he burns clippings, ornamental grasses, pine needles, and other landscaping materials from on and off-site.
 - b. Mr. Brian indicated that he has 2 trucks that are used for both business and personal use, 4 trailers, 2 tractors, 2 skid steers, and 3-4 mowers. He does farming in Tuscola and in Champaign County, and also does mowing and snow removal in both areas.
 - c. Mr. Brian requested materials from our office regarding Illinois Environmental Protection Agency burning regulations. Two brochures from IEPA were sent to Mr. Brian via regular mail on December 10, 2015.
 - (3) On December 15, 2015, a letter was received from Carl Webber of Webber and Thies, Attorneys at Law speaking on behalf of his clients, Jeff and Sarah Carpenter. The Carpenters live just east of the subject property. The letter was sent to inform the Zoning Department that Petitioner Brian had been sent a notice that he was committing subdivision violations on the subject property.
 - a. The notice sent by Webber & Thies to Mr. Brian referred to several articles of the Restrictive Covenants for Meadow Ridge Subdivision.

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- b. The Zoning Department does not have oversight or enforcement authority over subdivision bylaws and covenants; such covenants are matters of discussion and resolution between private property owners.
- (4) On December 18, 2015, neighbor Gene Myers, 724 CR 2175 North, called the Zoning Department to request information about Petitioner Brian's Special Use case. He expressed concern about the aforementioned subdivision covenants and that a future owner might bring in a trucking company or something else undesirable. He did not express any complaint against the Petitioner.
- (5) On January 13, 2016, the Petitioner submitted a revised Site Plan via email. The email stated that the petitioner is now taking materials to the Urbana recycle center rather than burning them.
- (6) Two letters of support were submitted at the February 25, 2016 public hearing:
- a. Jeremy and Monica Stutsman, 2176 CR 700 East, Champaign, have lived in Lot 5 of Meadow Ridge Subdivision (south of the subject property) since 2014. They state that they do not object to the operation of a landscape and snowplow business from the Brians' property.
- b. Gene and Julie Myers, 724 CR 2175 N, Champaign, have lived in Lot 3 of Meadow Ridge Subdivision since before the Brians built their shed and home. They state that they do not object to the operation of a landscape and snowplow business from the Brians' property.
- (7) The following testimony was received at the February 25, 2016 public hearing:
- a. Bonita Blue, 4008 Lindsey Road, Champaign, testified that she has no problem with Mr. Brian's current building or a proposed shed to store his machinery. She said that Mr. Brian's property is very nice and is well kept and is better than some of the other properties in the subdivision. She said that there are other homes in the subdivision that are not kept as well as Mr. Brian's therefore she does not see any reason why he can't build another shed. She stated that she is in favor of Mr. Brian using the existing shed for his landscape business, because he keeps everything inside.
- b. Jeff Carpenter, 725 CR 2200N, Champaign (neighbor to the east of the subject property) said that when he and his wife purchased the property they were expecting a purely residential subdivision and that is what they observed and that is what the covenants indicate and that is what the owners agree to. He said that they were told that Mr. Brian's shed was used for agricultural purposes. Mr. Carpenter stated that his family moved into his property on July 24, 2015 and at that time there were probably 4+ employee vehicles parked along the east side of Mr. Brian's property, bordering the Carpenter's property on the east. He said that the work day on the Brian property started between 6:00 and 6:30 a.m. and the noise from the activity on the Brian property is heard very clearly inside of the Carpenter's house and the noise is loud enough to wake up his family from the master

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bedroom and the upstairs' bedroom, where his 15-year old sleeps. He said that Mr. Brian's business is a 7 days per week operation and people are coming and going from the property through the day and each day there is hydraulic noise, equipment noise and it is understandable as that is pursuant to the business although it is also effecting affecting their house beginning between 6:00 and 6:30 a.m. He said that during the winter the process of loading a minimum of two large trucks with salt, sometimes there is a third party truck, can take an hour or more and during a bad winter storm this process can continue until 12:30 a.m.

- c. Mr. Kelly Dillard, 700 CR 2175N, Champaign, stated that he is present tonight in two capacities, as a neighbor to the subject property and as the Hensley Township Supervisor. He said that Mr. Brian's property is clean and well-kept and is an asset to the County and the neighborhood. He said that he personally supports the special use request. He said that the request leans toward Goal 3 of the Champaign County Land Resource Management Plan (LRMP) to encourage economic growth and assure prosperity for its residents. He said that this is a rural district and it should not be treated as a residential area and it has been spoken that it is a residential area because it is obviously a farm community and not a residential community.
- d. Ms. Crystal Bailey, 710 CR 2175N, Champaign, stated that her property is south of the subject property and is probably the second most property affected by what occurs on Mr. Brian's property. She said that she would agree with Mr. Dillard in that the Brian property is well-kept although there are a lot of things which go on outside but it too is kept in one area and as a neighbor she does appreciate that. She said that there are some concerns for her family as they are an outdoor family and they live in the outdoors. She said that they are one of the original owners in the subdivision and they built there their house, the second in the neighborhood, and they set up their home so that they can live in the backyard. She said that their children play in the backyard and everything is sort of in the back part of their house and is their space. She said that since it was unknown as to what would go in behind them they planted evergreens to preserve some privacy and area. She said that their lot is the lowest of the five lots and one issue that they have had with the Brian property is the lighting. She said that they like to take their kids outside at night so that they can see the stars and with the lighting issue it is almost impossible. She said that she informed Mr. Carpenter that a notice from the Bradshaw family, the original owners of the Carpenter's home, which stated that the lighting was an issue with the shed. She said that she recalls that something was done with the lighting to reduce the encroachment but it was not enough to reduce the intensity.
- e. Mr. Robert Sherman, who resides at 689 CR 2225N, Champaign, stated that Mr. Brian keeps his property well-kept and is in support of his request.

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- (7) On March 29, 2016, a neighbor called the Zoning Department to advise staff that there was a large pile of mulch delivered on March 24th that had been sitting outside rather than being stored in the lean-to (salt is still being stored in the lean-to). There were also two pieces of machinery (loader and a box scraper) that had been sitting on the Brian property for a couple of weeks.
- (8) On April 21, 2016, a neighbor called the Zoning Department to advise staff that there was another load of mulch was delivered. The last delivery sat outside for 3 weeks. There is still salt in the storage bin. There is also a smaller pile of brush that might or might not be from the property and another small pile of gravel with an orange ring resting on it.
- (9) On May 5, 2016, a neighbor called the Zoning Department to advise staff that they believe one of Mr. Brian's employees has been living in the shed's dwelling unit for the last month or so.
- (10) On May 19, 2016, Jeff and Sarah Carpenter submitted a number of documents via an email received on May 19, 2016 for consideration by the Zoning Board of Appeals.
- a. The cover letter dated May 18, 2016 states, among other things, "The existing operations of the Brians/Greenside Lawn Care are negatively impacting the quality of life on, and value of our property. The Brians' business has shown increasing commercial activity over time, and so we are concerned with an increasingly negative impact on the value of our property if Greenside's trajectory of expansion is allowed to continue."
- b. Two photos show the level of activity as witnessed by the Carpenters from their home.
- c. A letter from the Carpenters to the Brians dated March 21, 2016 discussed possible solutions to resolve the issues the Carpenters have identified.
- d. A letter from Bryan Bradshaw, former owner of the Carpenter property, dated August 11, 2010 to Nick Brian requests that he change or remove the lighting he installed on the existing shed.
- (a) In an email received April 8, 2016, the Petitioner said that he replaced the outdoor lights on the existing shed so that they are full cutoff. The email included manufacturer's specifications that were reviewed by staff and found to be in compliance with the Zoning Ordinance.
- e. An Appraisal of the Carpenter property by James H Webster, MAI, SRA dated March 21, 2016, indicates that the Carpenters' property value is negatively impacted by \$30,000 from \$600,000 to \$570,000 by the lawn care and snow removal business activities on the Brian property.

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

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

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application: **“Yes.”**
- B. Regarding compliance with the *Zoning Ordinance*:
- (1) Regarding the construction of more than one main or principal structure or building per lot in the AG-1 Zoning District:
 - a. Permit #152-12-02 that was approved in 2012 for constructing a single family residence included a special condition that the Petitioner would have to decommission the dwelling unit he had built inside the shed while his house was under construction so that there would be only one dwelling unit on the lot.
 - b. On October 30, 2014, staff contacted Mr. Brian seeking to do a final compliance inspection for the home construction and special conditions. Mr. Brian returned the call on November 3, 2014, saying that he needed another week to finish farming before he could meet for the inspection. No inspection was scheduled after that phone call.
 - c. On July 6, 2015, staff contacted Mr. Brian again and left a message seeking more information about the decommissioning of the kitchen or bath in the shed. He did not respond.
 - d. On November 15, 2015, the Zoning Department sent a First Notice of Violation to the Petitioner because he had constructed more than one main or principal structure or building per lot in the AG-1 Zoning District.
 - e. Staff learned about the lawn care business housed in the shed when Mr. Brian called on December 2, 2015 regarding what could be done about the second dwelling unit.
 - f. In a phone call between Zoning staff and Mr. Brian on December 7, 2015, Mr. Brian indicated that he has no intention of renting out the dwelling unit in the shed, and he wants to keep in intact for his own use as his kids grow.

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- g. On December 10, 2015, a second informational letter was sent to the Petitioner which outlined the Special Use Permit process and requirements and included brochures from IEPA burning regulations.
- h. On December 17, 2015, the Petitioner applied for the Special Use Permit for the current case in order to bring his lawn care business into compliance with the Zoning Ordinance as a Contractor's Facility, and to keep the restroom and kitchen area in the shed as an office that contains a dwelling unit that is not used as a dwelling a caretaker's dwelling for his Contractor's Facility.
- i. On his application for the Special Use Permit received December 17, 2015, Mr. Brian indicated that the existing shed is for **"lawn and farm equipment. Inside is office and large room with bathroom and kitchen. We also use it for our kids' birthday parties."**
- (2) ~~Prior zoning cases have allowed a Contractor's Facility with a caretaker's dwelling, but there was no record found of any zoning cases where there was a main residence, a Contractor's Facility, and a caretaker's residence all on one lot.~~
- (3) Regarding the requirement that states more than one main or principal structure or building per lot is authorized by Special Use Permit:
- a. The subject property is located in the AG-1 Agriculture Zoning District, which does not allow more than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT or more than one PRINCIPAL USE per LOT, as per Section 4.2.1.C. of the Zoning Ordinance.
 - b. A Contractor's Facility with or without outdoor storage and operations is allowed with a Special Use Permit in the AG-1 District as an ACCESSORY USE, subject to Section 7.6 of the Zoning Ordinance.
 - c. Section 7.6.2. of the Zoning Ordinance requires a Type D SCREEN be located so as to obscure or conceal any part of any YARD used for outdoor STORAGE and/or outdoor OPERATIONS which is visible within 1,000 feet from any LOT occupied by a DWELLING conforming as to USE.
 - d. The proposed Special Use meets all applicable lot size, height, setback, side and rear yards, and lot coverage requirements for its District.
- (4) Regarding parking on the subject property for the proposed Special Use:
- a. The building and open storage shed that is the subject of the Special Use totals 5,544 square feet, which will require 28 parking spaces at least 9 feet by 20 feet each.
 - b. ~~The proposed caretaker's dwelling additionally requires one off-street parking space as per Section 7.4.1 B.3.~~

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- c. The 2014 aerial photo indicates over 16,000 square feet of available parking and driveway area, which is sufficient for over 50 parking spaces at 300 square feet each. There is at least a 1,500 square feet area (measured by the aerial) that is paved, just south of the shed. The remainder of the area is gravel.
 - d. The Site Plan received January 13, 2016 indicates 2-3 parking spaces on the south side of the shed at the same location where pavement is shown on the aerial.
 - e. Commercial uses of less than 9,999 square feet require one 12 feet by 40 feet loading berth. No off-street loading berths are indicated on the Site Plan received January 13, 2016; however, there is sufficient paved area south of the shed for the loading berth while still providing sufficient parking area for the proposed Special Use.
 - f. The Revised Site Plan received May 9, 2016 shows a proposed 30 feet by 80 feet concrete parking area and to its west a proposed gravel area that can also be used for parking.
- C. Regarding compliance with the *Stormwater Management Policy*, the impervious area on the subject property is less than 16% of the total area; it is thus exempt from the Policy.
 - D. Regarding the Special Flood Hazard Areas Ordinance, no portion of the subject property is located within the mapped floodplain.
 - E. Regarding the Subdivision Regulations, the subject property is located in the Village of Mahomet subdivision jurisdiction and the subject property is in compliance.
 - F. Regarding the requirement that the Special Use preserve the essential character of the AG-1 Agriculture Zoning District:
 - (1) Contractors Facilities with or without Outdoor Storage and/or Operations are allowed with a Special Use Permit in the AG-1 Agriculture Zoning District.
 - (2) Outdoor Storage and/or Operations are allowed by right when all outdoor storage is located in the rear yard and is completely screened by a Type D screen.
 - G. The proposed Special Use must comply with the Illinois Accessibility Code which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. ~~A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.~~
 - (1) Mr. Brian contacted Felicia Burton, Accessibility Specialist with the Illinois Capital Development Board. On April 7, 2016, staff verified with Ms. Burton via email that his shed housing the lawn business does not have to meet Illinois Accessibility Code requirements because no customers come to the facility.

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Page 23 of 39****GENERALLY REGARDING WHETHER THE SPECIAL USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE**

10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use be in harmony with the general intent and purpose of the Ordinance:
- A. Section 4.2.1.C. states that it shall be unlawful to erect or establish more than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT or more than one PRINCIPAL USE per LOT in the AG-I, Agriculture Zoning District.
- B. Section 5.2: Table of Authorized Principal Uses states that Contractors Facilities (with ~~no~~ or without outdoor STORAGE and/or outdoor OPERATIONS) can be established with a Special Use Permit in the AG-1 Agriculture Zoning District.
- C. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
- (1) Subsection 5.1.1 of the Ordinance states the general intent of the AG-1 Agriculture DISTRICT and states as follows (capitalized words are defined in the Ordinance):
- The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURE pursuits.
- (2) The types of uses authorized in the AG-1 District are in fact the types of uses that have been determined to be acceptable in the AG-1 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
- D. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:
- (1) Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.
- This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements.
- (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.
- The proposed Special Use **WILL/WILL NOT** conserve the value of real estate throughout the COUNTY, based on the following:
- a. It is not clear whether or not the proposed special use will have any impact on the value of nearby properties without a formal real estate appraisal

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which has not been requested nor provided and so any discussion of values is necessarily general.

- b. The proposed Special Use could only have an effect on the value of real estate in the immediate vicinity. Regarding the effect on the value of real estate in the immediate vicinity other than the subject property, ~~no new construction is anticipated for the proposed Special Use, so adjacent property values should not be impacted.~~
- (a) On Page 3 in Item b of the Letter of Opposition from Carl Webber, Attorney for the Carpenters, received February 22, 2016, Attorney Webber states that the request for the special use “will lower the value of, rather than “conserve the value of”, area properties. While the Special Use might increase the commercial value of the Petitioner’s lot, it will most certainly decrease the value of the neighboring properties...With the additional building that is being requested, the use, noise pollution and visual pollution will most certainly increase. Salting and plowing trucks loading and operating at all hours of the night cannot possibly benefit the subdivision or even the broader area”.
- (b) An Appraisal of the Carpenter property by James H Webster, MAI, SRA dated March 21, 2016, indicates that the Carpenters’ property value is negatively impacted by \$30,000 from \$600,000 to \$570,000 by the lawn care and snow removal business activities on the Brian property.
- c. In regards to the value of the subject property it also is not clear if the requested Special Use Permit would have any effect. Regarding the effect on the value of the subject property, the subject property has been in use as a residence and contractor’s facility for several years. Value of the subject property should not change due to the Special Use Permit.

- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

The proposed Special Use is likely to maintain current traffic volumes on the adjacent CR 2200 North because the proposed Special Use is already in use and the Petitioner has not indicated there will be additional business growth.

- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.
- a. Regarding erosion concerns, the Natural Resource Report completed by the Champaign County Soil and Water Conservation District received January 25, 2016 states “This area that still may be developed, will be susceptible to

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erosion both during and after construction. Any areas left bare for more than 7 days, should be temporarily seeded or mulched and permanent vegetation established as soon as possible. The area has slope which could allow erosion during construction and heavy rainfall events. The area has already been disturbed more than general farming at the time of inspection, erosion control measures must be installed before construction starts. This site is just above a water way that leads to the Sangamon. The need for proper erosion control is high”.

- b. The subject property is exempt from the Champaign County *Stormwater Management and Erosion Control Ordinance*.
- c. According to testimony provided at the February 25, 2016 public hearing, the waterway that traverses the southwest portion of the subject property was filled by the Petitioner. The waterway had previously undergone erosion control improvements as part of a larger project along this waterway.
- (a) Jonathon Manuel, Resource Conservationist with the Champaign County Soil and Water Conservation District, provided more information via email received May 10, 2016 about the improvements made to the waterway traversing the subject property. Jonathan believes the land that received improvements was sold without the Farm Service’s knowledge. He stated that maintenance responsibilities are no longer under contract, so the owners are not required to maintain the waterway or other improvements. However, he recommends keeping the grass waterway due to the amount of water moving through the property.
- (b) Ms. Crystal Bailey, 710 CR 2175N, Champaign, stated that it is her understanding that Mr. Brian is intending to build another shed which she assumes will have additional lighting. She said that her family owns approximately 50% of the grass waterway which runs through the subdivision and more water than there ever was flows through their property. She said that Mr. Brian planted soybeans along the edge of their property and they farmed through the waterway and after heavy machinery traveled through it the water started backing up. She said that the original owner of the acreage, prior to the subdivision’s development, used an EPA program to fund a reworking of the entire waterway and there were very specific requirements for maintenance. She said since so much of it is on their property they are very cautious as to what happens to it. She said that they have to mow it at certain times of the year, etc. She said that to have someone come in and plow through the waterway was very frustrating. She said that when they saw a lot of dump trucks come onto the Brian property they were concerned that the flow of the water was going to be changed further. She said that

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they are not against or for the petition but would like more information.

(c) Mr. Robert Sherman, 689 CR 2225N, Champaign, stated that his property is located to the east of the subject property. He noted that he is also the Hensley Township Highway Commissioner. He said that when Mr. and Mrs. Bradshaw built their home they hauled in over 1,000 loads of dirt with tandems and semi-trucks. He said that the dirt that was hauled in behind their house, now the Carpenter's residence, didn't allow the waterway to work properly from the beginning. He said that the waterway flows past his house and when the area received a six and on-half inch rain someone could have taken a boat down the waterway which begins at the highest point of Hensley Township. He said that by building up the dirt on the Bradshaw property the water was not able to flow to east or to the north. He noted that Mr. Brian was not the first property owner in the neighborhood to alter the waterway.

- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

The proposed Special Use will promote the public health, safety, comfort, morals, and general welfare as follows:

- a. In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
- b. In regards to public comfort and general welfare, there are concerns identified by neighbors that were discussed in Section 8.L. of this Summary of Evidence.

- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those limits.

- (7) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified

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

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

b. On Page 3 in Item b of the Letter of Opposition from Carl Webber, Attorney for the Carpenters, received February 22, 2016, Attorney Webber states that the request for the special use “will provide an inconsistent intensity of use, rather than allow a mutually beneficial level of use. The use in the 40 acre subdivision is residential use. His requested use is not. The mere fact that it cannot be described as a "home occupation" is an example of the departure from the intended and proper land use in the area”.

(a) During the February 25, 2016 public hearing, John Hall, Zoning Administrator, testified that this use is not coming to the Board as a “home occupation.” He said that staff has created a table showing the proposed uses and what restrictions apply if the case is approved with a Special Use Permit or via Rural Home Occupation (RHO). He said that the intent of the table is to highlight where this use differs from a Rural Home Occupation and where it doesn’t differ. He said that a special condition has been added that makes it clear that in general this use is held to the same limits as a home occupation except where the approval exceeds what is otherwise allowed as a home occupation.

- (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

This purpose is directly related to maintaining compliance with the Zoning Ordinance requirements for the District and the specific types of uses and the proposed Special Use will have to be conducted in compliance with those requirements.

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most

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productive agricultural lands from haphazard and unplanned intrusions of urban uses.

The proposed Special Use will not subject the most productive agricultural lands to haphazard and unplanned intrusions of urban uses as follows:

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

b. Soils on the subject property are not BEST PRIME FARMLAND.

c. The revised Site Plan received January 13, 2016 does not indicate future expansion of the proposed Special Use. As per an email received May 16, 2016 from Matt Deering, Attorney for Mr. Brian, the proposed 80 feet by 112 feet shed will be used to store snow plows for the Special Use in off-season months. The shed will also store a farm tractor, farm field cultivator and sprayer, some personal ATVs, and a personal lawn mower,

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

The subject property ~~does not contain any natural features.~~ has a waterway traversing the southwest corner of the property. Mr. Brian filled in the waterway, but stated at the February 25, 2016 public hearing that he would re-establish it.

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

The proposed Special Use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.

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

a. Part of the subject property remains in agricultural production.

b. As per an email received May 16, 2016 from Matt Deering, Attorney for Mr. Brian, the proposed 80 feet by 112 feet shed will be used to store snow plows for the Special Use in off-season months. The shed will also store a farm tractor, farm field cultivator and sprayer, some personal ATVs, and a personal lawn mower. ~~The revised Site Plan received January 13, 2016 does not indicate future expansion of the proposed Special Use.~~

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

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

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:
- A. The Petitioner has testified on the application: “Yes.”
 - B. The existing use on the property is not a nonconforming use.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. Regarding proposed special conditions of approval:
- A. **This Special Use Permit is for a “lawn care and snow removal” Contractor’s Facility (with outdoor storage and/or outdoor operations as noted on the site plan) and an office that contains a dwelling unit that is not used as a dwelling.**

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

To ensure as much as possible that the Special Use Permit is conducted in conformance with the testimony and evidence presented in the public hearing.

- B. **The Special Use Permit cannot be conveyed to a different owner.**

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

To ensure that the Special Use Permit only applies to the applicant Nicholas Brian who has provided the testimony and evidence presented in the public hearing.

- C. **In the event that the Contractor’s Facility ceases to exist, the right to a second dwelling unit will become void. A Miscellaneous Document must be filed with the Recorder of Deeds within one month of approval of this Special Use Case so that a prospective buyer will be alerted to that requirement.**

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

That the proposed Special Use complies with the Zoning Ordinance regarding number of dwellings allowed on a property.

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- D. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

The special condition stated above is required to ensure the following:
That exterior lighting for the proposed Special Use meets the requirements established for Special Uses in the Zoning Ordinance.

- E. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 822-S-15 by the County Board.**

The above special condition is required to ensure the following:
The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.

- F. **Approval of the Special Use Permit limits its operations to the existing large shed, the existing salt shed, the existing parking and vehicle maneuvering area, the proposed shed, the proposed concrete and gravel parking areas adjacent to the proposed shed, and the house.**

The above special condition is required to ensure the following:
That any additional construction on the subject property only be for personal use and not for expanding the Special Use.

- G. **With the exception of vehicles being used for late night snow removal and deicing events, all vehicles, trailers, and equipment used in the Special Use Permit must be parked indoors when onsite between the hours of 10PM and 7AM.**

The above special condition is required to ensure the following:
To comply with the Champaign County Nuisance Ordinance regarding noise impacts.

- H. **All Zoning Ordinance requirements for a Rural Home Occupation, except for the fuel tanks and ice melt and salt storage, apply to this Special Use Permit, except where other special conditions on the Special Use Permit are more restrictive.**

The above special condition is required to ensure the following:
That the Special Use is no more intensive than a Rural Home Occupation.

- I. **Outdoor storage and operations for the Special Use are limited to only those that are specified on the approved site plan.**

The above special condition is required to ensure the following:
That activities approved under the Special Use Permit do not expand beyond the intent of the Zoning Ordinance.

- J. **Within six months of the approval of the Special Use Permit, a door must be installed on the salt storage shed that will be closed completely when the salt is not being accessed.**

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The above special condition is required to ensure the following:

That all storage and operations related to the Special Use are completely indoors.

- K. **The petitioner must plant evergreen screening from the northeast property corner along the east lot line to screen the proposed shed and then westward to screen the south face of the proposed shed. The approved Site Plan must indicate the location of the evergreen screening. As per standard Department practice, a vegetative screen must (1) consist of an evergreen species and (2) the actual plants must be 2/3 of desired height at time of planting and (3) the selected evergreen species must provide 50% of the required screen within 2 years and (4) if recommended spacing of a single row of the selected evergreen species will not provide 50% screen in 2 years, then screen must be planted in staggered rows.**

The above special condition is required to ensure the following:

To promote public health, safety, and general welfare that is a purpose of the Zoning Ordinance.

DOCUMENTS OF RECORD

1. First Notice of Zoning Violation dated November 17, 2015
2. Second (Informational) Letter regarding violation dated December 10, 2015
3. Application for Special Use Permit received December 17, 2015, with attachments:
 - Site Plan for Lot 1 Meadow Ridge Subdivision (incomplete)
 - Floor plans of Shed with dwelling unit and salt/mulch storage
 - Letter from Nick Brian (Greenside Lawn Care)
 - Elevations for main residence drawn by Signature Homes
 - Final Plat of Subdivision for Meadow Ridge Subdivision
 - Tax Map for Sections 17 and 20 showing property location
4. Letter from Carl Webber received December 17, 2015
5. Revised Site Plan received January 13, 2016 via email from Nick Brian
6. Natural Resources Report received January 25, 2016 from Champaign County Soil and Water Conservation District
7. Email from Nick Brian received February 11, 2016 regarding fuel tanks
8. Zoning Use Permit 126-10-02 with Approved Site Plan dated May 11, 2010
9. Zoning Use Permit 152-12-02 with Approved Site Plan dated June 8, 2012
10. Preliminary Memorandum dated February 17, 2016, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received December 17, 2015
 - C Floor plans of Shed with dwelling unit and salt/mulch storage received December 17, 2015
 - D Final Plat of Subdivision received December 17, 2015
 - E Zoning Use Permit #126-10-02 with Approved Site Plan dated May 11, 2010
 - F Zoning Use Permit #152-12-02 with Approved Site Plan dated June 8, 2012
 - G Revised Site Plan received via email from Nick Brian on January 13, 2016
 - H Annotated Aerial Photograph created by staff on February 3, 2016
 - I First Notice of Zoning Violation dated November 17, 2015
 - J Second (Informational) Letter regarding violation dated December 10, 2015
 - K Letter from Nick Brian (Greenside Lawn Care) received December 17, 2015
 - L Letter from Carl Webber received December 17, 2015
 - M Natural Resources Report received January 25, 2016 from Champaign County Soil and Water Conservation District
 - N Email from Nick Brian received February 11, 2016 regarding fuel tanks
 - O Site Visit Photos taken December 4, 2015
 - P Preliminary Summary of Evidence, Finding of Fact, and Final Determination dated February 17, 2016

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11. Supplemental Memorandum #1 dated February 22, 2016, with attachments:
 - A Lighting specifications and email to Nick Brian dated February 19, 2016
 - B Letter of Opposition (with attachments) from Carl Webber, Attorney for the Carpenters, received February 22, 2016

12. Supplemental Memorandum #2 dated February 23, 2016, with attachments:
 - A Comparison Table of proposed use – Special Use Permit and Rural Home Occupation regulations

13. Supplemental Memorandum #3 dated May 19, 2016, with attachments:
 - A Request for information from staff after the February 25, 2016 public hearing, sent to the Petitioners March 2, 2016
 - B Revised Site Plan received May 9, 2016
 - C Documentation of requested information received May 16, 2016
 - D Email from Felicia Burton received April 7, 2016
 - E Email from Nick Brian regarding outdoor lighting received April April 8, 2016
 - F Email from Jonathon Manuel received May 10, 2016
 - G Comparison Table of proposed use – Special Use Permit and Rural Home Occupation regulations (previously distributed as Attachment A to Supplemental Memorandum #2 dated February 23, 2016)
 - H Draft minutes from February 25, 2016 ZBA meeting
 - I Exhibit G from Letter of Opposition (with attachments) from Carl Webber, Attorney for the Carpenters, received February 22, 2016 and first distributed to ZBA on February 25, 2016
 - J Letters of Support from the Stutsmans and the Myers, received February 25, 2016
 - K Email from Jeff and Sarah Carpenter received May 19, 2016, with attachments:
 - Cover letter dated May 18, 2016
 - Two photos
 - Letter from the Carpenters to the Brians, dated March 21, 2016
 - Letter from Bryan Bradshaw, former owner of the Carpenter property, dated August 11, 2010
 - Appraisal of Carpenter property by James H Webster, MAI, SRA dated March 21, 2016
 - L Letter from Carl Webber, Attorney for the Carpenters, dated May 19, 2016
 - M Revised Summary of Evidence dated May 19, 2016

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **822-S-15** held on **February 25, 2016** the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location because: _____
2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL NOT / WILL}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE / INADEQUATE}* visibility.
 - b. Emergency services availability is *{ADEQUATE / INADEQUATE}* *{because*}*:
 - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because*}*:
 - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* *{because*}*:
 - e. Public safety will be *{ADEQUATE / INADEQUATE}* *{because*}*:
 - f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* *{because*}*:
(Note the Board may include other relevant considerations as necessary or desirable in each case.)

*The Board may include additional justification if desired, but it is not required.

- 3a. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located because:
 - a. The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes.
 - b. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.
 - c. Public safety will be *{ADEQUATE / INADEQUATE}*.
4. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:
 - a. The Special Use is authorized in the District.
 - b. The requested Special Use Permit *{IS/ IS NOT}* necessary for the public convenience at this location.
 - c. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL / WILL NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
 - d. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located.

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5. The requested Special Use *IS NOT* an existing nonconforming use.
6. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:***

A. This Special Use Permit is for a “lawn care and snow removal” Contractor’s Facility (with outdoor storage and/or outdoor operations as noted on the site plan) and an office that contains a dwelling unit that is not used as a dwelling.

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

To ensure as much as possible that the Special Use Permit is conducted in conformance with the testimony and evidence presented in the public hearing.

B. The Special Use Permit cannot be conveyed to a different owner.

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

To ensure that the Special Use Permit only applies to the applicant Nicholas Brian who has provided the testimony and evidence presented in the public hearing.

- C. In the event that the Contractor’s Facility ceases to exist, the right to a second dwelling unit will become void. A Miscellaneous Document must be filed with the Recorder of Deeds within one month of approval of this Special Use Case so that a prospective buyer will be alerted to that requirement.**

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

That the proposed Special Use complies with the Zoning Ordinance regarding number of dwellings allowed on a property.

- D. The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

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

That exterior lighting for the proposed Special Use meets the requirements established for Special Uses in the Zoning Ordinance.

- E. A Change of Use Permit shall be applied for within 30 days of the approval of Case 822-S-15 by the County Board.**

The above special condition is required to ensure the following:

The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.

- F. Approval of the Special Use Permit limits its operations to the existing large shed, the existing salt shed, the existing parking and vehicle maneuvering area, the proposed shed, the proposed concrete and gravel parking areas adjacent to the proposed shed, and the house.**

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The above special condition is required to ensure the following:

That any additional construction on the subject property only be for personal use and not for expanding the Special Use.

- G. **With the exception of vehicles being used for late night snow removal and deicing events, all vehicles, trailers, and equipment used in the Special Use Permit must be parked indoors when onsite between the hours of 10PM and 7AM.**

The above special condition is required to ensure the following:

To comply with the Champaign County Nuisance Ordinance regarding noise impacts.

- H. **All Zoning Ordinance requirements for a Rural Home Occupation, except for the fuel tanks and ice melt and salt storage, apply to this Special Use Permit, except where other special conditions on the Special Use Permit are more restrictive.**

The above special condition is required to ensure the following:

That the Special Use is no more intensive than a Rural Home Occupation.

- I. **Outdoor storage and operations for the Special Use are limited to only those that are specified on the approved site plan.**

The above special condition is required to ensure the following:

That activities approved under the Special Use Permit do not expand beyond the intent of the Zoning Ordinance.

- J. **Within six months of the approval of the Special Use Permit, a door must be installed on the salt storage shed that will be closed completely when the salt is not being accessed.**

The above special condition is required to ensure the following:

That all storage and operations related to the Special Use are completely indoors.

- K. **The petitioner must plant evergreen screening from the northeast property corner along the east lot line to screen the proposed shed and then westward to screen the south face of the proposed shed. The approved Site Plan must indicate the location of the evergreen screening. As per standard Department practice, a vegetative screen must (1) consist of an evergreen species and (2) the actual plants must be 2/3 of desired height at time of planting and (3) the selected evergreen species must provide 50% of the required screen within 2 years and (4) if recommended spacing of a single row of the selected evergreen species will not provide 50% screen in 2 years, then screen must be planted in staggered rows.**

The above special condition is required to ensure the following:

To promote public health, safety, and general welfare that is a purpose of the Zoning Ordinance.

FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, the requirements of Section 9.1.11B. for approval *{HAVE/ HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

The Special Use requested in Case **822-S-15** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicant **Nicholas Brian d.b.a. Greenside Lawn Care**, to authorize the following as a Special Use on land in the **AG-1 Agriculture Zoning District**:

Authorize a Special Use Permit for a Contractor’s Facility with or without outdoor storage and/or outdoor operations and **an office that contains a dwelling unit that is not used as a dwelling** in addition to an existing single family dwelling in the **AG-1 Agriculture Zoning District**.

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

- A. In the event that the Contractor’s Facility ceases to exist, the right to a second dwelling unit will become void. A Miscellaneous Document must be filed with the Recorder of Deeds within one month of approval of this Special Use Case so that a prospective buyer will be alerted to that requirement.**

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

That the proposed Special Use complies with the Zoning Ordinance regarding number of dwellings allowed on a property.

- ~~**B. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Contractors Facility (with or without Outdoor Storage and Operations) until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**~~

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

~~**That the proposed Special Use meets applicable state requirements for accessibility.**~~

- C. The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

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

That exterior lighting for the proposed Special Use meets the requirements established for Special Uses in the Zoning Ordinance.

- D. A Change of Use Permit shall be applied for within 30 days of the approval of Case 822-S-15 by the County Board.**

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

The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.

- E. Approval of the Special Use Permit limits its operations to the existing large shed, the existing salt shed, the existing parking and vehicle maneuvering area, the proposed shed, the proposed concrete and gravel parking areas adjacent to the proposed shed, and the house.**

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

That any additional construction on the subject property only be for personal use and not for expanding the Special Use.

- F. With the exception of vehicles being used for late night snow removal and deicing events, all vehicles, trailers, and equipment used in the Special Use Permit must be parked indoors when onsite between the hours of 10PM and 7AM.**

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

To comply with the Champaign County Nuisance Ordinance regarding noise impacts.

- G. All Zoning Ordinance requirements for a Rural Home Occupation, except for the fuel tanks and ice melt and salt storage, apply to this Special Use Permit, except where other special conditions on the Special Use Permit are more restrictive.**

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

That the Special Use is no more intensive than a Rural Home Occupation.

- H. Outdoor storage and operations for the Special Use are limited to only those that are specified on the approved site plan.**

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

That activities approved under the Special Use Permit do not expand beyond the intent of the Zoning Ordinance.

- I. Within six months of the approval of the Special Use Permit, a door must be installed on the salt storage shed that will be closed completely when the salt is not being accessed.**

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

That all storage and operations related to the Special Use are completely indoors.

- J. The petitioner must plant evergreen screening from the northeast property corner along the east lot line to screen the proposed shed and then westward to screen the south face of the proposed shed. The approved Site Plan must indicate the location of the evergreen screening. As per standard Department practice, a vegetative screen must (1) consist of an evergreen species and (2) the actual plants must be 2/3 of**

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desired height at time of planting and (3) the selected evergreen species must provide 50% of the required screen within 2 years and (4) if recommended spacing of a single row of the selected evergreen species will not provide 50% screen in 2 years, then screen must be planted in staggered rows.

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

To promote public health, safety, and general welfare that is a purpose of the Zoning Ordinance.

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date