

**MINUTES OF REGULAR MEETING**

**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

**1776 E. Washington Street**

**Urbana, IL 61801**

**DATE: September 14, 2017**

**PLACE: John Dimit Meeting Room**

**1776 East Washington Street**

**Urbana, IL 61802**

**TIME: 7:00 p.m.**

**MEMBERS PRESENT:** Catherine Capel, Frank DiNovo, Debra Griest, Jim Randol, Eric Thorsland,

**MEMBERS ABSENT :** Marilyn Lee, Brad Passalacqua

**STAFF PRESENT :** Connie Berry, Susan Burgstrom, John Hall

**OTHERS PRESENT :** Mark Hartman, Dax Nolen, Kevin Kingery, Carol Shallenberger, Tom Shallenberger, Mike Friend, Duane Deters, Bill Gordon, Don Wauthier, Scott Blakeney, Lindy Collett, Gary Collett, Mary Schwenk, Kevin D. Schwenk, Aaron Esry

**1. Call to Order**

The meeting was called to order at 7:00 p.m.

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

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

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

**3. Correspondence**

None

**4. Approval of Minutes (June 15, 2017)**

Mr. Thorsland entertained a motion to approve the June 15, 2017, minutes.

**Ms. Griest moved, seconded by Mr. Randol, to approve the June 15, 2017, minutes.**

Mr. Thorsland asked the Board if there were additions or corrections to the June 15, 2017, minutes.

1 Mr. DiNovo stated that on page 3, line 12, the word “advanced” should be changed to “expanded”; and on  
2 line 26, the text “implying that” should be changed to “implied by that”; and on line 43, the year “1983”  
3 should be changed to “1993”. He said that on page 4, line 27, the word “necessary” should be changed to  
4 “not compatible”. He said that on page 6, line 30, the following should be deleted, “is not that it”.

5  
6 **The motion carried by voice vote.**

7  
8 **5. Continued Public Hearing**

9  
10 **Case 863-V-16 Petitioner: Scott Blakeney, Derek Wagner and Tyler Wakefield Request to authorize**  
11 **the following Variance in the R-1, Single Family Residence Zoning District for an existing residence**  
12 **and existing garage and a proposed patio and a proposed detached shed and unauthorized earth fill,**  
13 **all located in an existing storm water drainage easement: Part A. Authorize a variance from Section**  
14 **4.2.2D. of the Champaign County Zoning Ordinance that no use shall be established, construction**  
15 **undertaken, nor fill placed in any recorded drainage or utility easement. Part B. Authorize the**  
16 **following Variance from the Champaign County Storm Water Management and Erosion Control**  
17 **Ordinance: 1. Authorize a variance from Section 6.1A. requiring that no fill shall be placed nor grade**  
18 **altered in such a manner to create a nuisance; and 2. Authorize a variance from Section 6.3G.**  
19 **prohibiting the destruction or obstruction of the operation of a storm water drainage system or storm**  
20 **water storage area; and 3. Authorize a variance from Section 9.1E. for a freeboard of 0 feet in lieu of a**  
21 **freeboard of one foot; and 4. Authorize a variance from Section 9.1.C.1. for a release rate for the 50-**  
22 **year precipitation event far in excess of the maximum otherwise allowed that would be no greater**  
23 **than a rate of discharge from a 5-year return period precipitation event and an assumed row crop**  
24 **agricultural land cover; and 5. Authorize a variance from Section 9.1.C2. for a release rate for**  
25 **frequent storm events that exceeds the maximum otherwise allowed that would be no greater than the**  
26 **rate of discharge from 1-year, 2-year, and 5-year return period precipitation events and an assumed**  
27 **row crop agricultural land cover. Location: Lot 100 in Rolling Hills Estates V Subdivision that is in**  
28 **the Northwest Quarter of the Northeast Quarter of Section 12, Township 20N, Range 7 East of the**  
29 **Third Principal Meridian in Mahomet Township and commonly known as the residence at 2312**  
30 **Pheasant Ridge Road, Mahomet.**

31  
32 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign  
33 the witness register for that public hearing. He reminded the audience that when they sign the witness  
34 register they are signing an oath.

35  
36 Mr. Thorsland informed the audience that Case 863-V-16 is an Administrative Case and as such, the County  
37 allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for  
38 a show of hands for those who would like to cross-examine and each person will be called upon. He  
39 requested that anyone called to cross-examine go to the cross-examination microphone to ask any questions.  
40 He said that those who desire to cross-examine are not required to sign the witness register but are requested  
41 to clearly state their name before asking any questions. He noted that no new testimony is to be given during

1 the cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are  
2 exempt from cross-examination.

3  
4 Mr. John Hall, Zoning Administrator, distributed Supplemental Memorandums #4 and #5 dated September  
5 14, 2017, to the Board for review. He said that Supplemental Memorandum #4 includes comments received  
6 from Berns, Clancy and Associates, (BCA) on September 7, 2017; staff passed those comments to Phoenix  
7 Consulting Engineers, and they created a new site plan based on BCA's comments and submitted it to staff  
8 on September 13, 2017. Mr. Hall stated that in an email received September 14, 2017, Mr. Nickrent stated  
9 that Mr. Blakeney is going to discuss the improvements with the affected neighbors in the basin and is ready  
10 to get started on the work as soon as possible.

11  
12 Mr. Hall stated that late today, staff noticed one comment missing from the comments received from BCA,  
13 and he has not had a chance to discuss this with Mr. Blakeney's engineer. He said that the missing comment  
14 amounts to modifying the 15-inch diameter outlet pipe so that it has an opening no larger than 12-inches. He  
15 said that nothing about this project is cheap, but it is something that needs to be done and he doesn't want to  
16 lose sight of it. He said that staff revised the special condition to reflect the new site plan submitted by  
17 Phoenix Consulting Engineers, and one thing that the Board may need to do tonight is add a modification to  
18 that special condition. He said that regarding the design of the basin, Phoenix Consulting Engineers has  
19 done a lot of work, although even with their previous submission staff could not verify their numbers, and  
20 frankly the amount of work that they put into this project is overwhelming, but they were still not at a design  
21 on paper that would meet the Ordinance. He said that BCA recommended a suite of changes that would  
22 bring it into substantial compliance, certainly much better than it existed in 1993. He said that this would  
23 save Phoenix time in having to revise their calculations, and staff and the consulting engineer from having to  
24 review those new calculations. He said that everyone, including Mr. Blakeney, agreed that this was a good  
25 option and even though staff has the calculations they were not handed out because they were, more or less  
26 replaced by this mark-up and have since been adopted in the latest submittal from Phoenix. He said that the  
27 critical note needs to be included about the 15-inch pipe so that it only has a 12-inch outlet.

28  
29 Mr. Hall stated that Supplemental Memorandum #5 indicates that the proposed Complete Detention Basin  
30 Regrade received 9/13/17 will restore the operation of the Rolling Hills V Subdivision detention basin and  
31 therefore it will abate the Nuisance Ordinance violation once the construction is complete, which means that  
32 the ZBA could act on this case tonight. He said that the changes were so significant that two parts of the  
33 variance are no longer required. He said that Part B.2. of the variance from Section 6.3G. of the Storm Water  
34 Management and Erosion Control Ordinance prohibiting the destruction or obstruction of the operation of a  
35 storm water drainage system or storm water storage area will no longer be required once the operation of the  
36 Rolling Hills V detention basin is fully restored by the Complete Detention Basin Regrade received 9/13/17.  
37 He said that the ZBA should understand that the basin does not comply 100% with the Storm Water  
38 Management and Erosion Control Ordinance because staff does not have the submittals to document that,  
39 but it is substantial compliance and if we took the time to require the calculations it would be determined to  
40 be 100% compliant, but he is not going to say tonight that it is 100% compliant, but he will go on record to  
41 state that it is substantially compliant so that it abates the violation, thus Part B.2. is no longer required.

1  
2 Mr. Hall stated that Part B.4. of the variance to authorize variance from Section 9.1C.1. of the Storm Water  
3 Management and Erosion Control Ordinance regarding the release rate during the 50-year precipitation  
4 event, is no longer required. He said that the consulting engineer has confirmed that the release rate during a  
5 50-year event will comply with the Storm Water Management and Erosion Control Ordinance requirements,  
6 thus Part B.4. is no longer required.  
7

8 Mr. Hall stated that Part A. regarding the placement of any fill placed in any recorded drainage or utility  
9 easement that would interfere with the function of the easement, is still necessary in some small way because  
10 although the Complete Detention Basin Regrade received 8/13/17 resolves the Nuisance Ordinance  
11 violation, the Regrade has not been shown to be in 100% compliance with the Storm Water Management  
12 and Erosion Control Ordinance and to the extent that it is not in 100% compliance there may be cause to  
13 claim some interference with the drainage easement; therefore, Part A of the variance should not be  
14 dismissed although the amount of interference with the function of the easement is quite small.  
15

16 Mr. Hall stated that Part B.1. of the variance is to authorize a variance from Section 6.1 A. of the Storm  
17 Water Management and Erosion Control Ordinance requiring that no fill shall be placed nor grade altered in  
18 such a manner that it will cause surface water upstream to pond or direct surface flows in such a way as to  
19 create a nuisance. He said that the word “nuisance” as used in the Storm Water Management and Erosion  
20 Control Ordinance should be understood to be somewhat broader than as used in the Champaign County  
21 Nuisance Ordinance. He said that when the Storm Water Management and Erosion Control Ordinance uses  
22 the word “nuisance” it doesn’t delimit that to only include a violation of the Champaign County Nuisance  
23 Ordinance, but literally means any nuisance. He said that unless there is testimony tonight that the proposed  
24 revision will lead to a nuisance that did not previously exist, or will continue a current nuisance situation,  
25 due to the Complete Detention Basin Regrade received 9/13/17, the ZBA should dismiss Part B.1., but that is  
26 the Board’s determination. He said that it doesn’t have to do with the Nuisance Ordinance only, but with  
27 this broader consideration, and one of the Board’s required findings is that the use is not injurious to the  
28 district, and that is a very broad consideration, much more than the Nuisance Ordinance.  
29

30 Mr. Hall stated that Part B.3., having to do with freeboard is still required because there is not the one foot of  
31 free board that the Storm Water Management and Erosion Control Ordinance requires. He said that he does  
32 not see Part B.3. being a problem because he believes that with the proposed changes the basin should  
33 perform just fine.  
34

35 Mr. Hall stated that Part B.5. of the variance is to authorize variance from Section 9.1C.2. of the Storm  
36 Water Management and Erosion Control Ordinance regarding the release rate for frequent storm events. He  
37 said that this is primarily the part where we could not come into agreement with Phoenix Consulting  
38 Engineers, but again there is substantial compliance and he has suggested that the amount of variance is no  
39 more than 50%. He said that he received information which would make his believe that the variance is less  
40 than 50%, but he didn’t have the time to calculate the percent of variance. He said that it is not in full  
41 compliance, but there is no way it approaches the 50% variance, and in terms of overall performance of the

1 stormwater detention facility in this drainage easement, he would certainly think that it would have  
2 substantial compliance. He said that he is comfortable with going on record that he does not believe that  
3 there will be any injury to downstream neighbors that would not happen under full compliance. He said that  
4 since he has not had a chance to review the new information with Mr. Nickrent, he has not passed it on to  
5 Mr. Blakeney, and this is the first time that Mr. Blakeney has heard about the change to the 15-inch diameter  
6 pipe.  
7

8 Mr. Hall distributed the recommended revisions to Item 10.C. (2) and (3) in Summary of Evidence for Case  
9 863-V-16. He said that the handout restates what he previously discussed with the Board regarding some  
10 parts of the variance not being required and some parts still being required. He said that revised item 10.C.  
11 (2) a. is as follows: Based on the review by Berns, Clancy and Associates and documented in their letter of  
12 February 3, 2017, the original requested variance was as follows: a. The variance in Parts B.1. and B.2. were  
13 roughly equivalent with the amount of variances for Part A which was essentially a negative 75% variance  
14 due to the amount of the required storm water detention volume that had been filled. He said that item 10.C.  
15 (3) indicates the review of the Complete Detention Basin Regrade received 9/13/17 based on comments from  
16 Berns, Clancy and Associates.  
17

18 Mr. Thorsland asked the Board if there were any questions for Mr. Hall, and there were none.  
19

20 Mr. Thorsland called Scott Blakeney to testify.  
21

22 Mr. Scott Blakeney, who resides at 2312 Pheasant Ridge, Mahomet, stated that he is comfortable with the  
23 change to the 15-inch pipe. He said that he reviewed the special condition with Mr. Nickrent and he agrees  
24 with it.  
25

26 Mr. Thorsland asked Mr. Blakeney if he had any questions regarding the changes that Mr. Hall discussed.  
27

28 Mr. Blakeney stated no.  
29

30 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Blakeney, and there were none.  
31

32 Mr. Thorsland asked the audience if anyone had any questions for Mr. Blakeney, and there were none.  
33

34 Mr. Thorsland called Kevin Schwenk to testify.  
35

36 Mr. Schwenk declined to testify at that time.  
37

38 Mr. Hall stated that he would like to clarify to Mr. Blakeney that the previous special conditions have been  
39 revised and the Board will review the special conditions with Mr. Blakeney, and he should ask any questions  
40 that he may have about those revised conditions before he agrees to them.  
41

1 Mr. Thorsland stated that the revisions to the Special Conditions are included in Supplemental Memorandum  
2 #4. He asked the Board if they were comfortable in including those revisions or is there anything that  
3 requires additional revision.  
4

5 Mr. DiNovo stated that there is reference to as-built condition of the detention basin. He asked how the as-  
6 built condition of the detention basin was ascertained. He asked if there are plans on record.  
7

8 Mr. Hall asked Mr. DiNovo to clarify which as-built condition he was referring to.  
9

10 Mr. DiNovo stated that it is referenced in Supplemental Memorandum #4.  
11

12 Mr. Hall stated that the first paragraph on page 2 of Supplemental Memorandum #4 refers to the 1993 as-  
13 built basin conditions. He said that the record that staff has is the approved as-built drawing, which is not  
14 very informative, given the way that we did the 1993 design.  
15

16 Mr. DiNovo asked if staff had engineering support in 1993.  
17

18 Mr. Hall stated yes, staff did have engineering support in 1993 and it is the same engineering support that  
19 staff has today, which is Berns, Clancy and Associates.  
20

21 Mr. DiNovo asked Mr. Hall if the Environment and Land Use Committee took any action on the release of  
22 the performance bond.  
23

24 Mr. Hall stated that staff did not research it.  
25

26 Mr. DiNovo stated that he doubts that the County Engineer acted on his own authority, but he was curious as  
27 to what was on record. He said that this confirms his view that the County did not verify the construction of  
28 the basin.  
29

30 Mr. Hall stated that the County never pays for a resurvey after a licensed engineer submits an as-built  
31 drawing.  
32

33 Mr. DiNovo asked Mr. Hall if the as-built drawings indicated anything different from the engineering  
34 drawing submitted for the subdivision.  
35

36 Mr. Hall stated yes.  
37

38 Mr. DiNovo stated that he has a pretty good idea of what was there in 1993, and it is his understanding that  
39 Berns, Clancy and Associates is indicating that the basin did not conform to approved design.  
40

41 Mr. Hall stated that Berns, Clancy and Associates (BCA) will agree that, for some reason, in 1993 the basin

1 did not meet the letter of the policy, but it was approved at the time. He said that BCA does not think that  
2 the difference between the as-built and what was supposed to be is a great as what Phoenix believes it to be.  
3 He said that it is clear, that what was there in 2008 is not what was on the as-built in 1993.  
4

5 Mr. DiNovo asked if the site plans for the four homes indicated as-builts.  
6

7 Mr. Hall stated that there were four homes constructed around the detention basin and it wasn't realistic to  
8 believe that there would not be grading changes after those four homes were built.  
9

10 Ms. Griest asked Mr. Hall if item 3 on the variance would be changed from 0 to 6 inches.  
11

12 Mr. Hall stated yes.  
13

14 Ms. Griest asked Mr. Hall if the new conditions should reference the 12-inch outlet as opposed to the 15-  
15 inch.  
16

17 Mr. Hall stated yes, he will propose a new special condition C (8).  
18

19 Mr. Thorsland asked the Board if there were any additional questions for Mr. Hall or Mr. Blakeney, and  
20 there were none.  
21

22 Mr. Thorsland asked the audience if anyone desired to sign the witness register to provide testimony  
23 regarding Case 863-V-16.  
24

25 Mr. Kevin Schwenk, who resides 1207 North Charter Oaks Circle, Mahomet, asked Mr. Blakeney if he had  
26 contacted his surrounding neighbors that would be affected by the regrading.  
27

28 Mr. Thorsland stated that Mr. Blakeney did not testify about this, but he will ask Mr. Blakeney that same  
29 question.  
30

31 Mr. Thorsland asked the audience if anyone desired to cross-examine Mr. Schwenk, and there was no one.  
32

33 Mr. Thorsland asked Mr. Blakeney to return to the witness microphone.  
34

35 Mr. Thorsland stated that some of the changes happened on lots that are not Mr. Blakeney's. He asked Mr.  
36 Blakeney if he or Mr. Nickrent have spoken to the surrounding neighbors about bringing everything back  
37 into compliance.  
38

39 Mr. Blakeney stated that he has spoken to the three neighbors who are north and northwest of his property  
40 and they indicated that they were fine with the changes. He said that he hasn't discussed the two-foot berm  
41 with any of the neighbors because he just found out about it this morning.

1  
2 Mr. Hall stated that there is no regrading necessary on the property to the east, but there is regrading  
3 necessary on the property to the north.  
4

5 Mr. Blakeney stated that he will discuss it with those neighbors, but he didn't find out about it until 10:00  
6 a.m. this morning. He said that they want the safety release valve to be built up higher so that the water  
7 comes up higher. He said that he will continue to do that until it becomes flatter out there.  
8

9 Mr. Thorsland asked the Board if they have any concerns about this.  
10

11 Mr. Hall stated that there has been no contact with the property owner of Lot 101, but if they are not  
12 interested in allowing the gabion mattress on their property, the outlet could be revised to have it all happen  
13 on Mr. Blakeney's property and it would function just fine.  
14

15 Mr. Thorsland asked Mr. Blakeney if he is fine with all of this being located on his property.  
16

17 Mr. Blakeney stated yes.  
18

19 Mr. Thorsland asked the Board if there were any additional questions for Mr. Hall or Mr. Blakeney.  
20

21 Mr. DiNovo stated that it is important to add a new item 10 D. to the Finding of Fact as follows: The Zoning  
22 Administrator has determined that the proposed site plan with the changes recommended by the County's  
23 Engineer will abate the outstanding violations of the Champaign County Public Nuisance Ordinance.  
24

25 Mr. Thorsland stated that the Board will now review the special conditions with the petitioner.  
26

27 Mr. Thorsland read proposed Special Condition A. from Supplemental Memorandum #4 as follows:  
28

- 29 **A. Upon written request of any utility with an interest in using the utility and drainage**  
30 **easements, the owner shall be responsible for the full cost of removing any structure,**  
31 **and/or fill, and refusing to remove the structure and fill shall be considered a violation**  
32 **of the Zoning Ordinance.**  
33

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

35 **That utility companies have appropriate access to their easements.**  
36

37 Mr. Thorsland asked Mr. Blakeney if he agreed to Special Condition A.  
38

39 Mr. Blakeney stated that he agreed to Special Condition A.  
40

41 Mr. Thorsland read proposed Special Condition B. as follows:

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**B. An Erosion and Sedimentation Control Plan shall be submitted to and approved by the Zoning Administrator prior to any regrading or further disturbance of the soil in the drainage easement and all approved erosion and sedimentation controls shall be maintained in place on all disturbed land until final stabilization has occurred.**

The special condition is necessary to ensure the following:  
**To minimize erosion and sedimentation on downstream properties.**

Mr. Thorsland asked Mr. Blakeney if he agreed to Special Condition B.

Mr. Blakeney stated that he agreed to Special Condition B.

Mr. Thorsland read proposed Special Condition C. as follows:

- C. The Revised Complete Detention Basin Regrade received September 13, 2017, is the Official Site Plan for Case 863-V-16, which includes the following changes:**
- (1) Install one gabion mattress, 3 feet by 9 feet, installed just south of Lot 100 or on Lot 100 if necessary.**
  - (2) A one foot deep surface drainage swale where landscaping is indicated near west property line on Lot 99 and Lot 100.**
  - (3) Increase height of east berm to 727.8 feet instead of 727.5 feet on Lots 89 and 100.**
  - (4) Add a flared end section to the storm sewer along the west property line and at the 15-inch storm sewer in detention basin.**
  - (5) A somewhat deeper basin with an outlet depth that has been lowered by six inches.**
  - (6) Use a 2.0% slope instead of a 1.5% slope in the detention basin.**
  - (7) The basin outlet is 45 linear feet of 15-inch storm sewer at 1% slope rather than a 2.2% slope.**

Mr. Hall read new Special Condition C (8) as follows:

- (8) Added by the ZBA at the public hearing on 9/14/17 is a requirement to revise**

1                                   **the 15-inch diameter storm sewer outlet so that the outlet is no more than the**  
2                                   **equivalent to 12 inches in diameter.**

3  
4 Mr. Hall stated that this is meant to provide the petitioner flexibility so that it is functioning as a 12-inch  
5 diameter outlet.

6  
7 Mr. Thorsland asked Mr. Blakeney if he agreed to Special Condition C.

8  
9 Mr. Blakeney stated that he agreed to Special Condition C.

10  
11 Mr. Thorsland read proposed Special Condition D. as follows:

12  
13           **D.     A Zoning Compliance Certificate shall be approved within 12 months of approval of**  
14           **this variance. Prior to the issuance of the Zoning Compliance Certificate, the petitioner**  
15           **shall provide the Zoning Administrator with a copy of the as-built drawings of the**  
16           **detention basin including a written certification of the required storage volume, which**  
17           **are certified by an Illinois Professional Engineer, and the Zoning Administrator shall**  
18           **verify the as-built drawings are in substantial compliance with the approved site plan**  
19           **before approving the Zoning Compliance Certificate.**

20  
21           The above special condition is necessary to ensure the following:  
22                           **To ensure that the constructed facility is substantially the same as the approved**  
23                           **Site Plan for Case 863-V-16.**

24  
25 Mr. Thorsland asked Mr. Blakeney if he agreed to Special Condition D.

26  
27 Mr. Blakeney stated that he agreed to Special Condition D.

28  
29 Mr. Thorsland read proposed Special Condition E. as follows:

30  
31           **E.     The approved site plan in this variance case shall become the approved site plan for**  
32           **Zoning Use Permit #82-16-01.**

33  
34           The above special condition is necessary to ensure the following:  
35                           **To ensure proper permitting and compliance of all authorized construction.**

36  
37 Mr. Hall stated that Special Condition E. should be revised as follows:

38  
39           **E.     The approved site plan in this variance case shall become the approved site plan for**  
40           **Zoning Use Permit #82-16-01 with the modification of the change in condition C (8)**  
41           **above.**

1  
2 The above special condition is necessary to ensure the following:

3 **To ensure proper permitting and compliance of all authorized construction.**  
4

5 Mr. Thorsland asked Mr. Blakeney if he agreed to Special Condition E.

6  
7 Mr. Blakeney stated that he agreed to Special Condition E.

8  
9 Mr. Thorsland entertained a motion to approve the special conditions as amended.

10  
11 **Ms. Griest moved, seconded by Mr. DiNovo, to approve the special condition as amended. The motion**  
12 **carried by voice vote.**

13  
14 Mr. Thorsland asked staff if there were any new Documents of Record.

15  
16 Mr. Hall stated that a new item #25 should be added to the Documents of Record as follows: Supplemental  
17 Memorandum #5 dated September 14, 2017. He said that a new item #26 should also be added to the  
18 Documents of Record as follows: Handout of recommended revisions to item 10.C (2) and (3) in the  
19 Summary of Evidence.

20  
21 **FINDINGS OF FACT FOR CASE 863-V-17:**

22  
23 From the documents of record and the testimony and exhibits received at the public hearing for zoning  
24 case **863-V-16** held on **April 27, 2017**, and **September 14, 2017**, the Zoning Board of Appeals of  
25 Champaign County finds that:

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

30  
31 Mr. DiNovo stated that special conditions and circumstances DO exist which are peculiar to the land or  
32 structure involved, which are not applicable to other similarly situated land and structures elsewhere in  
33 the same district because: 1) more than 2/3 of the subject property is given over to drainage easements  
34 which severely limits its utility 2) the County approved a subdivision with an easement for a detention  
35 facility on a lot otherwise intended for residential use, which while a common practice in those days is a  
36 practice that would not be condoned today; 3) subsequent to the County's approval, approved drainage  
37 facilities were apparently altered by previous owners of the property without any intervention by the  
38 County.

- 39  
40 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**  
41 **sought to be varied Will prevent reasonable or otherwise permitted use of the land or**

1 structure or construction.

2  
3 Mr. DiNovo stated that practical difficulties or hardships created by carrying out the strict letter of the  
4 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or  
5 structure or construction because given the location of the existing house and foundation, providing a  
6 detention facility that is fully compliant would leave very little in the way of a useable yard on this lot.  
7

8 Ms. Griest stated that the house and the earthen fill would have to be removed.  
9

10 Mr. Randol stated that removal of the house would necessitate new connections with water and sewer.  
11

12 **3. The special conditions, circumstances, hardships, or practical difficulties DO NOT result**  
13 **from actions of the applicant.**  
14

15 Ms. Capel stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT  
16 because subsequent to the County’s approval, approved drainage facilities were apparently altered by  
17 previous owners of the property without any intervention by the County.  
18

19 Mr. Thorsland stated that the inherent layout of the lot proves difficult for house placement.  
20

21 **4. The requested variance, SUBJECT TO THE PROPOSED CONDITIONS, IS in harmony**  
22 **with the general purpose and intent of the Ordinance.**  
23

24 Mr. DiNovo stated that the requested variance, SUBJECT TO THE PROPOSED CONDITIONS, IS in  
25 harmony with the general purpose and intent of the Ordinance because it will abate the outstanding  
26 nuisance problem on the property and ensure substantial compliance with the Storm Water Management  
27 and Erosion Control Ordinance.  
28

29 **5. The requested variance, SUBJECT TO THE PROPOSED CONDITIONS, WILL NOT be**  
30 **injurious to the neighborhood or otherwise detrimental to the public health, safety, or**  
31 **welfare.**  
32

33 Ms. Capel stated that the requested variance, SUBJECT TO THE PROPOSED CONDITIONS, WILL  
34 NOT be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare  
35 because drainage will be substantially improved.  
36

37 **6. The requested variance, SUBJECT TO THE PROPOSED CONDITIONS, IS the minimum**  
38 **variation that will make possible the reasonable use of the land/structure.**  
39

40 Mr. DiNovo stated that the requested variance, SUBJECT TO THE PROPOSED CONDITIONS, IS the  
41 minimum variation that will make possible the reasonable use of the land/structure because the

petitioner, by agreeing to this site plan, is creating a situation that substantially limits the use of the lot, and it would be impractical to require further improvement.

**7. THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:**

**A. Upon written request of any utility with an interest in using the utility and drainage easements, the owner shall be responsible for the full cost of removing any structure, and/or fill, and refusing to remove the structure and fill shall be considered a violation of the Zoning Ordinance.**

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

**That utility companies have appropriate access to their easements.**

**B. An Erosion and Sedimentation Control Plan shall be submitted to and approved by the Zoning Administrator prior to any regrading or further disturbance of the soil in the drainage easement and all approved erosion and sedimentation controls shall be maintained in place on all disturbed land until final stabilization has occurred.**

The above special condition is necessary to ensure the following:

**To minimize erosion and sedimentation on downstream properties.**

**C. The Revised Complete Detention Basin Regrade received September 13, 2017, is the Official Site Plan for Case 863-V-16, which includes the following changes:**

- (1) Install one gabion mattress, 3 feet by 9 feet, installed just south of Lot 100. If the owner of Lot 101 does not give permission to do this, the gabion mattress may be installed on Lot 100.**
- (2) A one foot deep surface drainage swale where landscaping is indicated near west property line on Lot 99 and Lot 100.**
- (3) Increase height of east berm to 727.8 feet instead of 727.5 feet on Lots 89 and 100.**
- (4) Add a flared end section to the storm sewer along the west property line and at the 15-inch storm sewer in detention basin.**
- (5) A somewhat deeper basin with an outlet depth that has been lowered by six inches.**
- (6) Use a 2.0% slope instead of a 1.5% slope in the detention basin.**

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(7) The basin outlet is 45 linear feet of 15-inch storm sewer at 1% slope rather than a 2.2% slope.

(8) Added by the ZBA at the public hearing on 9/14/17 is a requirement to revise the 15-inch diameter storm sewer outlet so that the outlet is no more than the equivalent to 12 inches in diameter.

The above special condition is necessary to ensure the following:

**That it is clear which version of the Site Plan submitted by the petitioner is the approved Site Plan.**

**D. A Zoning Compliance Certificate shall be approved within 12 months of approval of this variance. Prior to the issuance of the Zoning Compliance Certificate, the petitioner shall provide the Zoning Administrator with a copy of the as-built drawings of the detention basin including a written certification of the required storage volume, which are certified by an Illinois Professional Engineer, and the Zoning Administrator shall verify the as-built drawings are in substantial compliance with the approved site plan before approving the Zoning Compliance Certificate.**

The above special condition is necessary to ensure the following:

**To ensure that the constructed facility is substantially the same as the approved Site Plan for Case 863-V-16.**

**E. The approved site plan in this variance case shall become the approved site plan for Zoning Use Permit #82-16-01 with the modification of the change in condition C (8) above.**

The above special condition is necessary to ensure the following:

**To ensure proper permitting and compliance of all authorized construction.**

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

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

Mr. Thorsland entertained a motion to move to the Final Determination for Case 863-V-16.

**Ms. Griest moved, seconded by Ms. Capel, to move to the Final Determination for Case 863-V-16.**

1 **The motion carried by voice vote.**

2  
3 Mr. Thorsland stated that currently the Board has two members absent; therefore, it is at the petitioner’s  
4 discretion to either continue Case 863-V-16 until a full Board is present or request that the present Board  
5 move to the Final Determination. He informed the petitioner that four affirmative votes are required for  
6 approval.

7  
8 Mr. Blakeney requested that the present Board move to the Final Determination for Case 863-V-16.

9  
10 **FINAL DETERMINATION FOR CASE 863-V-16:**

11 **Ms. Griest moved, seconded by Mr. DiNovo, that the Champaign County Zoning Board of Appeals**  
12 **finds that, based upon the application, testimony, and other evidence received in this case, that the**  
13 **requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority granted**  
14 **by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of**  
15 **Champaign County determines that:**

16 **The Variance requested in Case 863-V-16 is hereby GRANTED WITH CONDITIONS to the**  
17 **petitioners, Scott Blakeney, Derek Wagner, and Tyler Wakefield, to authorize the following variance**  
18 **in the R-1 Single Family Residence Zoning District:**

19  
20 **Existing residence, patio, detached shed, and earth fill that occupy part of a drainage and**  
21 **utility easement in lieu of the requirement that no use shall be established, construction**  
22 **undertaken, nor fill placed in any recorded drainage or utility easement.**

23  
24 **SUBJECT TO THE FOLLOWING CONDITIONS:**

25  
26 **A. Upon written request of any utility with an interest in using the utility and drainage**  
27 **easements, the owner shall be responsible for the full cost of removing any**  
28 **structure, and/or fill, and refusing to remove the structure and fill shall be**  
29 **considered a violation of the Zoning Ordinance.**

30  
31 **B. An Erosion and Sedimentation Control Plan shall be submitted to and approved by**  
32 **the Zoning Administrator prior to any regrading or further disturbance of the soil in**  
33 **the drainage easement and all approved erosion and sedimentation controls shall be**  
34 **maintained in place on all disturbed land until final stabilization has occurred.**

35  
36 **C. The Revised Complete Detention Basin Regrade received September 13, 2017, is the**  
37 **Official Site Plan for Case 863-V-16, which includes the following changes:**  
38 **(1) Install one gabion mattress, 3 feet by 9 feet, installed just south of Lot 100. If**  
39 **the owner of Lot 101 does not give permission to do this, the gabion mattress**

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may be installed on Lot 100.

- (2) A one foot deep surface drainage swale where landscaping is indicated near west property line on Lot 99 and Lot 100.
- (3) Increase height of east berm to 727.8 feet instead of 727.5 feet on Lots 89 and 100.
- (4) Add a flared end section to the storm sewer along the west property line and at the 15-inch storm sewer in detention basin.
- (5) A somewhat deeper basin with an outlet depth that has been lowered by six inches.
- (6) Use a 2.0% slope instead of a 1.5% slope in the detention basin.
- (7) The basin outlet is 45 linear feet of 15-inch storm sewer at 1% slope rather than a 2.2% slope.
- (8) Added by the ZBA at the public hearing on 9/14/17 is a requirement to revise the 15-inch diameter storm sewer outlet so that the outlet is no more than the equivalent to 12 inches in diameter.

**D. A Zoning Compliance Certificate shall be approved within 12 months of approval of this variance. Prior to the issuance of the Zoning Compliance Certificate, the petitioner shall provide the Zoning Administrator with a copy of the as-built drawings of the detention basin including a written certification of the required storage volume, which are certified by an Illinois Professional Engineer, and the Zoning Administrator shall verify the as-built drawings are in substantial compliance with the approved site plan before approving the Zoning Compliance Certificate.**

**E. The approved site plan in this variance case shall become the approved site plan for Zoning Use Permit #82-16-01 with the modification of the change in condition C (8) above.**

Mr. Thorsland requested a roll call vote.

The roll was called as follows:

<b>Lee – absent</b>	<b>Passalacqua – absent</b>	<b>Randol – yes</b>
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1	Capel – yes	Griest – yes	DiNovo – yes
2	Thorsland – yes		

3  
4 Mr. Hall informed Mr. Blakeney that he has received approval of his request and staff will be in contact  
5 regarding final paperwork.

6  
7 Mr. Thorsland requested a five-minute recess.  
8

9 **The Board recessed at 8:00 p.m.**

10 **The Board resumed at 8:05 p.m.**  
11

12 **Case 869-AM-17** Petitioner: **Stonetown Woodland Acres LLC, and Principals, Dax Nolan, Vice**  
 13 **President, Roy Lapidus, Manager, Adam Minnick, Manager, Michael Friend, Manager for**  
 14 **Farnsworth Group** Request: **Amend the zoning Map to change the zoning district designation to**  
 15 **accommodate the proposed Special Use with waivers in related Zoning Case 870-S-17 and subject to**  
 16 **the variance requested in related Case 871-V-17 for the following portions of the subject property.**  
 17 **Part A: Change the zoning district designation from the R-1 single Family Residence Zoning District**  
 18 **to the R-5 Manufactured Home Park Zoning District for the eastern 150 feet of the subject property**  
 19 **described below. Part B. Change the zoning district designation from the B-2 Neighborhood Business**  
 20 **Zoning District to the R-5 Manufactured Home Park Zoning District for the 1.66-acre lot on the west**  
 21 **end of the subject property. Location: Three tracts of land totaling 13.37 acres, generally south and**  
 22 **east of the Urbana spur of I-74 (University Avenue/IL Route 130), north of US Route 150 (University**  
 23 **Avenue) and west of Smith Road, in the Southeast Quarter of the Southeast Quarter of Section 9 and**  
 24 **the West Half of the Southwest Quarter of Section 10 of Township and commonly known as**  
 25 **Woodland Acres Manufactured Home Park, with an address of 2200 East University Avenue, Urbana.**  
 26

27 **Case 870-S-17: Stonetown Woodland Acres LLC, and Principals, Dax Nolan, Vice President, Roy**  
 28 **Lapidus, Manager, Adam Minnick, Manager, Michael Friend, Manager for Farnsworth Group**  
 29 **Request: Authorize the expansion and use of an existing, nonconforming manufactured home park**  
 30 **with 93 existing and an additional 21 proposed manufactured home sites, as a Special Use Permit in**  
 31 **the R-5 Manufactured Home Park Zoning District, contingent upon the rezoning of the eastern 150**  
 32 **feet of the subject property in related case 869-AM-17 and subject to the variance requested in related**  
 33 **Case 871-V-17 and also subject to waivers A through R as listed on the legal advertisement, on the**  
 34 **subject property. Location: Three tracts of land totaling 13.37 acres, generally south and east of the**  
 35 **Urbana spur of I-74 (University Avenue/IL Route 130), north of US Route 150 (University Avenue)**  
 36 **and west of Smith Road, in the Southeast Quarter of the Southeast Quarter of Section 9 and the West**  
 37 **Half of the Southwest Quarter of Section 10 of Township and commonly known as Woodland Acres**  
 38 **Manufactured Home Park, with an address of 2200 East University Avenue, Urbana.**  
 39

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

1 register they are signing an oath. He asked the audience if anyone desired to sign the witness register at this  
2 time.

3  
4 Mr. Thorsland informed the audience that Cases 870-S-17 and 871-V-17 are Administrative Cases and as  
5 such, the County allows anyone the opportunity to cross-examine any witness. He said that at the proper  
6 time, he will ask for a show of hands for those who would like to cross-examine and each person will be  
7 called upon. He requested that anyone called to cross-examine go to the cross-examination microphone to  
8 ask any questions. He said that those who desire to cross-examine are not required to sign the witness  
9 register but are requested to clearly state their name before asking any questions. He noted that no new  
10 testimony is to be given during the cross-examination. He said that attorneys who have complied with  
11 Article 7.6 of the ZBA By-Laws are exempt from cross-examination.

12  
13 Mr. Thorsland asked the petitioner if he would like to make a statement regarding his requests.

14  
15 Mr. Mike Friend, Engineering Manager for Farnsworth Group, whose address is 16833 North 600E Road,  
16 Flanagan, IL, stated that at the last meeting conducted on August 17, 2017, there were specific requests by  
17 the Zoning Board of Appeals, and staff summarized those requests for the petitioner. Mr. Friend stated that  
18 on September 5, 2017, he submitted the required information, which included two plan sheets and a 24-page  
19 spreadsheet. He said that attachments 1 and 2 addressed the specific request for additional information by  
20 the ZBA at their last meeting.

21  
22 Mr. Thorsland asked Mr. Hall if he had additional information for the Board.

23  
24 Mr. John Hall, Zoning Administrator, stated that when the Board reviews the special conditions there are  
25 some changes that should be made. He said that the Board has never had a situation where there were so  
26 many nonconforming sites that we knew were going to become more nonconforming. He said that he  
27 appreciated the work submitted by the petitioner, and he believes that the additional information will answer  
28 all the Board's questions regarding the request.

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

31  
32 Mr. Thorsland asked the audience if anyone desired to cross-examine Mr. Friend, and there was no one.

33  
34 Mr. Thorsland called Dax Nolen to testify.

35  
36 Mr. Dax Nolen, Vice-President of Stonetown Woodland Acres, LLC, whose address is 720 S. Colorado  
37 Blvd, Suite 1150-N, Glendale, Colorado, stated that he had no information to add but he does have a few  
38 questions regarding the revised special conditions.

39  
40 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Nolen.

41

1 Mr. DiNovo stated that one of the requirements of the Zoning Ordinance is in regard to tiedowns for the  
2 mobile homes. He asked Mr. Nolen if he had any information regarding the existing homes' conformance  
3 regarding tiedown requirement, or do they conform to industry standard and regulations such as the IDPH  
4 requirements.

5  
6 Mr. Nolen stated that technology has changed drastically since the older homes were placed in the park, and  
7 some of them are strapped down over the top of the house which is not a current practice. He said that the  
8 new system, the xi2 foundation system, is what they use for placement of mobile homes in their parks. He  
9 said that some of their mobile homes in their Houston community were damaged during the recent hurricane,  
10 but luckily, the new system was used during the installation of the newer homes and those homes fared very  
11 well. He said that one of good things about having a mobile home is that when there are storms, the water  
12 flows underneath the mobile home, but he does not know what system was used for each home.

13  
14 Mr. DiNovo asked Mr. Nolen to clarify that all new homes will be installed in compliance with the Zoning  
15 Ordinance's requirements regarding tiedowns.

16  
17 Mr. Nolen stated that all new homes will be installed in compliance with the Zoning Ordinance's  
18 requirements regarding tiedowns, and they will be installed upon HUD compliant foundations.

19  
20 Mr. Hall asked Mr. Nolen if replacement homes on existing sites would be installed under the same  
21 requirements.

22  
23 Mr. Nolen stated yes.

24  
25 Mr. Thorsland asked the Board and staff if there were additional questions for Mr. Nolen, and there were  
26 none.

27  
28 Mr. Thorsland asked the audience if anyone desired to cross-examine Mr. Nolen, and there was no one.

29  
30 Mr. Thorsland asked the audience if anyone desired to sign the witness register and present testimony  
31 regarding Case 870-S-17, and there was no one.

32  
33 Mr. Thorsland asked the Board and staff if there was any additional information that should be added to the  
34 Summary of Evidence, and there was none.

35  
36 Mr. Thorsland stated that the Board will now review the special conditions.

37  
38 Mr. Thorsland read proposed Special Condition A. from page 71 of the September 14, 2017, Findings of  
39 Facts as follows:

40  
41 **A. Within 30 days of approval of Case 869-AM-17 by the Champaign County Board,**

1 the petitioner shall file a miscellaneous document with the Champaign County  
 2 Recorder of Deeds stating the Stonetown Woodland Acres Manufactured Home  
 3 Park was authorized subject to special conditions in Case 870-S-17, and the  
 4 document shall contain all of the special conditions of approval for Case 870-S-17. A  
 5 copy of the recorded document shall be given to the Zoning Administrator after  
 6 filing with the Recorder of Deeds.  
 7

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

9 **That any prospective purchaser of the subject property is aware of all of the**  
 10 **special conditions of approval.**  
 11

12 Mr. Thorsland asked Mr. Nolen if he agreed with Special Condition A.

13  
 14 Mr. Nolen agreed with Special Condition A.

15  
 16 Mr. Thorsland read proposed Special Condition B. as follows:  
 17  
 18

19 **B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate**  
 20 **until the petitioners have demonstrated that any new or proposed exterior lighting**  
 21 **on the subject property will comply with the lighting requirements of Section 6.1.2.**  
 22

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

24 **That any proposed exterior lighting is in compliance with the Zoning**  
 25 **Ordinance.**  
 26

27 Mr. Thorsland asked Mr. Nolen if he agreed with Special Condition B.

28  
 29 Mr. Nolen agreed with Special Condition B.

30  
 31 Mr. Thorsland read proposed Special Condition C.

32  
 33 **C. The petitioners shall develop the recreation areas within two years and in accordance**  
 34 **with the most recent version of the Illinois Mobile Home Park Act (210 ILCS 115) and**  
 35 **the Illinois Department of Public Health Manufactured Home Community Code (860**  
 36 **ILCS 220).**  
 37

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

39 **That Stonetown Woodland Acres conforms to State of Illinois requirements.**  
 40

41 Mr. DiNovo asked if the special condition should refer to Part 860 of Chapter 77 of the Illinois  
 42 Administrative Code.

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Mr. Hall stated yes.

Mr. Thorsland read revised Special Condition C. as follows:

- C. The petitioners shall develop the recreation areas within two years and in accordance with the most recent version of the *Illinois Mobile Home Park Act (210 ILCS 115)* and the *Illinois Department of Public Health Manufactured Home Community Code (77 Ill. Adm. Code 860)*.**

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

**That Stonetown Woodland Acres conforms to State of Illinois requirements.**

Mr. Thorsland asked Mr. Nolen if he agreed with revised Special Condition C.

Mr. Nolen agreed with revised Special Condition C.

Mr. Thorsland read proposed Special Condition D. as follows:

- D. On-street parking shall be allowed only when there is at least 24 feet in unobstructed pavement width for travel, and “No Parking” signs will be posted throughout the park as shown in Sheet B1 received June 29, 2017; these signs shall be in place before any replacement of homes occurs and shall be verified in all inspections by the Zoning Administrator.**

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

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

Mr. Thorsland asked Mr. Nolen if he agreed with revised Special Condition D.

Mr. Nolen agreed with revised Special Condition D.

Mr. Thorsland read proposed Special Condition E. as follows:

- E. Any proposed new construction and/or use shall be authorized and established as follows:**
  - (1) Replacement of existing homes shall result in a minimum 10 feet separation provided between adjacent homes. Existing homes on home sites 25, 26, 37, 38, 41, 42, 76, and 86 do not meet that minimum 10 feet separation and a Change of Use Permit shall be required for each of these replacements to ensure compliance with the minimum 10 feet separation.**

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Mr. Thorsland asked Mr. Nolen if he agreed to Special Condition E. (1).

Mr. Nolen stated that the home on site 76 is in the process of being replaced and the concrete pad complies and outside of the 10' separation.

Mr. Thorsland stated that home site 76 should be removed and revised Special Condition E. (1) should read as follows:

- (1) Replacement of existing homes shall result in a minimum 10 feet separation provided between adjacent homes. Existing homes on home sites 25, 26, 37, 38, 41, 42, and 86 do not meet that minimum 10 feet separation and a Change of Use Permit shall be required for each of these replacements to ensure compliance with the minimum 10 feet separation.**

Mr. Nolen stated that he agreed to revised Special Condition E. (1).

Mr. Thorsland read proposed Special Condition E. (2) As follows:

- (2) In general, the width of a replacement home shall be such that there is at least 10 feet separation between adjacent homes and the replacement shall not cause the loss of any off-street parking space.**

Mr. Thorsland asked Mr. Nolen if he agreed to Special Condition E. (2).

Mr. Nolen stated that he agreed to Special Condition E. (2).

Mr. Thorsland read proposed Special Condition E. (3) as follows:

- (3) The width of a replacement home shall not be greater than 14 feet on home sites 29, 65, 74, and 88. A Change of Use Permit shall be required for each of these replacements to ensure compliance.**

Mr. Thorsland asked Mr. Nolen if he agreed to Special Condition E. (3).

Mr. Hall stated that the sheets that Mr. Friend submitted indicates that Site 88 has a lot of room to expand; therefore, he recommended that site 88 be deleted from Special Condition E. (3).

Mr. Thorsland read revised Special Condition E. (3) as follows:

- (3) The width of a replacement home shall not be greater than 14 feet on home**



1

2 Mr. Hall asked Mr. Nolen if a 57' home was placed on sites 4 through 9 along Toni Lane, what would be  
3 the separation to the accessway. He said that the homes on sites 1 through 3 are approximately 56'  
4 homes, and if you limit the length on the replacement homes on sites 6 through 9 to 57', the separation  
5 to the accessway will be same as sites 1 through 3.

6

7 Mr. DiNovo asked Mr. Hall if the detail on the sheet indicating that area is the proposal for the kind of  
8 homes that are being placed there.

9

10 Mr. Friend stated that they took a couple of locations to see what could happen and the notes on the plan  
11 sheets indicate potential ways that this could happen. He said that the spreadsheet accommodates replacing  
12 each home individually, one at a time, as though nothing has happened to the home on either side, because  
13 you cannot predict availability of multiple homes simultaneously. He said that he inserted a note that states,  
14 if multiple adjacent homes are replaced simultaneously, there needs to be some latitude in optimizing those  
15 replacements. He said that he made the appropriate and conservative assumption that each home would be  
16 replaced one at a time. He said that he did not modify the front setbacks on the draft potential plan, and that  
17 was the very most conservative and shortest home as a result. He said that there needs to be sufficient square  
18 footage in the home to make it useable for the family and rentable for his client. He said that the additional  
19 length of 66' and the limit of 57' on some of the lots allows further encroachment, and the larger drawing  
20 indicates setbacks from the traveled way for the accessway. He said that there is a 37' wide asphalt road and  
21 24' is required, so allowing the homes to move forward a little bit still allows for the 24' traveled way on the  
22 private accessway and allows homes to be large enough to be desirable for rent. He said that he showed the  
23 most conservative option, 54' and adding another 10 or 12' does not mean that there is less than a 24'  
24 traveled way, but does mean that the setback from the edge of that traveled way will be less than it is now.  
25 He said that he measured from the edge of the pavement which is 37 feet wide, and all that is needed is 24';  
26 therefore, it was an exercise in judgement and he could have attempted to draw in the limits of the 24'  
27 traveled way but he measured to the edge of the pavement by the home. He said that if they had drawn the  
28 line at the 24' accessway, the setbacks would have been more than indicated on the plan.

29

30 Mr. Thorsland asked Mr. Friend if they wanted to get out of the right-of-way and leave 24' along Toni Lane,  
31 there is still some space.

32

33 Mr. Friend stated that the parking spots are 20' deep.

34

35 Mr. Thorsland asked if the line still provides a 24' access, because a 56' sized home would fit in all sites and  
36 stay outside of the right-of-way with no encroachment.

37

38 Mr. Nolen stated that a 56' home is fairly standard.

39

40 Mr. Thorsland asked how the Board could fix Special Condition E. (4) for it to reflect a 56' home.

41

1 Mr. Nolen stated that the Special Condition could indicate a maximum home size or a setback change for  
2 sites 1 through 9. He said that a zero setback is unreasonable anyway because there is a gas line that runs in  
3 between the road and along the front of the homes that is unrealistic to move. He said that being closer to  
4 the road would not impede on the width of the fire lanes given that the parking is off street.

5  
6 Mr. Thorsland stated that the setback change is nice, but a standard size home restriction is easier to enforce.

7  
8 Mr. DiNovo stated that if sites 8 and 9 became available, the homes could be replaced at an angle.

9  
10 Mr. Nolen stated that they plan to locate a 56' home on site 8. He said that they are cutting off the concrete  
11 that intruded into the right-of-way and replacing what was a 65 feet home.

12  
13 Mr. DiNovo asked if a 5' setback from the edge of the pavement would be workable.

14  
15 Mr. Hall asked Mr. DiNovo if he means from the edge of the pavement or the 24' traveled way.

16  
17 Ms. Griest asked if the butt end of the parking spaces is positioned to be the 24' width on Toni Lane. She  
18 said that setting a specific dimension, sites 90 and 92 may have a problem with 56' because they will be back  
19 in the right-of-way in lieu of the setback. She said that currently the home on site 90 is 56' and it is  
20 encroaching over the setback line of 25' from Smith Road. She said that if the special condition is structured  
21 for a 56' home the Board is authorizing it to be located in the right-of-way and she would rather give them  
22 the latitude to determine their length decision to be no closer than 5' from the 24' minimum road width. She  
23 said that she is sure that they will utilize that in a manner so that the home will not be over the gas line and  
24 will not cause new problems, and she is comfortable in allowing them that flexibility and discretion.

25  
26 Mr. Nolen stated that he would be fine with that.

27  
28 Mr. Hall stated that the traveled way for Fred Lane is not 24' wide.

29  
30 Mr. DiNovo asked where the edge of the existing pavement is located for Toni Lane, relative to the parking  
31 spaces.

32  
33 Mr. Friend stated that Sheet C1 indicates that the end of the parking space is the physical edge of the  
34 pavement. He said that in front of each home there is some sort of landscaping there that is not asphalt.

35  
36 Mr. DiNovo stated that the distance from the parking space adjacent from site 5 and the spaces on the other  
37 side of Toni Lane is 37'.

38  
39 Mr. Friend stated that the spreadsheet indicates that site 4 has a 14' by 63.8' home on that site. He said that  
40 the actual setback to the edge of the pavement is shown as 11.9', which means that the home on site 4 is  
41 11.9' from the edge of the pavement which they measured from the line connecting the adjacent parking

1 spaces. He said that they looked at a 16' by 52' home, which kept it with a zero setback on the right-of-way  
2 line and held the front the same, essentially. He said that it is almost 12' from the front of the home on site 4  
3 to the back of the parking space, and the back of the parking spaces establishes the traveled way because if  
4 there is a vehicle parked in the parking spaces then that is the edge of the traveled way, which is a pre-  
5 existing condition.

6  
7 Mr. Nolen stated that the spreadsheet indicates that for site 8 there is a proposed replacement home size of  
8 16' by 52', and by using the five-foot setback as proposed, they are actually hoping to locate a 16' by 56'  
9 home on site 8 and 9.8' would be the actual setback from the private accessway. He said that if they added  
10 four feet they would be at 5.8'. He said that as Toni Lane moves to the east the right-of-way sort of pinches  
11 you and truncates it a little bit so that the sites at the top are the trickiest. He said that he is more concerned  
12 about sites 7, 8 and 9, than he is site 4, because there is a little more room there. He said that given that site  
13 8 is where it is and since they are going through this process with the Board, he is comfortable with the five  
14 feet rule. He said that he does believe that the sites on the eastern side, sites 90 and 92, are a different  
15 discussion, but the IDOT right-of-way can be resolved with the five feet setback requirements. He said that  
16 they can get 56' houses, but if one of them ends up being 52' they can live with that. He said that they  
17 already have concrete poured for site 8, but site 9 can be poured to accommodate the Board's decision.

18  
19 Mr. Thorsland asked the Board if sites 90 and 92 would be treated differently.

20  
21 Mr. Friend stated that the traveled way is defined by the rear line of the existing parking spaces. He said that  
22 the spreadsheet indicates the measure to the edge of the paved area in front of each home which jogs back  
23 and forth and up and down within the park. He said that there isn't an actual edge of asphalt pavement that  
24 they depicted from and the offsets are from the physical edge of the pavement.

25  
26 Mr. Nolen stated that regarding sites 90 and 92, he understands that 57' could be the maximum size, but the  
27 other sites were given a 66' revised number. He said that he understands the concern regarding site 90 and  
28 92 going further into the right-of-way, but perhaps an exception could be agreed upon that site 90 could have  
29 a 56' home so that the site is more conforming without encroaching further or becoming closer to Fred Lane,  
30 knowing that it is narrower. He said that it is not his intent to move any of the homes along Fred Drive any  
31 closer to the road, and he would be willing to have a different requirement for sites 90 and 92.

32  
33 Ms. Griest asked why sites 90 and 92 are delineated, but the other homes in the right-of-way are not. She  
34 asked if we would not want to include 91 and 89, for example.

35  
36 Mr. Friend stated that the homes are not in the right-of-way but are located within the 25' setback from the  
37 right-of-way.

38  
39 Mr. Hall stated that they are delineated because they are nonconforming currently, and because of their  
40 dimensions we are afraid that they may become more nonconforming, whereas, 89 and 91 couldn't really  
41 become more nonconforming because it's almost at the right-of-way.

1

2 Ms. Griest stated that at the last meeting the Board entertained an option of the replacement homes being  
3 wider, because currently they are only 12' wide. She said that the Board received testimony at the previous  
4 hearing indicating that 12' homes are obsolete. She said that the replacement homes would be wider which  
5 would provide less separation between homes, but to say that overall, the homes would become more  
6 nonconforming didn't work for her. She asked Mr. Hall if he is indicating that a fence will be placed along  
7 the solid line, or somewhere in that vicinity, and so what happens inside the fence is not a problem and that  
8 space can be used.

9

10 Mr. Hall stated that is what needs to be specified, as well as, what concerns the Board may have.

11

12 Ms. Griest stated that she became confused when 90 and 92 were thrown in.

13

14 Mr. DiNovo stated that right-of-way setback concerns regarding the widening of the right-of-way of Smith  
15 Road do not apply, because he cannot imagine any future plans to widen the dead end of Smith Road. He  
16 said that the fence substantially alters any aesthetic concern, because you cannot see what is going on.

17

18 Ms. Griest stated that she didn't have any length concern for sites 56 and 59, but it was the width that the  
19 Board was talking about for those units. She said that she is comfortable with the Change of Use permit and  
20 the Department of Planning and Zoning making the determination that they are within the intent of the  
21 approval. She asked if they would be doing a Change of Use for each replacement.

22

23 Mr. Hall stated that they do not need to apply for a Change of Use for each home replacement, but they do  
24 anytime this Board wants to ensure the amount in which something may become more nonconforming.

25

26 Ms. Griest stated asked if they wanted to put a 14' by 60' home on site 56, a Change of Use would not be  
27 required because they are already 14' wide and they are not nonconforming on their overall length, as only  
28 one end is nonconforming and the other end is not.

29

30 Mr. Hall stated that regarding site 56, the spreadsheet indicates that the desired replacement home is  
31 indicated to be 16' by 60' which would provide the required 15' setback to the private accessway, but that  
32 would only leave 10' to the adjoining boundary of the manufactured home park. He said that the spreadsheet  
33 must be wrong, because they need more than 10' to the boundary.

34

35 Ms. Burgstrom stated that 15' is required.

36

37 Ms. Griest stated that Lot 2 is owned by the petitioner, so that boundary included Lot 2.

38

39 Mr. Hall stated that Lot 2 is not part of the site plan.

40

41 Ms. Griest stated that the setbacks are drawn as if Lots 1 and 2 are included, unless she is reading it

- 1 incorrectly.  
2
- 3 Mr. Hall stated that Lots 1 and 2 do not have R-5 zoning.  
4
- 5 Ms. Griest asked if the Farnsworth drawing, which includes the red lines for nonconforming setbacks, may  
6 not be indicating all the red lines necessary for sites 55 through 63, because they hadn't accounted for a  
7 setback for Lots 1 and 2.  
8
- 9 Mr. Hall stated that site 56, as it is now, is more than conforming, but the question is how much will it  
10 change.  
11
- 12 Ms. Griest stated that they have length to work with, but not width.  
13
- 14 Mr. Hall stated that the question is, how much length do they have to work with.  
15
- 16 Ms. Griest agreed.  
17
- 18 Mr. Thorsland stated that the petitioner has indicated that he is comfortable with the 5' setback, except for  
19 sites 90 and 92. He said that the Board needs to decide how to address sites 56, 59, and 60.  
20
- 21 Mr. Nolen stated that it isn't correct to assume that for a replacement home, if you make it longer it will  
22 continue along that same line.  
23
- 24 Mr. Thorsland asked Mr. Nolen if the 5' setback is acceptable.  
25
- 26 Mr. Nolen stated that the 66' requirement for site 56, 59 and 60, is acceptable.  
27
- 28 Ms. Griest proposed that the replacement homes for sites 56, 59 and 60 not encroach into the rear setback.  
29 She said that as the homes are replaced they should not encroach into the rear setback. She said that the  
30 replacement homes may be wider, but not longer, and that was the discussion that the Board had at the last  
31 meeting. She said that all of the homes in this area will probably get wider and site 74 should be included  
32 with sites 90 and 94, because it is already at 56' and encroaches on both ends.  
33
- 34 Mr. Nolen stated that site 74 was already included under a previous special condition indicating that a  
35 replacement home could not be wider than 14 feet.  
36
- 37 Ms. Griest stated that site 74 is included in this special condition, E. (4).  
38
- 39 Mr. Thorsland stated that site 74 has already been reviewed by the Board under special condition E. (3).  
40
- 41 Ms. Griest asked if site 74 should be eliminated from special condition, E. (4).

1  
2 Mr. Thorsland stated site 74 could fall under special condition E. (4), because it would then have a width and  
3 length limit. He said that a replacement home will not be a specialized size, but will be a standard size.  
4

5 Mr. Nolen stated that these are standard sized homes and you cannot just order odd sized homes. He said  
6 that and he is comfortable with a requirement indicating that the replacement home on site 74 would be a  
7 standard size home which would be 14' by 56', the same size as what is currently on the site.  
8

9 Mr. Thorsland stated that it appears that brackets have been placed on all concerned sites.  
10

11 Ms. Griest stated that restrictions have not yet been placed on sites 56, 59, and 60.  
12

13 Mr. Thorsland stated that if a 14' width is standard, perhaps a restriction for a replacement home on site 56,  
14 59, and 60 would be that it could be no more than 14' by 60.  
15

16 Mr. Friend stated that they attempted to use a 16' wide home on as many sites as possible, but there were  
17 three sites where that was not possible, and those sites, 29, 65, and 74, were addressed in special condition E.  
18 (3).  
19

20 Mr. Thorsland stated that special condition E. (3) was for width, not length.  
21

22 Ms. Griest stated that the spreadsheet indicates that site 74 will have a 16' by 76' home.  
23

24 Mr. Friend stated that the spreadsheet has potential home sizes and they made conservative estimates as to  
25 what could be placed on sites. He said that they prioritized to have a 16' width, and three of the homes could  
26 only be 14' in width. He said that they were conservative regarding the length, and by conservative he  
27 means that they tended to estimate a shorter length on the spreadsheet. He said that if there is room to place  
28 a longer home then he will do that, but they tried to hold the front setback. He said that they were making  
29 decisions on 93 homes, one side at a time, in preparing the spreadsheet. He said that if there is room to place  
30 a longer home, then his client would like the opportunity to do so. He said that for some of the sites he  
31 indicated proposed or potential sizes for replacement homes.  
32

33 Mr. Hall stated that regarding sites 56, 59 and 60, sites 57 and 58 are proposed to have 60' homes, which are  
34 shorter than the existing homes and will maintain their nonconforming 10' separation distance from the  
35 boundary. He said that if sites 56, 59, and 60 are allowed homes that are 60' in length, they will go from a  
36 home that meets the separation to the boundary to a home that is nonconforming. He said that limiting the  
37 replacement home to 60' on sites 56, 59, and 60, the Board will change a conforming separation to the  
38 boundary to a nonconforming separation.  
39

40 Ms. Griest stated that she wasn't supporting a specific length; rather the rear boundary must be maintained.  
41

1 Mr. Hall stated that doesn't work for sites 56, 59, and 60 either. He asked Ms. Griest if she means that the  
2 minimum required boundary must be met.

3  
4 Ms. Griest stated yes, at the rear, and sites 59 and 60 on the front. She said that current site 56 does not meet  
5 the minimum required boundary, at least not according the drawing. She said that she doesn't care what  
6 length of home is placed on the site, if they maintain the rear boundary requirement.

7  
8 Mr. Hall stated that, maintain, is what was confusing him.

9  
10 Ms. Griest stated that they should preserve or meet the minimum requirement.

11  
12 Mr. Friend asked Ms. Griest and Mr. Hall to clarify if they are discussing the IDPH (Illinois Department of  
13 Health) minimum requirement, which is 10', or the County's minimum requirement, which is 15'.

14  
15 Ms. Griest stated that she is hoping for 15'.

16  
17 Mr. Thorsland stated that in requiring the 15', the site could become unusable.

18  
19 Mr. Hall stated that if we were looking at this as most nonconforming cases go, we would have to imagine  
20 what is the minimum dimension required for a modern home length, the County minimum 15' rear yard, and  
21 the minimum separation to the accessway, and this home was not designed to meet those standards. He said  
22 that meeting those standards means that the living area will be penalized, and if that is what the Board wants,  
23 then that is fine.

24  
25 Ms. Griest stated that there is no dispute that this manufactured home park does not meet today's standards,  
26 and she could be swayed to support the IDPH requirement of 10', but not less than 10'.

27  
28 Mr. Hall stated that one way to ensure the 10' would be to go back to special condition E. (2) and indicate a  
29 minimum separation of 10' between all homes, but that wouldn't work along Interstate 74.

30  
31 Ms. Griest stated Mr. Nolen testified at the last meeting that it was not their intent to make the park more  
32 nonconforming than what it already was, except in situations of width because they don't make those sizes  
33 any longer. She said that 12' homes can no longer be purchased and some 14' homes can be purchased, but  
34 in some of these areas the width is so tight that they will becoming more nonconforming. She said that what  
35 initiated the drawing was her question asking how nonconforming the park is currently, and where will more  
36 nonconformance be created.

37  
38 Mr. Friend stated that the setbacks for site 56 through 63 were computed correctly to the property line, and  
39 the rear setback in that line of homes is 10', which is not in accordance with the County, but is in accordance  
40 with the IDPH requirements.

- 1 Mr. Nolen stated that he would be agreeable to replace the sites that are serious offenders with 66' homes.  
2 He said that the three homes that are tiny are unsafe will be replaced with safe homes.  
3
- 4 Ms. Griest stated she can compromise on the 10' requirement, because she agrees with the replacement of  
5 the older homes with newer and safer homes.  
6
- 7 Mr. Thorsland asked if the 10' requirement should be enforced and the petitioner will fit homes on the site as  
8 they can so that they are conforming.  
9
- 10 Ms. Griest agreed, because she does not see that it is prudent for this Board to put specific sizes on the  
11 homes by a space by space location. She said that is better to give them the flexibility and the latitude to  
12 work with Planning and Zoning and do what they can to conform.  
13
- 14 Mr. Thorsland asked Ms. Griest if she is only discussing three sites, 56, 59, and 60.  
15
- 16 Ms. Griest stated yes. She said that she would add a special condition indicating that if any of the homes  
17 along that line were replaced that they would have to adhere to a 10' setback from the property line. She  
18 said that it is irrational to indicate that site 56 has to comply, but 57 does not, so the same parameters must  
19 be put on if they are going to be replaced. She said that they should not be penalized in any way, shape, or  
20 form for the homes that are currently on the sites, but if they are going to replace those homes, then the  
21 petitioner has options. She said that she would add to the special condition that this is the IDPH standard,  
22 because that would prove that this Board had a basis for requiring the 10' setback.  
23
- 24 Mr. Nolen stated that that even with the 10' setback, they could locate a 60' home on those sites, and is fine  
25 with the special condition.  
26
- 27 Mr. DiNovo stated that he agreed to special condition E. (4). He said that he is not uncomfortable with the  
28 discretion of a future Zoning Administrator who might want to average these requirements, as long as the  
29 overall attempt is exercised.  
30
- 31 Mr. Thorsland asked the Board if they were comfortable with special condition E. (4), as amended.  
32
- 33 The Board agreed.  
34
- 35 Mr. Thorsland asked Mr. Nolen if he agreed with revised special condition E. (4).  
36
- 37 Mr. Nolen stated that he agreed with revised special condition E. (4).  
38
- 39 Ms. Griest asked if a Change of Use Permit is required or not for special condition E. (4).  
40
- 41 Mr. Hall stated that it is up to the Board, but if they want to ensure that the petitioner is meeting those

1 minimum separations, then the Board could either trust that the developer will do that or require a Change of  
2 Use Permit.

3  
4 Ms. Griest stated that she would prefer requiring a Change of Use Permit.

5  
6 Mr. Hall stated that staff has only proposed Change of Use Permits where it should be clear that the  
7 minimum requirement has been achieved; otherwise, he sees no need for a Change of Use Permit for  
8 replacement of existing homes.

9  
10 Mr. Thorsland read proposed special condition E. (5) as follows:

- 11 **(5) As existing homes that are encroaching on the IDOT right-of way change**  
12 **ownership, those homes must either be relocated or replaced with new homes**  
13 **that do not encroach into the IDOT right-of-way, and the as-built location of**  
14 **each replacement home shall be documented in an as-built site plan prepared**  
15 **by an Illinois Professional Engineer or Illinois Licensed Land Surveyor. The**  
16 **existing home sites are numbered 4, 5, 7, 8, 9 and 10 on the Overall Site Plan**  
17 **received June 16, 2017.**

18  
19 Mr. Thorsland asked Mr. Nolen if he agreed to special condition E. (5).

20  
21 Mr. Nolen stated that he agreed. He noted that he thought that this special condition is where the 5'  
22 minimum setback requirement for those homes was inserted.

23  
24 Mr. DiNovo asked whether it would be possible to have the right-of-way adjacent sites surveyed once so  
25 that separate surveys would not be required for each as-built drawing.

26  
27 Mr. Friend stated that this isn't a straight line along there, but is a large radius. He said that it appears  
28 relatively straight on the drawing, but it is not. He said that something could be set on the property line  
29 behind the end of every home, but that makes surveyors crazy because a future surveyor will find these  
30 points along this line with no idea what they are indicating.

31  
32 Mr. Thorsland read proposed special condition E. (6) as follows:

- 33  
34 **(6) If a site is not specifically referred to in the other subparagraphs of this**  
35 **Special Condition, a replacement home is not required to be documented in a**  
36 **permit; however, all of the conditions must still be met (i.e., min. 10 feet**  
37 **separation and no closer to the property boundary or to a private**  
38 **accessway).**

39  
40 Mr. Thorsland asked Mr. Nolen if he agreed to special condition E. (6).

41

1 Mr. Nolen stated that he agreed to special condition E. (6).  
2

3 Mr. Hall stated that perhaps the special condition should indicate no closer to the property boundary or a  
4 private accessway than specified above.  
5

6 Ms. Griest asked if the previous discussion regarding private accessway was for 5' throughout or only on  
7 that back row.  
8

9 Mr. Hall stated that this is meant to refer to all those sites that the Board has not discussed, a minimum  
10 10' separation and no closer to the property boundary or to a private accessway covers those sites,  
11 otherwise the Board would have discussed it. He said that some of these sites will be replaced with a  
12 permit and they will be more nonconforming because they can be expanded in terms of width.  
13

14 Mr. Thorsland read proposed special condition E. (7) as follows:  
15

16 **(7) Each replacement home shall be inspected by the Zoning Administrator prior**  
17 **to occupancy and if the replacement home is in compliance with the approval**  
18 **in Case 870-S-17, then the Zoning Administrator shall authorize occupancy in**  
19 **a Zoning Compliance Certificate. The total fee for a Change of Use Permit**  
20 **for replacement of existing nonconforming structures, including the Zoning**  
21 **Compliance Certificate, shall be \$66 per home site.**  
22

23 Mr. Hall recommended that the first sentence for E. (7) be revised as follows: Each replacement home  
24 referred to in conditions 1, 3, 4 and 5 above shall be inspected by the Zoning Administrator prior to  
25 occupancy and if the replacement home is in compliance with the approval in Case 870-S-17, then the  
26 Zoning Administrator shall authorize occupancy in a Zoning Compliance Certificate. He said that those  
27 are the only ones that require a Change of Use Permit.  
28

29 Mr. Thorsland asked Mr. Nolen if he agreed to special condition E. (7), as amended.  
30

31 Mr. Nolen stated that he agreed to revised special condition E. (7).  
32

33 Ms. Capel asked Mr. Hall the fee amount should be included in the special condition, as they could  
34 increase.  
35

36 Ms. Griest stated that the fee amount was discussed at a previous meeting and Mr. Hall's response was  
37 that these fees were pretty well established and he didn't anticipate a change for many years, and if they  
38 did it would be a nominal change.  
39

40 Mr. Hall agreed.  
41

1 Mr. Nolen asked if when a home is replaced after a certificate is issued does it reach certain criteria where  
2 it doesn't have to receive a permit when that home is replaced again.

3  
4 Mr. Hall stated that is up to the Board.

5  
6 Ms. Griest stated that if they are replacing the home with the same size, then no, but if any changes are  
7 proposed, then they should go through the process again. She said that in theory, everyone plays by the  
8 rules, but if someone, a future owner, isn't aware of the rules and requirements they could install a 16' by  
9 70' home on the site and be encroaching.

10  
11 Mr. Hall stated that as replacement homes are placed on the site it will presumably be the same size.

12  
13 Ms. Griest stated that a new special condition could be stated as follows: Replacement of homes that  
14 have previously received a Change of Use Permit by homes of equal or smaller size are exempt from  
15 obtaining a new Change of Use Permit.

16  
17 Mr. DiNovo stated that the Board needs to decide if they want to specifically prohibit the replacement of  
18 existing homes with homes that do not meet some appropriate minimum standard for construction. He  
19 said that the logic of this is to allow a continuing use without increasing certain nonconformities in order  
20 to facilitate the replacement of old homes with new homes. He said that we want to be clear that old  
21 homes will not be replaced by old homes, and it appears that the petitioner's intent is not to do that but  
22 another owner may not be as committed. He asked if there was a simple way to specify a home of better  
23 quality. He said that if the logic for allowing an increase in nonconformity is to get rid of old unsafe  
24 homes with newer and safer homes, then this goes to our justification to contemplate this.

25  
26 Mr. Nolen stated that there was an act by the government in 1974 regarding HUD compliance, and that  
27 act affected homes that were constructed in 1976. He said that the homes that are 12' wide were  
28 constructed prior to 1976, and he cannot imagine why someone would test the rule, but he understands  
29 the reasoning behind it.

30  
31 Mr. Hall stated that a new special condition could be as simple as the following: all replacement homes  
32 shall be 1974 or newer.

33  
34 Mr. Nolen stated that the special condition should indicate replacement homes that are 1976 or newer.

35  
36 Mr. Thorsland asked why the special condition was required, when the State of Illinois has already acted  
37 on this matter.

38  
39 Mr. DiNovo stated that this type of thing is included in special conditions all the time.

40  
41 Ms. Griest asked Mr. Nolen to repeat his previous testimony regarding older homes.

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Mr. Nolen stated that the State of Illinois does not allow homes constructed prior to 1976 to be moved to another site.

Mr. Thorsland stated that Mr. Nolen has agreed to special condition E. (7)., but asked the Board if they agreed to the special condition, and the Board agreed.

Mr. Thorsland stated that the Board will now review special condition E. (8).

Mr. Hall noted that new proposed special condition E. (8) was the special condition that Ms. Griest and Mr. DiNovo proposed indicating that replacement homes that are the same size as existing homes do not require a Change of Use Permit.

Ms. Griest stated that she indicated that homes which have previously received a Change of Use Permit do not require a change of use permit if the home is to be replaced with a home of equal or lesser size.

Mr. Thorsland read proposed special condition E. (8) as follows:

**(8) Home sites that have previously received a Change of Use Permit do not require a change of use permit if the home is to be replaced with a home of equal or lesser size.**

Mr. Thorsland asked Mr. Nolen if he agreed to new special condition E. (8).

Mr. Nolen stated that he agreed to new special condition E. (8).

Mr. Thorsland read proposed special condition E. (9), previously special condition E. (8), as follows:

**(9) Each new home on proposed sites 94 through 114 shall be established pursuant to a Zoning Use Permit that may include all homes on one combined permit or individual homes on individual permits at a fee of \$33 per each site plus a Zoning Compliance Certificate fee of \$33 per each site.**

Mr. Thorsland asked Mr. Nolen if he agreed to special condition E. (9).

Mr. Nolen stated that he agreed to special condition E. (9).

Mr. Thorsland read proposed special condition E. (10) as follows:

**(10) New off-street parking spaces shall be constructed by way of a Change of**

**Use Permit within one year of approval of Case 870-S-17.**

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Mr. Thorsland asked Mr. Nolen if he agreed to special condition E. (10).

Mr. Nolen stated that he agreed to special condition E. (10).

Mr. Thorsland read proposed special condition E. (11) as follows:

**(11) Development of the proposed recreation areas shall be authorized either under a Change of Use Permit for a fee of \$65 or may be combined for no fee with any other required Change of Use Permit or Zoning Use Permit.**

Mr. Thorsland asked Mr. Nolen if he agreed to special condition E. (11).

Mr. Nolen stated that he agreed to special condition E. (11).

Mr. Thorsland read proposed special condition E. (12) as follows:

**(12) All outbuildings shall be reviewed by reviewed by the Fire Protection District within 6 months of approval of Case 870-S-17.**

Mr. Nolen stated that the special condition should indicate all new outbuildings.

Mr. Hall recommended the following revision to special condition E. (12):

**(12) The location of all new or replacement outbuildings shall be reviewed by the Edge Scott Fire Protection District.**

Mr. Nolen agreed to revised special condition E. (12).

Mr. Randol recommended that rather than indicating Edge Scott Fire Protection District, the special condition should indicate the relevant Fire Protection District.

Mr. Hall agreed.

Ms. Burgstrom recommended removing the following from special condition E. (12): within 6 months of approval of Case 870-S-17.

Mr. Hall agreed to Ms. Burgstrom's recommendation, and noted that he did not include that text in his recommended revision for special condition E. (12).

1 Mr. Thorsland read revised special condition E. (12), as follows:

2

3 **(12) The location of all new or replacement outbuildings shall be reviewed by the**  
4 **relevant Fire Protection District.**

5

6 Mr. Nolen indicated that he agreed to revised special condition E. (12).

7

8 Mr. Thorsland read the final statement for special condition E.

9

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

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

13

14 Mr. Thorsland read proposed special condition F. as follows:

15

16 **F. The Overall Layout Plan by Farnsworth Group, received June 16, 2017; the Revised**  
17 **Expansion Permit Drawings for proposed new home sites received June 16, 2017;**  
18 **Sheets A1, A2, B1, and C1 by Farnsworth Group, received August 8, 2017, and Sheets**  
19 **D1, E1 and E2 by Farnsworth Group, received August 17, 2017, comprise the official**  
20 **site plan for approval in Case 870-S-17.**

21

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

23 **That it is clear which version of the Site Plan submitted by the petitioners is**  
24 **the approved Site Plan.**

25

26 Mr. Thorsland asked Mr. Nolen if he agreed to special condition F.

27

28 Mr. Nolen stated that he agreed to special condition F.

29

30 Mr. Thorsland read proposed special condition G. as follows:

31

32 **G. The Zoning Administrator shall not authorize a Zoning Compliance Certificate**  
33 **until the petitioner has provided the Zoning Administrator a copy of the written**  
34 **approval by the relevant Fire Protection District Chief for the location, purchase,**  
35 **and installation of the 4 proposed fire hydrants shown on Exhibit B: Sheet B1**  
36 **received June 29, 2017; 2 additional fire hydrants shown on Exhibit D: Sheet D1**  
37 **received August 17, 2017, and the as-built drawings of the siren actuated gate.**

38

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

40 **That public safety in the existing and proposed areas of Woodland Acres**  
41 **meet local fire protection standards.**

42

1 Mr. Thorsland asked Mr. Nolen if he agreed to special condition G.

2

3 Mr. Nolen stated that he agreed to special condition G.

4

5 Mr. Thorsland read proposed special condition H. as follows:

6

7 **H. The petitioner shall provide the Zoning Administrator a copy of the written**  
8 **approval by the City of Urbana Plumbing Inspector of the inspection of any**  
9 **sanitary sewer laterals installed for the properties per an intergovernmental**  
10 **agreement between the City and UCSD (Ordinance 9192-110).**

11

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

13 **That new sewer connections are compliant with local regulations and**  
14 **agreements.**

15

16 Mr. Thorsland asked Mr. Nolen if he agreed to special condition H.

17

18 Mr. Nolen stated that he agreed to special condition H.

19

20 Mr. Thorsland read proposed special condition I. as follows:

21

22 **I. The Zoning Administrator shall not authorize a Zoning Compliance Certificate on**  
23 **the subject property until the petitioners submit as-built drawings of the streets, fire**  
24 **hydrants, siren-actuated gate, and detention basins.**

25

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

27 **That proposed construction reflects what was included in the Approved Site**  
28 **Plan for Case 870-S-17.**

29

30 Mr. Thorsland asked Mr. Nolen if he agreed to special condition I.

31

32 Mr. Nolen stated that he agreed to special condition I.

33

34 Mr. Thorsland read proposed special condition J. as follows:

35

36 **J. An 8-foot high privacy fence made of PVC/vinyl in an earth tone color shall be**  
37 **installed as detailed on Sheets E1 and E2 received August 17, 2017, as a condition of**  
38 **Zoning Compliance. In addition, gaps in fencing along the south and west sides of**  
39 **the subject property must be filled with a visual screen of minimum 6 feet height,**  
40 **which can be natural vegetative screening or made of wood or PVC/vinyl. All fences**  
41 **shall be maintained by the owner of the manufactured home park in perpetuity.**

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The special condition stated above is required to ensure the following:  
**To ensure compliance with Section 6.2.2 C.3. of the Zoning Ordinance.**

Mr. Thorsland asked Mr. Nolen if he agreed to special condition J.

Mr. Nolen stated that he agreed to special condition J.

Mr. Thorsland read proposed special condition K. as follows:

**K. The manufactured home park shall be compliant at all times with the requirement for licensing from the Illinois Department of Public Health.**

The above special condition is necessary to ensure the following:  
**To ensure compliance with IDPH regulations and licensing that provide a greater assurance of public health and safety and ensure that County regulations and IDPH regulations are coordinated in a reasonable manner.**

Mr. Thorsland asked Mr. Nolen if he agreed to special condition K.

Mr. Nolen stated that special condition K. should include the following: and relevant government entity. He said that IDPH would not govern the manufactured home park if it is annexed into the City of Urbana.

Mr. Thorsland read revised special condition K. as follows:

**K. The manufactured home park shall be compliant at all times with the requirement for licensing from the Illinois Department of Public Health and relevant government entity.**

The above special condition is necessary to ensure the following:  
**To ensure compliance with IDPH regulations and licensing that provide a greater assurance of public health and safety and ensure that County regulations and IDPH regulations are coordinated in a reasonable manner.**

Mr. Nolen stated that he agreed to revised special condition K.

Mr. Thorsland entertained a motion to approve the special conditions as amended.

**Ms. Griest moved, seconded by Mr. Randol, to approve the special conditions as amended. The motion carried by voice vote.**

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**FINDINGS OF FACT FOR CASE 870-S-17:**

**From the documents of record and the testimony and exhibits received at the public hearing for zoning Case 870-S-17 held on June 29, 2017, August 17, 2017, and September 14, 2017, the Zoning Board of Appeals of Champaign County finds that:**

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

Mr. DiNovo stated that the requested Special Use Permit IS necessary for the public convenience at this location because the mobile home park is long established and is the home of 93 families.

**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 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 traffic capacity and the entrance location has ADEQUATE visibility.**

Ms. Capel stated that the street has ADEQUATE traffic capacity and the entrance location has ADEQUATE visibility.

**b. Emergency services availability is ADEQUATE.**

Mr. Randol stated that emergency services availability is ADEQUATE.

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

Mr. DiNovo stated that the Special Use WILL be compatible with adjacent uses because it is bordered on 2 sides by commercial uses, on the 3<sup>rd</sup> side by the Interstate highway spur, and the 4<sup>th</sup> side will be screened or fenced from adjacent residential use.

**d. Surface and subsurface drainage will be ADEQUATE.**

Ms. Capel stated that surface and subsurface drainage will be ADEQUATE.

**e. Public safety will be ADEQUATE.**

Ms. Griest stated that public safety will be ADEQUATE.

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

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Ms. Griest stated that the provisions for parking will be ADEQUATE.

Mr. DiNovo stated that provision for parking will be ADEQUATE because additional off-street parking will be provided to meet the requirements of the ordinance.

Ms. Capel stated that 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 be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

**3a. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the DISTRICT in which it is located.**

Ms. Griest stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the DISTRICT in which it is located,

Mr. DiNovo stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the DISTRICT in which it is located, although some non-conformities will survive and others will be enlarged the overall changes in the park will tend to reduce the level of non-conformity.

**3b. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located because:**

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

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

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

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

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

Ms. Griest stated that public safety will be ADEQUATE.

1 Ms. Griest stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS  
2 IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

3  
4 **4. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**  
5 **IMPOSED HEREIN, IS in harmony with the general purpose and intent of the Ordinance**  
6 **because:**

- 7 **a. The Special Use is authorized in the District.**
- 8 **b. The requested Special Use Permit IS necessary for the public convenience at this**  
9 **location.**

10  
11 Mr. Thorsland stated that the requested Special Use Permit IS necessary for the public convenience at  
12 this location.

- 13
- 14 **c. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**  
15 **IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it**  
16 **WILL NOT be injurious to the district in which it shall be located or otherwise**  
17 **detrimental to the public health, safety, and welfare.**

18  
19 Mr. Thorsland stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL  
20 CONDITIONS IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it  
21 WILL NOT be injurious to the district in which it shall be located or otherwise detrimental to the public  
22 health, safety, and welfare.

23  
24 Mr. DiNovo stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS  
25 IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be  
26 injurious to the district it shall be located or otherwise detrimental to the public health, safety, and  
27 welfare because it will facilitate the replacement of older, unsafe homes with newer, safer homes.

- 28
- 29 **d. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**  
30 **IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in**  
31 **which it is located.**

32  
33 Ms. Capel stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS  
34 IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

35  
36 Mr. Thorsland stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL  
37 CONDITIONS IMPOSED HEREIN, IS in harmony with the general purpose and intent of the  
38 Ordinance.

39  
40 **5. The requested Special Use IS an existing nonconforming use.**  
41

6. ***SUBJECT TO THE FOLLOWING WAIVERS OF STANDARD CONDITIONS:***

Mr. DiNovo moved, seconded by Ms. Griest, that all the requested waivers of standard conditions be adopted with the Findings of Fact as follows:

Mr. DiNovo moved, seconded by Ms. Griest, that for all requested waivers, we adopt the finding that it IS in accordance with the general purpose and intent of the Zoning Ordinance and WILL NOT be injurious to the neighborhood or to the public safety, health, and welfare; that special conditions and circumstances DO exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district; that practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or construction; that the special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant; and the requested waiver, SUBJECT TO THE PROPOSED SPECIAL CONDITIONS, IS the minimum variation that will make possible the reasonable use of the land/structure.

The motion carried by voice vote.

7. ***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. Within 30 days of approval of Case 869-AM-17 by the Champaign County Board, the petitioner shall file a miscellaneous document with the Champaign County Recorder of Deeds stating the Stonetown Woodland Acres Manufactured Home Park was authorized subject to special conditions in Case 870-S-17, and the document shall contain all of the special conditions of approval for Case 870-S-17. A copy of the recorded document shall be given to the Zoning Administrator after filing with the Recorder of Deeds.

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

That any prospective purchaser of the subject property is aware of all of the special conditions of approval.

B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioners have demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.

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

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

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**C. The petitioners shall develop the recreation areas within two years and in accordance with the most recent version of the *Illinois Mobile Home Park Act (210 ILCS 115)* and the Illinois Department of Public Health *Manufactured Home Community Code (77 Ill. Adm. Code 860)*.**

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

**That Stonetown Woodland Acres conforms to State of Illinois requirements.**

**D. On-street parking shall be allowed only when there is at least 24 feet in unobstructed pavement width for travel, and “No Parking” signs will be posted throughout the park as shown in Sheet B1 received June 29, 2017; these signs shall be in place before any replacement of homes occurs and shall be verified in all inspections by the Zoning Administrator.**

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

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

**E. Any proposed new construction and/ or proposed new use shall be authorized and established as follows:**

- (1) Replacement of existing homes shall result in a minimum 10 feet separation provided between adjacent homes. Existing homes on home sites 25, 26, 37, 38, 41, 42, and 86 do not meet that minimum 10 feet separation and a Change of Use Permit shall be required for each of these replacements to ensure compliance with the minimum 10 feet separation.**
- (2) In general, the width of a replacement home shall be such that there is at least 10 feet separation between adjacent homes and the replacement shall not cause the loss of any off-street parking space.**
- (3) The width of a replacement home shall not be greater than 14 feet on home sites 29, 65, 74. A Change of Use Permit shall be required for each of these replacements to ensure compliance.**
- (4) A Change of Use Permit shall be required for replacement of existing nonconforming homes that will become more nonconforming with respect to separation to the private accessway or separation to the boundary of the MFH Park. This condition applies to homes on sites 1 through 9, 53 through 63, 74, 90, and 92. Homes on sites 1 through 9 must maintain a setback of at least 5 feet from the traveled way. Replacement homes on home sites 53 through 63 shall not be placed within 10 feet of the rear boundary, which is**

1 the state of Illinois Department of Public Health minimum requirement.  
2 Replacement homes on sites 74, 90 and 92 shall be no longer than 56 feet.

- 3  
4 (5) As existing homes that are encroaching on the IDOT right-of way change  
5 ownership, those homes must either be relocated or replaced with new homes  
6 that do not encroach into the IDOT right-of-way, and the as-built location of  
7 each replacement home shall be documented in an as-built site plan prepared  
8 by an Illinois Professional Engineer or Illinois Licensed Land Surveyor. The  
9 existing home sites are numbered 4, 5, 7, 8, 9 and 10 on the Overall Site Plan  
10 received June 16, 2017.
- 11  
12 (6) If a site is not specifically referred to in the other subparagraphs of this  
13 Special Condition, a replacement home is not required to be documented in a  
14 permit; however, all of the conditions must still be met (i.e., min. 10 feet  
15 separation and no closer to the property boundary or to a private accessway).
- 16  
17 (7) Each replacement home referred to in conditions 1, 3, 4 and 5 above shall be  
18 inspected by the Zoning Administrator prior to occupancy and if the  
19 replacement home is in compliance with the approval in Case 870-S-17, then  
20 the Zoning Administrator shall authorize occupancy in a Zoning Compliance  
21 Certificate. The total fee for a Change of Use Permit for replacement of  
22 existing nonconforming structures, including the Zoning Compliance  
23 Certificate, shall be \$66 per home site.
- 24  
25 (8) Home sites that have previously received a Change of Use Permit do not  
26 require a change of use permit if the home is to be replaced with a home of  
27 equal or lesser size.
- 28  
29 (9) Each new home on proposed sites 94 through 114 shall be established  
30 pursuant to a Zoning Use Permit that may include all homes on one  
31 combined permit or individual homes on individual permits at a fee of \$33  
32 per each site plus a Zoning Compliance Certificate fee of \$33 per each site.
- 33  
34 (10) New off-street parking spaces shall be constructed by way of a Change of  
35 Use Permit within one year of approval of Case 870-S-17.
- 36  
37 (11) Development of the proposed recreation areas shall be authorized either  
38 under a Change of Use Permit for a fee of \$65 or may be combined for no fee  
39 with any other required Change of Use Permit or Zoning Use Permit.
- 40  
41 (12) The location of all new or replacement outbuildings shall be reviewed by the

relevant Fire Protection District.

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

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

- F. **The Overall Layout Plan by Farnsworth Group, received June 16, 2017; the Revised Expansion Permit Drawings for proposed new home sites received June 16, 2017; Sheets A1, A2, B1, and C1 by Farnsworth Group, received August 8, 2017, and Sheets D1, E1 and E2 by Farnsworth Group, received August 17, 2017, comprise the official site plan for approval in Case 870-S-17.**

The above special condition is necessary to ensure the following:

**That it is clear which version of the Site Plan submitted by the petitioners is the approved Site Plan.**

- G. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has provided the Zoning Administrator a copy of the written approval by the relevant Fire Protection District Chief for the location, purchase, and installation of the 4 proposed fire hydrants shown on Exhibit B: Sheet B1 received June 29, 2017; 2 additional fire hydrants shown on Exhibit D: Sheet D1 received August 17, 2017, and the as-built drawings of the siren actuated gate.**

The above special condition is necessary to ensure the following:

**That public safety in the existing and proposed areas of Woodland Acres meet local fire protection standards.**

- H. **The petitioner shall provide the Zoning Administrator a copy of the written approval by the City of Urbana Plumbing Inspector of the inspection of any sanitary sewer laterals installed for the properties per an intergovernmental agreement between the City and UCSD (Ordinance 9192-110).**

The above special condition is necessary to ensure the following:

**That new sewer connections are compliant with local regulations and agreements.**

- I. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate on the subject property until the petitioners submit as-built drawings of the streets, fire hydrants, siren-actuated gate, and detention basins.**

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

**That proposed construction reflects what was included in the Approved Site**

Plan for Case 870-S-17.

J. An 8-foot high privacy fence made of PVC/vinyl in an earth tone color shall be installed as detailed on Sheets E1 and E2 received August 17, 2017, as a condition of Zoning Compliance. In addition, gaps in fencing along the south and west sides of the subject property must be filled with a visual screen of minimum 6 feet height, which can be natural vegetative screening or made of wood or PVC/vinyl. All fences shall be maintained by the owner of the manufactured home park in perpetuity.

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

To ensure compliance with Section 6.2.2 C.3. of the Zoning Ordinance.

K. The manufactured home park shall be compliant at all times with the requirement for licensing from the Illinois Department of Public Health and relevant government entity.

The above special condition is necessary to ensure the following:

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

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

Mr. DiNovo moved, seconded by Mr. Randol, to adopt the Summary of Evidence, Documents of Record and Findings of Fact, as amended. The motion carried by voice vote.

Mr. Thorsland entertained a motion to move to the Final Determination for Case 870-S-17.

Ms. Griest moved, seconded by Ms. Capel, to move to the Final Determination for Case 870-S-17. The motion carried by voice vote.

Mr. Thorsland stated that currently the Board has two members absent; therefore, it is at the petitioner's discretion to either continue Case 870-S-17 until a full Board is present or request that the present Board move to the Final Determination. He informed the petitioner that four affirmative votes are required for approval.

Mr. Nolen requested that the present Board move to the Final Determination for Case 870-S-17.

**FINAL DETERMINATION FOR CASE 870-S-17:**

1 Ms. Capel moved, seconded by Mr. DiNovo, that the Champaign County Zoning Board of Appeals  
2 finds that, based upon the application, testimony, and other evidence received in this case, the  
3 requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority granted  
4 by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

5 The Special Use requested in Case 870-S-17 is hereby GRANTED WITH SPECIAL  
6 CONDITIONS to the applicant, Stonetown Woodland Acres LLC, including Principals  
7 Dax Nolen, Vice President; Roy Lapidus, Manager; and Adam Minnick, Manager, via  
8 agent Mike Friend, to authorize the following:  
9

10 Authorize the establishment and use of a manufactured home park with 93 existing  
11 and an additional 21 proposed manufactured home sites in the R-5 Manufactured  
12 Home Park Zoning District, contingent upon the rezoning of the eastern 150 feet of  
13 the subject property from R-1 Single Family Residence to R-5 Manufactured Home  
14 Park and from B-2 Neighborhood Business to R-5 Manufactured Home Park for the  
15 1.66 acre lot on the west end of the subject property in related case 869-AM-17; and  
16

17 **SUBJECT TO THE FOLLOWING WAIVERS OF STANDARD CONDITIONS FOR**  
18 **MANUFACTURED HOME PARKS:**  
19

20 **Part A: Authorize a waiver from Section 6.2.1 C.2., for a Site Plan that does not include the**  
21 **number, location, and size of all Manufactured Home Sites.**  
22

23 **Part B: Authorize a waiver for a setback of 0 feet between a manufactured home stand and**  
24 **a manufactured home park exterior boundary that faces a state or US highway or a major**  
25 **street in lieu of the minimum required 45 feet, per Section 6.2.2 C.1.a. for existing home**  
26 **sites 1 through 10, 48, and 49, and proposed home sites 1 through 5.**  
27

28 **Part C: Authorize a waiver for 9 Manufactured Home Sites for each gross acre of land in**  
29 **lieu of the maximum allowed 8 Manufactured Home Sites for each gross acre of land, per**  
30 **Section 6.2.2 B.**  
31

32 **Part D: Authorize a waiver for a setback of 0 feet between a manufactured home stand and**  
33 **a manufactured home park exterior boundary that faces a township road or minor street in**  
34 **lieu of the minimum required 25 feet, per Section 6.2.2 C.1.c. for existing home sites 88**  
35 **through 93.**  
36

37 **Part E: Authorize a minimum rear yard of 0 feet in lieu of the minimum required 15 feet,**  
38 **per Section 6.2.2 C.2. for existing home sites 1 through 10, 47, 48, 50, 52, 55, 57, 58, 64, 89,**  
39 **and 91.**  
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**Part F: Authorize a Manufactured Home Park with 3 percent of the gross site area in lieu of the minimum required 8 percent and parcels of recreation space that are at least 3,985 square feet in lieu of the minimum required 6,000 square feet, per Section 6.2.2 D.**

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

**Part H: Authorize a minimum setback (yard) of 2 feet in lieu of 15 feet between the manufactured home and the manufactured home site boundary adjacent to private accessways, per Section 6.2.2 E.2.a. for proposed home site 21 and existing home sites 1 through 93 except home sites 27, 48, 64, 70, 71, and 72.**

**Part I: Authorize a minimum setback (yard) of 8 feet in lieu of 20 feet between the entrance side of the manufactured home and the manufactured home site boundary, per Section 6.2.2 E.2.b. for existing home sites 1 through 93 except home sites 1, 19, 27, 28, 39 through 44, 47, 66, 73, 74, 75, 77, 79, and 81.**

**Part J: Authorize a minimum setback (rear and side yards) of 0 feet in lieu of the minimum required 10 feet, per Section 6.2.2 E.2.c. for existing home sites 1 through 93 except home sites 11, 27, 47, 65, and 74.**

**Part K: Authorize a minimum manufactured home site of 1,600 square feet in area in lieu of the minimum required 3,200 square feet, per Section 6.2.2 E.3. for existing home sites 1 through 9, 13 through 18, 21, 29 through 38, 40, 41, 45, 46, 52 through 64, 67, 68, 74 through 77, 80, 85 and 86.**

**Part L: Authorize no outdoor paved living space in lieu of an outdoor living space of at least 160 square feet with a minimum dimension of 8 feet, per Section 6.2.2 E.5. for existing home sites 1 through 93.**

**Part M: Authorize no improved off-street parking spaces for each existing manufactured home site in lieu of the minimum required two improved off-street parking spaces, per Section 6.2.2 E.7. for existing home sites 7, 8, 13, 14, 15, 18, 29, 30, 33, 34, 37, 38, 46, 53, 54, and 67.**

**Part N: Authorize a minimum pavement width of 18 feet for existing private accessways in lieu of the minimum required 24 feet for minor streets, per Section 6.2.2 F.5.**

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

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**Part P: Authorize electrical service to the existing street lighting system to be located above ground in lieu of underground, per Section 6.2.2 G.2.**

**Part Q: Authorize a waiver for the electrical system for all existing homes, any used homes that will replace existing homes, and for the electrical distribution system to existing homes, to comply with the latest edition of the National Electric Code, per Section 6.2.3 D.1.**

**Part R: Authorize a waiver for a Manufactured Home Park that provides an off-site Management Office in lieu of an on-site Management Office, per Section 6.2.4 A.**

**SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:**

- A. Within 30 days of approval of Case 869-AM-17 by the Champaign County Board, the petitioner shall file a miscellaneous document with the Champaign County Recorder of Deeds stating the Stonetown Woodland Acres Manufactured Home Park was authorized subject to special conditions in Case 870-S-17, and the document shall contain all of the special conditions of approval for Case 870-S-17. A copy of the recorded document shall be given to the Zoning Administrator after filing with the Recorder of Deeds.**
- B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioners have demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**
- C. The petitioners shall develop the recreation areas within two years and in accordance with the most recent version of the *Illinois Mobile Home Park Act (210 ILCS 115)* and the Illinois Department of Public Health *Manufactured Home Community Code (77 Ill. Adm. Code 860)*.**
- D. On-street parking shall be allowed only when there is at least 24 feet in unobstructed pavement width for travel, and “No Parking” signs will be posted throughout the park as shown in Sheet B1 received June 29, 2017; these signs shall be in place before any replacement of homes occurs and shall be verified in all inspections by the Zoning Administrator.**
- E. Any proposed new construction and/ or proposed new use shall be authorized and established as follows:**
  - (1) Replacement of existing homes shall result in a minimum 10 feet separation provided between adjacent homes. Existing homes on home sites 25, 26, 37, 38, 41, 42, and 86 do not meet that minimum 10 feet separation and a Change of Use Permit shall be required for each of these replacements to ensure**

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compliance with the minimum 10 feet separation.

- (2) In general, the width of a replacement home shall be such that there is at least 10 feet separation between adjacent homes and the replacement shall not cause the loss of any off-street parking space.
- (3) The width of a replacement home shall not be greater than 14 feet on home sites 29, 65, 74. A Change of Use Permit shall be required for each of these replacements to ensure compliance.
- (4) A Change of Use Permit shall be required for replacement of existing nonconforming homes that will become more nonconforming with respect to separation to the private accessway or separation to the boundary of the MFH Park. This condition applies to homes on sites 1 through 9, 53 through 63, 74, 90, and 92. Homes on sites 1 through 9 must maintain a setback of at least 5 feet from the traveled way. Replacement homes on home sites 53 through 63 shall not be placed within 10 feet of the rear boundary, which is the state of Illinois Department of Public Health minimum requirement. Replacement homes on sites 74, 90 and 92 shall be no longer than 56 feet.
- (5) As existing homes that are encroaching on the IDOT right-of way change ownership, those homes must either be relocated or replaced with new homes that do not encroach into the IDOT right-of-way, and the as-built location of each replacement home shall be documented in an as-built site plan prepared by an Illinois Professional Engineer or Illinois Licensed Land Surveyor. The existing home sites are numbered 4, 5, 7, 8, 9 and 10 on the Overall Site Plan received June 16, 2017.
- (6) If a site is not specifically referred to in the other subparagraphs of this Special Condition, a replacement home is not required to be documented in a permit; however, all of the conditions must still be met (i.e., min. 10 feet separation and no closer to the property boundary or to a private accessway).
- (7) Each replacement home referred to in conditions 1, 3, 4 and 5 above shall be inspected by the Zoning Administrator prior to occupancy and if the replacement home is in compliance with the approval in Case 870-S-17, then the Zoning Administrator shall authorize occupancy in a Zoning Compliance Certificate. The total fee for a Change of Use Permit for replacement of existing nonconforming structures, including the Zoning Compliance Certificate, shall be \$66 per home site.

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- (8) Home sites that have previously received a Change of Use Permit do not require a change of use permit if the home is to be replaced with a home of equal or lesser size.
- (9) Each new home on proposed sites 94 through 114 shall be established pursuant to a Zoning Use Permit that may include all homes on one combined permit or individual homes on individual permits at a fee of \$33 per each site plus a Zoning Compliance Certificate fee of \$33 per each site.
- (10) New off-street parking spaces shall be constructed by way of a Change of Use Permit within one year of approval of Case 870-S-17.
- (11) Development of the proposed recreation areas shall be authorized either under a Change of Use Permit for a fee of \$65 or may be combined for no fee with any other required Change of Use Permit or Zoning Use Permit.
- (12) The location of all new or replacement outbuildings shall be reviewed by the relevant Fire Protection District.

- F. The Overall Layout Plan by Farnsworth Group, received June 16, 2017; the Revised Expansion Permit Drawings for proposed new home sites received June 16, 2017; Sheets A1, A2, B1, and C1 by Farnsworth Group, received August 8, 2017, and Sheets D1, E1 and E2 by Farnsworth Group, received August 17, 2017, comprise the official site plan for approval in Case 870-S-17.
- G. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has provided the Zoning Administrator a copy of the written approval by the relevant Fire Protection District Chief for the location, purchase, and installation of the 4 proposed fire hydrants shown on Exhibit B: Sheet B1 received June 29, 2017; 2 additional fire hydrants shown on Exhibit D: Sheet D1 received August 17, 2017, and the as-built drawings of the siren actuated gate.
- H. The petitioner shall provide the Zoning Administrator a copy of the written approval by the City of Urbana Plumbing Inspector of the inspection of any sanitary sewer laterals installed for the properties per an intergovernmental agreement between the City and UCSD (Ordinance 9192-110).
- I. The Zoning Administrator shall not authorize a Zoning Compliance Certificate on the subject property until the petitioners submit as-built drawings of the streets, fire hydrants, siren-actuated gate, and detention basins.

1           **J.     An 8-foot high privacy fence made of PVC/vinyl in an earth tone color shall be**  
 2           **installed as detailed on Sheets E1 and E2 received August 17, 2017, as a condition of**  
 3           **Zoning Compliance. In addition, gaps in fencing along the south and west sides of**  
 4           **the subject property must be filled with a visual screen of minimum 6 feet height,**  
 5           **which can be natural vegetative screening or made of wood or PVC/vinyl. All fences**  
 6           **shall be maintained by the owner of the manufactured home park in perpetuity.**

7  
 8           **K.     The manufactured home park shall be compliant at all times with the requirement**  
 9           **for licensing from the Illinois Department of Public Health and relevant government**  
 10           **entity.**

11  
12 Mr. Thorsland requested roll call vote.

13  
14 The roll was called as follows:

16 <b>Griest – yes</b>	16 <b>Lee – absent</b>	16 <b>Passalacqua – absent</b>
17 <b>Randol – yes</b>	17 <b>Capel – yes</b>	17 <b>DiNovo – yes</b>
18 <b>Thorsland - yes</b>		

19  
20 Mr. Hall informed the petitioner that he has received an approval.

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23 **6.     New Public Hearings**

24  
25 None

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27 **7.     Staff Report**

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29 None

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31 **8.     Other Business**

32           **A. Review of Docket**

33  
34 Mr. Hall informed the Board that the Environment and Land Use Committee recommended approval of  
35 Case 869-AM-17, and the case will be heard at the County Board on September 21<sup>st</sup>.

36  
37 Mr. Hall stated that the receipt of new cases has slowed down considerably, which is good, because the  
38 docket is currently full into November.

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40 Mr. Nolen asked if there is any future role that the ZBA will play if the City of Urbana annexes the  
41 manufactured home park.

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Mr. Hall stated that if the manufactured home park is annexed in to the City of Urbana, the special conditions that the ZBA heavily labored on may not mean anything, but that is entirely up to the City of Urbana. He said that once the property is annexed, it is under the City of Urbana’s purview.

Mr. Nolen stated that the City of Urbana informed him that the special use permit from the County would be part of the annexation agreement, but based on history, the whole thing scares him. He thanks the Board for their work and determination on his requested cases.

Mr. Friend stated that the amount of work that the ZBA and staff put in on these requests was greatly appreciated.

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

None

**10. Adjournment**

Mr. Thorsland entertained a motion to adjourn the meeting.

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

The meeting adjourned at 9:57 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals