

AS APPROVED MARCH 14, 2019

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street

Urbana, IL 61801

DATE: February 14, 2019

**PLACE: Lyle Shields Meeting Room
1776 East Washington Street**

TIME: 6:30 p.m.

Urbana, IL 61802

MEMBERS PRESENT: Ryan Elwell, Marilyn Lee, Jim Randol, Larry Wood

MEMBERS ABSENT: Frank DiNovo

STAFF PRESENT: Connie Berry, Susan Burgstrom, John Hall

OTHERS PRESENT: Jessica Gill

1. Call to Order

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

2. Roll Call and Declaration of Quorum

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

Mr. Elwell 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: November 29, 2018 and January 17, 2019

Mr. Elwell stated that only three members of the Board who attended the November 29, 2018, meeting are present tonight, and recommended that the approval of the November 29th minutes be deferred to the February 28th meeting.

Mr. Elwell entertained a motion to defer the approval of the November 29, 2018, minutes to the February 28th meeting, and to approve the January 17, 2019, minutes, as submitted.

Mr. Randol moved, seconded by Ms. Lee, to defer approval of the November 29, 2018, minutes to the February 28th meeting and to approve the January 17, 2019, minutes, as submitted.

Mr. Elwell asked the Board if there were any additions or corrections for the January 17, 2019, minutes, and there were none.

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

2
3 **5. Continued Public Hearing**

4
5 None

6
7 **6. New Public Hearings**

8
9 **Case 923-S-18 Petitioner: John and Jessica Gill Request to authorize a Riding Stable as a Special Use**
10 **in the AG-1 Agriculture Zoning District with the following waivers: Part A: A waiver for fencing that**
11 **does not meet the minimum requirement for a Riding Stable, as established in Section 6.1 of the**
12 **Zoning Ordinance; and Part B: A waiver for a riding stable that is 0 feet from a residential use in lieu**
13 **of the minimum required 100 feet, as established in Section 6.1 of the Zoning Ordinance. Location:**
14 **The north 15 acres of the Northeast Quarter of the Northeast Quarter of Section 31, Township 17**
15 **North, Range 8 East of the Third Principal Meridian in Pesotum Township, with the address of 683**
16 **CR 100N, Pesotum, Illinois.**

17
18 Mr. Elwell informed the audience that Case 923-S-18 is an Administrative Case and as such, the County
19 allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask
20 for a show of hands for those who would like to cross-examine, and each person will be called upon. He
21 requested that anyone called to cross-examine go to the cross-examination microphone to ask any
22 questions. He said that those who desire to cross-examine are not required to sign the witness register
23 but are requested to clearly state their name before asking any questions. He noted that no new
24 testimony is to be given during the cross-examination. He said that attorneys who have complied with
25 Article 7.6 of the ZBA By-Laws are exempt from cross-examination.

26
27 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
28 the witness register for that public hearing. He reminded the audience that when they sign the witness
29 register they are signing an oath. He asked the audience if anyone desired to sign the witness register and
30 there was no one.

31
32 Mr. Elwell asked Ms. Gill if she would like to make a statement regarding her request.

33
34 Ms. Jessica Gill, who resides at 683 CR 100N, Pesotum, IL, stated that she desires to build an indoor
35 riding arena and construct stalls in her existing building for horse boarding. She said that she would like
36 to have a few riding clinics during the year and have activities for her 4-H Club, Golden Riders. She
37 said that currently she has 20 kids that are members of the 4-H Club and they participate in the
38 Champaign County 4-H Fair. She said that her facility would allow her 4-H members to practice weekly
39 while preparing for the fair event, and would provide a location for a clinic regarding horse mounted
40 archery, which is an interest that her members have shown interest in. She said that she has been
41 contacted by neighbors who participate in cowboy mounted shooting, which is an event where mounted
42 riders shoot balloons with single action 45 caliber handguns with blank bullets.

43
44 Mr. Elwell asked the Board if there were any questions for Ms. Gill.

1 Mr. Randol asked Ms. Gill if a horse would bolt and run through fencing for the outdoor arena, would
2 they be contained on the property with additional fencing around the facility preventing them from
3 entering the road.
4

5 Ms. Gill stated that the entire property is fenced with wire fencing, but there are a few sections that need
6 to be completed once the construction is completed. She said that she is not planning on an outdoor
7 arena, but she does have a round pen, as indicated in the photographs, that can be utilized if necessary.
8 She said that if a horse were to bolt, they would not be able to get out of the fencing that surrounds the
9 perimeter of the property.
10

11 Mr. Randol asked if the existing septic system is adequate to service the home and the new building, or
12 would a new septic system be required for the new building.
13

14 Ms. Gill stated that she assumed that the current septic system was not adequate to serve both the house
15 and the new building; therefore, it is her initiative to have a new septic system installed for the facility.
16

17 Mr. Elwell asked Ms. Elwell to indicate the number of anticipated attendees and vehicles.
18

19 Ms. Gill stated that she and Ms. Burgstrom calculated that due to the number of anticipated attendees, 14
20 parking spaces would be required, which would be located on the north side of the proposed building.
21 She said that there is a new driveway that will be constructed that would meet up with the current
22 driveway, creating a circle drive. She said that parking will be available along the north side of the
23 building, with additional trailer parking on the east side starting at approximately 40 feet midline of the
24 building and extending 50 feet to the east.
25

26 Ms. Lee stated that approximately 35 years ago, she and her family had issues with an approved riding
27 stable that was near their home. She said that people who boarded their horses at the riding stable would
28 ride outside of the fenced area and trespass onto their farmland, making huge digs into the ground that
29 would fill with water, making farming more difficult. She said that the worst thing that occurred was that
30 the people disrespected their property and rode within 10 feet of their house, and her daughter was only 3
31 years old at the time. She said that, for safety reasons, a special condition should be created indicating
32 that the boarders, 4-H members, etc. could not trespass on neighboring properties. She said that a notice
33 should be posted onsite indicating that no trespassing onto neighboring properties is tolerated, and a
34 statement should be included in the contract indicating the same.
35

36 Ms. Gill stated that she agrees with Ms. Lee regarding trespassing. She said that she is married to a
37 person who farms for a company, and she completely understands the farm ground aspects of that. She
38 said that she would be fine with any required special conditions, posted notices or statements in the
39 contract that the Board would find necessary. She said that trespassing is not fair to the other property
40 owners either, because they are liable for anything that happens on their property and they never know
41 when someone is going to decide to trespass and ride their horse or four-wheeler on their property. She
42 said that if the kids do go on a ride, they would stay on the side of the road, but if they go on a trail ride,
43 they will travel to the Middle Fork Preserve and ride on their designated trails. She said that she does
44 have permission from a neighbor who owns a wooded area, David Ruzick, to ride on his trails. She said
45 that she intends to enter into a contract that in exchange for maintaining the trails, she could lease the use

1 of the trails for riding purposes. She said that Ms. Lee is correct in that Ms. Gill cannot control the
2 decisions that her clients or her neighbors make, but she can certainly attempt to protect herself by
3 having a signed contract.

4
5 Mr. Elwell asked the Board and staff if there were any additional questions for Ms. Gill.

6
7 Ms. Burgstrom noted that Ms. Gill submitted a letter dated February 12, 2019, from Ruth Lewis, who
8 resides at 686 CR 100N, Pesotum, indicating that she has known Mr. and Mrs. Gill for approximately
9 five years when they moved to their property and they communicate and keep in touch very often. She
10 said that she is aware of Ms. Gill’s intention to construct a building for an indoor arena and to board
11 horses, and she supports Ms. Gill’s intentions to manage a riding stable and boarding facility. Ms. Lewis
12 indicated in her letter that she has no issues regarding the facility being within 100 feet of her property.
13 Ms. Burgstrom stated that Ms. Lewis’ letter will be entered as new Document of Record #5. She said
14 that Ms. Lewis’ letter is in regard to the Part B. waiver.

15
16 Mr. Elwell asked the Board and staff if there were any additional questions for Ms. Gill, and there were
17 none.

18
19 Mr. Elwell asked the audience if anyone desired to cross-examine Ms. Gill, and there was no one.

20
21 Mr. Elwell asked the audience if anyone desired to sign the witness register and present testimony
22 regarding Case 923-S-18, and there was no one.

23
24 Mr. Elwell stated that the Board would now review the Special Conditions of Approval for this case.

25
26 Mr. Elwell read special condition A. as follows:

- 27
28 A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case**
29 **923-S-18 by the Zoning Board of Appeals.**

30
31 The special condition above is required to ensure the following:

32 **The establishment of the Riding Stable as a Special Use shall be properly**
33 **documented as required by the Zoning Ordinance.**

34
35 Mr. Elwell asked Ms. Gill if she agreed to Special Condition A.

36
37 Ms. Gill indicated that she agreed to Special Condition A.

38
39 Mr. Elwell read Special Condition B. as follows:

- 40
41 B. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the**
42 **proposed indoor horse arena until the petitioner has demonstrated that the**
43 **proposed Special Use complies with the Illinois Accessibility Code.**

44
45 The special condition stated above is necessary to ensure the following:

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

3
4 Mr. Elwell asked Ms. Gill if she agreed to Special Condition B.

5
6 Ms. Gill indicated that she agreed to Special Condition B.

7
8 Mr. Elwell read Special Condition C. as follows:

9
10 C. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the**
11 **proposed indoor horse arena until the petitioner has demonstrated that the**
12 **proposed Special Use complies with the Illinois Livestock Management Facilities Act**
13 **(LMFA) and the Special Use Permit shall remain compliant with the LMFA.**

14
15 The special condition stated above is necessary to ensure the following:

16 **That the proposed Special Use meets applicable state requirements for**
17 **livestock management facilities.**

18
19 Mr. Elwell asked Ms. Gill if she agreed to Special Condition C.

20
21 Ms. Gill indicated that she agreed to Special Condition C.

22
23 Mr. Elwell read Special Condition D. as follows:

24
25 D. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or**
26 **issue a Zoning Compliance Certificate on the subject property until the lighting**
27 **specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

28
29 The special condition stated above is required to ensure the following:

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

32
33 Mr. Elwell asked Ms. Gill if she agreed to Special Condition D.

34
35 Ms. Gill indicated that she agreed to Special Condition D.

36
37 Mr. Elwell read Special Condition E. as follows:

38
39 E. **Any new septic system must be approved by the Champaign County Public Health**
40 **Department.**

41
42 The special condition stated above is required to ensure the following:

43 **That the septic system has sufficient capacity for the proposed use, and that**
44 **it is in compliance with the Champaign County Public Health Ordinance.**

45

1 Mr. Elwell asked Ms. Gill if she agreed to Special Condition E.

2

3 Ms. Gill indicated that she agreed to Special Condition E.

4

5 Mr. Elwell read Special Condition F. as follows:

6

7 F. **The petitioner shall not allow any parking to occur in the public street right of way.**

8

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

10 **That public safety is considered during the construction and operation of the**
11 **special use.**

12

13 Mr. Elwell asked Ms. Gill if she agreed to Special Condition F.

14

15 Ms. Gill indicated that she agreed to Special Condition F.

16

17 Mr. Burgstrom read new Special Condition G. as follows:

18

19 G. **The petitioner shall include a statement on contracts with clients as well as a notice**
20 **posted on the subject property that there will be no trespassing on other properties**
21 **by clientele of the petitioners.**

22

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

24 **That public safety is considered during the operation of the special use.**

25

26 Mr. Elwell asked Ms. Gill if she agreed to Special Condition G.

27

28 Ms. Gill indicated that she agreed to Special Condition G.

29

30 Mr. Elwell entertained a motion to approve the special conditions, as read.

31

32 **Mr. Wood moved, seconded by Mr. Randol, to approve the special conditions, as read. The**
33 **motion carried by voice vote.**

34

35 Mr. Elwell entertained a motion to move to the Findings of Fact for Case 923-S-18.

36

37 **Mr. Randol moved, seconded by Mr. Wood, to move to the Findings of Fact for Case 923-S-18.**
38 **The motion carried by voice vote.**

39

40 **FINDINGS OF FACT FOR CASE 923-S-18:**

41

42 From the documents of record and the testimony and exhibits received at the public hearing for zoning
43 case **923-S-18** held on **February 14, 2019**, the Zoning Board of Appeals of Champaign County finds
44 that:

45

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

2
3 Mr. Randol stated that the requested Special Use Permit IS necessary for the public convenience at this
4 location.
5

6 **2. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
7 **IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL**
8 **NOT be injurious to the district in which it shall be located or otherwise detrimental to the**
9 **public health, safety, and welfare because:**

10
11 a. **The street has ADEQUATE traffic capacity and the entrance location has**
12 **ADEQUATE visibility.**

13
14 Mr. Randol stated that the street has ADEQUATE traffic capacity and the entrance location has
15 ADEQUATE visibility.
16

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

18
19 Mr. Randol stated that emergency services availability is ADEQUATE because emergency services are
20 less than 5 miles from the subject property.
21

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

23
24 Mr. Wood stated that the Special Use WILL be compatible with adjacent uses because it is surrounded
25 by AG zoning properties.
26

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

28
29 Mr. Wood stated that surface and subsurface drainage will be ADEQUATE because the amount of
30 impervious coverage is too small a percentage to create a problem with drainage.
31

32 Mr. Randol stated that the property is not located in a floodplain.
33

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

35
36 Mr. Randol stated that public safety will be ADEQUATE because fire and emergency services are less
37 than 5 miles away.
38

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

40
41 Mr. Wood stated that the provisions for parking will be ADEQUATE because of the documentary
42 evidence that was provided.
43

44 g. **The property IS WELL SUITED OVERALL for the proposed improvements.**

45

1 Mr. Randol stated that the property IS WELL SUITED OVERALL for the proposed improvements
2 because it is an AG-1 area and the nearest residence is 450 feet away from the proposed construction.
3

4 Mr. Elwell stated that the closest residential neighbor submitted a letter saying she supported the
5 proposal.
6

- 7 h. **Existing public services ARE available to support the proposed SPECIAL USE**
8 **without undue public expense.**
9

10 Mr. Wood stated that existing public services ARE available to support the proposed SPECIAL USE
11 without undue public expense because only electricity is needed for the proposed use.
12

- 13 i. **Existing public infrastructure together with the proposed development IS adequate**
14 **to support the proposed development effectively and safely without undue public**
15 **expense.**
16

17 Mr. Wood stated that existing public infrastructure, together with the proposed development, IS
18 adequate to support the proposed development effectively and safely without undue public expense
19 because the only infrastructure there are the roads and utilities.
20

21 Mr. Wood stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
22 IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be
23 injurious to the district in which it shall be located or otherwise detrimental to the public health, safety,
24 and welfare.
25

26 Mr. Elwell stated that the Board will now review Finding of Facts 6.A. and 6.B. prior to Finding of Fact
27 3.a.
28

29 **Mr. Randol moved, seconded by Mr. Wood, to determine the findings for Finding of Facts 6.A.**
30 **and 6.B. en masse. The motion carried by voice vote.**
31

- 32 6. Regarding necessary waivers of standard conditions:
 - 33 A. **Regarding Part A of the proposed waivers, for fencing that does not meet the**
34 **minimum requirement for a Riding Stable, as established in Section 6.1 of the**
35 **Zoning Ordinance.**
36
 - 37 B. **Regarding Part B of the proposed waivers, for a riding stable that is 0 feet from a**
38 **residential use in lieu of the minimum required 100 feet, as established in Section 6.1**
39 **of the Zoning Ordinance:**
 - 40
 - 41 (1) **The waiver IS in accordance with the general purpose and intent of the**
42 **Zoning Ordinance and WILL NOT be injurious to the neighborhood or to**
43 **the public health, safety, and welfare.**
44

45 Mr. Wood stated that the waiver IS in accordance with the general purpose and intent of the Zoning

1 Ordinance and WILL NOT be injurious to the neighborhood or to the public health, safety, and welfare
 2 because the 100 foot rule has to do with the fact that the entrance to the current driveway is the only part
 3 of the special use within 100 feet of the neighboring property, and it would not make sense to construct a
 4 700 feet long driveway from the adjacent road east of the subject property. The owners have stated that
 5 they can put in a more permanent fence.
 6

7 Mr. Randol stated that the farm is currently fenced with wire fencing to prevent any livestock from
 8 leaving the property.
 9

10 (2) **Special conditions and circumstances DO exist which are peculiar to the land**
 11 **or structure involved, which are not applicable to other similarly situated**
 12 **land and structures elsewhere in the same district.**
 13

14 Mr. Wood stated that special conditions and circumstances DO exist which are peculiar to the land or
 15 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
 16 the same district because the buildings, fencing, and driveway existed prior to the proposed special use.
 17

18 (3) **Practical difficulties or hardships created by carrying out the strict letter of**
 19 **the regulations sought to be varied WILL prevent reasonable or otherwise**
 20 **permitted use of the land or structure or construction**
 21

22 Mr. Randol stated that practical difficulties or hardships created by carrying out the strict letter of the
 23 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
 24 structure or construction because if they had to put in a driveway that was compliant with the 100 feet
 25 separation, it would be 700 feet long and would be financially infeasible for the petitioner.
 26

27 (4) **The special conditions, circumstances, hardships, or practical difficulties DO**
 28 **NOT result from actions of the applicant.**
 29

30 Mr. Randol stated that the special conditions, circumstances, hardships, or practical difficulties **DO**
 31 **NOT** result from actions of the applicant because the area is in AG-1 zoning, and the farmstead was
 32 established prior to the proposed use.
 33

34 (5) **The requested waiver IS the minimum variation that will make possible the**
 35 **reasonable use of the land/structure.**
 36

37 Mr. Randol stated that the requested waiver IS the minimum variation that will make possible the
 38 reasonable use of the land/structure.
 39

40 Mr. Elwell stated that the Board will return to Finding of Fact 3.a.
 41

42 3a. **The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
 43 **IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the**
 44 **DISTRICT in which it is located.**
 45

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

4
5 **3b. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
6 **IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it**
7 **is located because:**

8
9 a. **The Special Use will be designed to CONFORM to all relevant County ordinances**
10 **and codes.**

11
12 Mr. Randol stated that the Special Use will be designed to CONFORM to all relevant County ordinances
13 and codes.

14
15 b. **The Special Use WILL be compatible with adjacent uses.**

16
17 Mr. Wood stated that the Special Use WILL be compatible with adjacent uses.

18
19 c. **Public safety will be ADEQUATE.**

20
21 Mr. Randol stated that public safety will be ADEQUATE.

22
23 Mr. Randol stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
24 IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

25
26 **4. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
27 **IMPOSED HEREIN, IS in harmony with the general purpose and intent of the Ordinance.**

28
29 a. **The Special Use is authorized in the District.**

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

32
33 Mr. Wood stated that the requested Special Use Permit IS necessary for the public convenience at this
34 location.

35
36 c. **The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
37 **IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it**
38 **WILL NOT be injurious to the district in which it shall be located or otherwise**
39 **detrimental to the public health, safety, and welfare.**

40
41 Mr. Randol stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
42 IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be
43 injurious to the district in which it shall be located or otherwise detrimental to the public health, safety,
44 and welfare.

- d. **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.**

Mr. Wood stated that 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.

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

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

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. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 923-S-18 by the Zoning Board of Appeals.**

The special condition above is required to ensure the following:

The establishment of the Riding Stable as a Special Use shall be properly documented as required by the Zoning Ordinance.

- B. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed indoor horse arena until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

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

- C. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed indoor horse arena until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Livestock Management Facilities Act (LMFA) and the Special Use Permit shall remain compliant with the LMFA.**

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

That the proposed Special Use meets applicable state requirements for livestock management facilities.

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

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

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

3
4 E. **Any new septic system must be approved by the Champaign County Public Health**
5 **Department.**

6
7 The special condition stated above is required to ensure the following:
8 **That the septic system has sufficient capacity for the proposed use, and that**
9 **it is in compliance with the Champaign County Public Health Ordinance.**

10
11
12 F. **The petitioner shall not allow any parking to occur in the public street right of way.**

13
14 The special condition stated above is necessary to ensure the following:
15 **That public safety is considered during the construction and operation of the**
16 **special use.**

17
18 G. **The petitioner shall include a statement on contracts with clients as well as a notice**
19 **posted on the subject property that there will be no trespassing on other properties**
20 **by clientele of the petitioners.**

21
22 The special condition stated above is necessary to ensure the following:
23 **That public safety is considered during the operation of the special use.**

24
25 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings
26 of Fact, as amended.

27
28 **Ms. Lee moved, seconded by Mr. Randol, to adopt the Summary of Evidence, Documents of**
29 **Record, and Findings of Fact, as amended. The motion carried by voice vote.**

30
31 Mr. Elwell entertained a motion to move to the Final Determination for Case 923-S-18.

32
33 **Ms. Lee moved, seconded by Mr. Wood, to move to the Final Determination for Case 923-S-18.**
34 **The motion carried by voice vote.**

35
36 Mr. Elwell informed the petitioner that currently the Board has one member absent; therefore, it is at the
37 petitioner’s discretion to either continue Case 923-S-18 until a full Board is present or request that the
38 present Board move to the Final Determination. He informed the petitioner that four affirmative votes
39 are required for approval.

40
41 Ms. Gill requested that the present Board move to the Final Determination for Case 923-S-18.

42
43 **FINAL DETERMINATION FOR CASE 923-S-18:**

44
45 **Mr. Wood moved, seconded by Ms. Lee, that the Champaign County Zoning Board of Appeals**

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

5 The Special Use requested in Case 923-S-18 is hereby GRANTED WITH SPECIAL
6 CONDITIONS to the applicants, John and Jessica Gill, to authorize the following:
7

8 Authorize a Riding Stable as a Special Use in the AG-1 Agriculture Zoning District.
9

10 SUBJECT TO THE FOLLOWING WAIVERS OF STANDARD CONDITIONS:
11

12 Part A: A waiver for fencing that does not meet the minimum requirement for a
13 Riding Stable, as established in Section 6.1 of the Zoning Ordinance.
14

15 Part B: A waiver for a riding stable that is 0 feet from a residential use in lieu of the
16 minimum required 100 feet, as established in Section 6.1 of the Zoning
17 Ordinance.
18

19 SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:
20

- 21 A. A Change of Use Permit shall be applied for within 30 days of the approval of Case
22 923-S-18 by the Zoning Board of Appeals.
23
- 24 B. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the
25 proposed indoor horse arena until the petitioner has demonstrated that the
26 proposed Special Use complies with the Illinois Accessibility Code.
27
- 28 C. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the
29 proposed indoor horse arena until the petitioner has demonstrated that the
30 proposed Special Use complies with the Illinois Livestock Management Facilities Act
31 (LMFA) and the Special Use Permit shall remain compliant with the LMFA.
32
- 33 D. The Zoning Administrator shall not authorize a Zoning Use Permit Application or
34 issue a Zoning Compliance Certificate on the subject property until the lighting
35 specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.
36
- 37 E. Any new septic system must be approved by the Champaign County Public Health
38 Department.
39
- 40 F. The petitioner shall not allow any parking to occur in the public street right of way.
41
- 42 G. The petitioner shall include a statement on contracts with clients as well as a notice
43 posted on the subject property that there will be no trespassing on other properties
44 by clientele of the petitioners.
45

1 Mr. Elwell requested a roll call vote:

2
3 The roll call vote was called as follows:

4			
5	DiNovo – absent	Lee – yes	Randol – yes
6	Wood – yes	Elwell – yes	
7			

8 Ms. Burgstrom informed Ms. Gill that she had received an approval for her request and she would be in
9 contact regarding final paperwork.

10
11 **7. Staff Report**

12
13 None

14 **8. Other Business**
15 **A. Review of Docket**

16
17 Mr. Elwell reminded the Board to notify staff regarding future absences.

18
19 **9. Audience participation with respect to matters other than cases pending before the Board**

20
21 None

22
23 **10. Adjournment**

24
25 Mr. Elwell entertained a motion to adjourn the meeting.

26
27 **Ms. Lee moved, seconded by Mr. Wood, to adjourn the meeting. The motion carried by voice vote.**

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29 The meeting adjourned at 7:21 p.m.

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32 Respectfully submitted

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37 Secretary of Zoning Board of Appeals

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