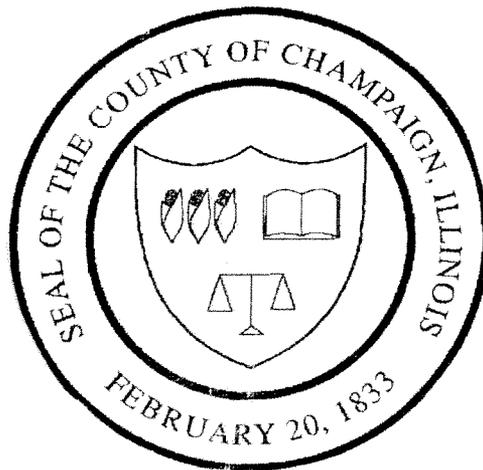


*Environment
& Land Use Committee
Meeting Agenda*

August 11, 2008



7:00 p.m.

*Lyle Shields Meeting Room
Brookens Administrative Center
1776 East Washington, Urbana, IL 61802
(217) 384-3708*

AGENDA

Champaign County Environment & Land Use Committee

Date: August 11, 2008

Time: 7:00 p.m.

Place: Lyle Shields Meeting Room
Brookens Administrative Center
1776 E. Washington St.
Urbana, Illinois

Members:

*Jan Anderson, Chris Doenitz, Matthew Gladney,
Brad Jones, Ralph Langenheim, Carrie Melin, Steve
Moser, Jon Schroeder (VC), Barbara Wysocki (C)*

Phone: (217) 384-3708

AGENDA

Old Business shown in Italics

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (June 9, 2008) 1 thru 7
4. Correspondence
5. Public Participation
6. Updates:
 - A. Champaign County Land Resource Management Plan*
 - B. Champaign County Hazard Mitigation Plan*
 - C. Proposed Intergovernmental Agreement regarding development pursuant to Municipal annexation agreement that is more than one-and-one half miles From the municipality and House Bill 2518*
 - D. Senate Bill 2022*
7. Zoning Case 602-AM-07 8 thru 27

Petitioner: **Mark and Julie Hardy d.b.a. Hardy's Reindeer Ranch and Richard Hardy**

Request: **Amend the Zoning Map to change the zoning district designation from AG-1 Agriculture Zoning District to AG-2 Agriculture Zoning District.**

Location: **The South 58.88 acres except for the South 233.71 feet of the West 203.71 feet in the West Half of the Southeast Quarter of Section 5, Township 21 North, Range 9 East, Rantoul Township and commonly known as Hardy's Reindeer Ranch and the field to the north all located at 1356 CR 2900N, Rantoul.**
8. Zoning Case 606-FV-08 28 thru 55

Petitioner: **Guadalupe Guzman**

Request: **Authorize as a variance from the Champaign County Special Flood Hazard Areas Ordinance the conversion into and occupancy of a dwelling in which the top of the lowest floor is 0.02 feet above the Base Flood Elevation (100-year floodplain) instead of 1.0 foot above the Base Flood Elevation and which has an enclosed area below the Flood Protection Elevation that does not allow the automatic entry and exit of flood waters**

CHAMPAIGN COUNTY
ENVIRONMENT AND LAND USE COMMITTEE AGENDA
AUGUST 11, 2008
PAGE 2

Zoning Case 606-FV-08 cont:

in lieu of the requirement for the automatic entry and exit of flood waters.

Location: **Lot 1 of Leonard's Farmett's Subdivision in Section 2 of Urbana Township and commonly known as the structure south of the house at 3207 East Airport Road, Urbana.**

9. **Subdivision Case 192-08: Hughes-Race Street First Subdivision. Minor Plat approval for a one-lot subdivision in the AG-1 Zoning District in Section 17 of Philo Township with the following waivers:** **56 thru 75**
1. **Waive requirement of paragraph 9.1.2 q. for percolation test data at a minimum frequency of one test hole for each lot in the approximate area of the proposed absorption field.**
 2. **Waive requirement of paragraph 9.1.2 r. for certification on the plat by a Registered Professional Engineer or Registered Sanitarian that the proposed land use, the proposed lot, and the known soil characteristics of the area are adequate for a private septic disposal system.**
10. **Champaign County Zoning Ordinance requirements for wind turbine developments**
(for discussion only; handouts may be available at the meeting)
11. **Requirement that a current land owner pay the zoning use permit fee for a structure built by a previous owner without a Zoning Use Permit.** **76**
(for discussion only)
12. **Monthly Report (June and July, 2008)**
(to be distributed at meeting)
13. **Determination of Items to be placed on the County Board Consent Agenda**
14. **Adjournment**

SUBJECT TO APPROVAL

MINUTES OF REGULAR MEETING

Champaign County Environment & Land Use Committee
Champaign County Brookens Administrative Center
Urbana, IL 61802

DATE: June 09, 2008
TIME: 7:00 p.m.
PLACE: Lyle Shields Meeting Room
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802

MEMBERS PRESENT: Jan Anderson, Chris Doenitz, Matthew Gladney, Brad Jones, Ralph Langenheim, Steve Moser, Jon Schroeder (VC), Barbara Wysocki (C)

OTHER COUNTY BOARD MEMBERS

PRESENT: Pius Weibel (County Board Chair)

MEMBERS ABSENT: Carrie Melin

STAFF PRESENT: John Hall, Leroy Holliday

OTHERS PRESENT: None

1. Call to Order, Roll Call

The meeting was called to order at 7:00 p.m. The roll was called and a quorum declared present.

2. Approval of Agenda

Mr. Langenheim moved, seconded by Mr. Gladney to approve the agenda as submitted. The motion carried by voice vote.

3. Approval of Minutes (April and May, 2008)

Ms. Anderson moved, seconded by Mr. Doenitz to approve the April and May, 2008 minutes as submitted. The motion carried by voice vote.

4. Correspondence

- A. Mahomet Aquifer Consortium Member Meeting No. 58, Feb. 19, 2008 minutes.
- B. Advancing Wind Power in Illinois 2008 Conference, June 25-28, 2008.

Ms. Wysocki stated that the Committee members should have received a postcard from the Forest Preserve District regarding an open house of their newest acquisition. She said that the open house will be noticed so

DRAFT

1 that in the event that a number of County Board members attend the County will comply with the *Open*
2 *Meetings Act*.

3
4 Mr. Weibel asked Mr. Hall if staff from the Planning and Zoning Department would be attending the
5 Advancing Wind Power Conference.

6
7 Mr. Hall stated no.

8
9 Mr. Weibel stated that he perceives that at some point someone will propose these structures in Champaign
10 County.

11
12 Mr. Hall stated that the University of Illinois has two wind turbines but they are the owners therefore county
13 zoning does not apply. He said that for sometime there have been rumors of a possible wind farm in the
14 southeastern part of the county but no one has approached the department with an inquiry.

15
16 Mr. Weibel asked Mr. Hall if the county would be able to handle such a proposal.

17
18 Mr. Hall stated that wind farms are addressed in the Zoning Ordinance although if a large wind farm was
19 proposed in the county it would be problematic because it requires rezoning to the industrial districts. He
20 said that he cannot see the County Board approving the rezoning of hundreds of acres of farmland to
21 industrial zoning to accommodate a wind farm. He said that there other ways to accommodate such a
22 proposal and the Zoning Ordinance could be improved but it was just changed a few years ago and no one
23 has requested information regarding such a proposal.

24
25 Ms. Wysocki asked the Committee if anyone would be interested in attending the Advanced Wind Power in
26 Illinois 2008 Conference and there was no one.

27
28 Ms. Anderson asked Mr. Hall if a farmer could propose a small wind turbine on their farm.

29
30 Mr. Hall stated that staff has permitted a lot of small onsite windmills for individual homes. He said that as
31 long as the wind turbine is not over 100 feet tall it is allowed by-right. He said that staff has not seen any
32 requests for a wind turbine which would be over 100 feet in height therefore exceeding the limit. He said
33 that no more than three wind turbines could be proposed with just a Special Use Permit therefore it would be
34 easy to accommodate. He said that a field with wind turbines like they have in McLean County would be
35 problematic in Champaign County under the current regulations.

36
37 Mr. Moser stated that 160 acres in Ford County was just leased for the construction of 50 wind turbines on
38 the North side of Route 9 and 50 wind turbines on the south side of Route 9. He said that the company does
39 not want anything to do with Champaign County in regard to installation because they do not want to mess
40 with zoning. He said that the farmer is missing a real opportunity because the minimum lease for every one
41 of those proposed wind turbines in Ford County are \$6500 per year and it takes less than one-half acre of
42 land. He said that the agreements are valid for twenty years. He said that the Yankee Ridge area near Block

1 station would be an ideal setting as well as a site north of Gifford.

2
3 Mr. Weibel stated that perhaps the County should modify the Zoning Ordinance for this proposed use.

4
5 Mr. Moser stated that he does not understand why an industrial zone would be required for such a use. He
6 said that if Champaign County is interested in housing these projects then the County is going to have to
7 change the Ordinance to accommodate this use.

8
9 Mr. Langenheim stated that the particular companies which are installing the wind turbines along Route 9 in
10 Ford County may not be interested in a county with zoning but that does not mean that all companies
11 involved in this business feel the same way.

12
13 Mr. Moser stated that these two companies have leased at least 5,000 acres on each side of the transmission
14 line along Route 9 and they haven't had a single owner back away. He said that the property that he farms is
15 three miles south of Route 9 and one mile north of the Champaign County line and no one who owns ground
16 in between the two areas has refused to sign a lease. He said that Champaign County is missing an
17 opportunity because there is a lot of assessed valuation that goes with those things. He said that Benton
18 County, Indiana also has a lot of these turbines and he would like to know how McLean County is assessing
19 these because they are going to build some more over near Gibson City.

20
21 Mr. Gladney stated that it appears that this issue is beyond this meeting and it should be an issue for the
22 August meeting.

23
24 Ms. Wysocki stated that the Committee could do that.

25
26 Mr. Moser stated that the reason why he stated that the area at Block Station would be a logical spot is
27 because of the big transmission line that runs south out of Sidney. He said that the companies have to have
28 something to run the generated electricity in to and he believes that those transmission lines have that
29 capacity.

30
31 Ms. Wysocki stated that perhaps attending the conference has taken on a new importance in the last three
32 minutes.

33
34 Mr. Weibel stated that it is up to Mr. Hall whether the conference would pertain to zoning.

35
36 Ms. Wysocki stated that the brochure indicates that sessions will cover county zoning as well as much more.

37
38 Mr. Langenheim asked Mr. Hall if it would be a substantial burden if the Committee requested that staff
39 investigate what would have to be done to accommodate a wind farm.

40
41 Mr. Hall stated that it would be one more thing to have done by July or August and the department no longer
42 has a special projects planner. He said that the current planner is busy with the Zoning Board of Appeals and

1 he is also busy with the Zoning Board of Appeals and the LRMP therefore he is not eager to have one more
 2 thing assigned. He said that he does believe that there is a problem with the Ordinance however another
 3 thing that the County requires for a wind turbine is a reclamation agreement and that may also be
 4 problematic. He said that it is not clear how far the Ordinance can be trimmed back to accommodate things
 5 like wind farms and still be acceptable. He said that we are still Champaign County and we have put a lot of
 6 work in getting the current Ordinance adopted and he is a little concerned as to how much of it can be
 7 trimmed back. He said that it is worth a study and if we had someone with a lot of time then we could assign
 8 that task to them but regretfully we do not have that person.

9
 10 Mr. Langenheim stated that it appears that we are going to have to do something but before we jump in to it
 11 we need to know which direction we are headed. He said that the Committee needs competent information
 12 so that the County can decide what they want to do with this issue. He said that he has been around several
 13 wind farms that are over the hill and the area has become very derelict therefore there are many things which
 14 must be considered. He said that he does not understand why central Illinois is getting so many wind farms
 15 but there is a USGS map which evaluates potential for wind energy by area. He said that more information
 16 is required before the County Board goes half cocked on welcoming wind farms because we could jump into
 17 these type of things and end up getting burned.

18
 19 Mr. Weibel stated that some sort of schedule for evaluation should be considered regarding this issue.

20
 21 Mr. Moser stated that staff should call McLean County to see what accommodations they made in their
 22 zoning ordinance for the wind farms. He said that if the companies cannot obtain a lease which is fairly
 23 close to a transmission line for connection then they will not be interested. He said that the line which is
 24 south of Sidney would be a possible location because the company will install a huge underground cable
 25 which will run for miles and will connect into the transmission line and the windmills.

26
 27 Ms. Wysocki stated that at future meeting the Committee will discuss wind farms.

28
 29 Mr. Doenitz requested that the discussion not be put off.

30
 31 **5. Public Participation**

32
 33 None

34
 35 **6. Recreation and Entertainment License: Champaign County Fair Association, 902 N. Coler**
 36 **Ave, Urbana. County Fair and Carnival. July 18-26, 2008.**

37
 38 **Mr. Moser moved, seconded by Mr. Jones to approve the Recreation and Entertainment License:**
 39 **Champaign County Fair Association, 902 N. Coler Ave, Urbana. County Fair and Carnival to be held**
 40 **July 18-26, 2008. The motion carried by voice vote.**

41
 42 **7. Updates:**

A. Champaign County Land Resource Management Plan

Ms. Monte stated that the LRMP Steering Committee meeting will occur on June 12th at 7:30 a.m. at the Brookens Administrative Center. She said that the last LRMP Steering Committee meeting was March 13th and public workshops were held on April 1st and 5th. She said that at the June 12th meeting the Stage 2 Input and Public Participation Report will be considered and the public and steering committee members will be invited to provide review comments and questions. She said that in June and July the Steering Committee will continue its review and refine a proposed policy framework that include county land use and resource management goals, objectives and policies. She said that it is anticipated that a joint County Board and ELUC Special Study Session will schedule to occur on Monday, August 11, 2008.

B. Champaign County Hazard Mitigation Plan

Ms. Monte stated that she is happy to announce that 100% participation has been achieved from all municipal jurisdictions plus Parkland and the University of Illinois Urbana-Champaign. She said that the second meeting of the Planning Team was held on June 5th and the formation of an adjunct advisory group was discussed which would broaden the scope of the eventual review of the planning documents. She said that the Planning Team is limited to 13 members therefore a broader representation was needed to review the document and provide any information on behalf of the school districts and other agencies that are not directly represented on the Planning Team. She said that a 52 member advisory group was formed and will receive e-mail transmissions. She said that an HMP website has been developed which can be accessed through the CCRPC.org website. She said that the website is planned to be linked to all municipal jurisdiction websites that have websites. She said that the idea of a virtual public forum is under consideration. She said that the 2nd stage of Risk Assessment will last through September.

C. Proposed Intergovernmental Agreement regarding development pursuant to municipal annexation agreement that is more than one-and-one half miles from the municipality and House Bill 2518.

Mr. Hall stated that House Bill 2518 was the proposed changes regarding the *Chatham* decision. He said that the bill made it through the House of Representatives but got stuck in the Senate Rules Committee. He said that it is not hopeless at this point but it is not real hopeful either. He said that there is a real chance that something might happen this fall and Ms. McGrath is going to contact Senator Righter to obtain a clear indication of how it came to be stuck in the rules committee. Mr. Hall stated that he heard through the grapevine that there was some sort of informal agreement between the senators last year that there would be no changes for a few years and if that is the case our best efforts will not serve to sway anyone. He said that it isn't over yet but no one has given much encouragement either.

D. Senate Bill 2022

Mr. Hall stated that Senate Bill 2022 is the proposed changes that Senator Frerichs proposed regarding notice

1 of zoning cases. He said that this bill has been stuck in the rules committee longer and there is a chance that
2 something could happen with this bill but no news has been received to date.

3
4 **8. Follow-Up Report: 2008 Countywide Electronics and Computer Recycling Event**

5
6 Ms. Monte stated that on Saturday, April 19th, an outstanding outpouring of folks desiring to deposit their
7 recycling goods was had at the event. She said that such an outpouring was had that the event was extended
8 over the following week. She said that last year more than 1,600 vehicles dropped off 72,000 pounds of
9 computer and electronic equipment and this year an estimated 4,500 vehicles dropped off computer and
10 electronic equipment on that Saturday and after the extended time 135,000 pounds total were collected from
11 the event. She said that there is evidence that there is a need for such an event. She said that the next event
12 should be structured differently in that it should not be held on just one day, to avoid the long lines of traffic.

13
14 Mr. Weibel asked Ms. Monte where people can drop off old DVD and VCR players currently.

15
16 Ms. Monte stated that Mack’s Recycling and Benchmark accepts these items year around.

17
18 **9. Monthly Report (April and May, 2008)**

19
20 Mr. Hall distributed the April and May, 2008 monthly reports for the Committee’s review. He said that
21 things have somewhat slowed down from the previous years but the current workload is keeping staff very
22 busy.

23
24 Mr. Schroeder commended the zoning staff for their work on Zoning Case 187-S-99 and 613-S-08. He said
25 that these were cases that needed to be dispensed quickly and a special meeting was held to accommodate
26 the need for the facility.

27
28 Mr. Hall thanked Mr. Schroeder. He said that a letter was received from the Village of Sidney and it has
29 withdrawn their protest and are working with the applicant.

30
31 Mr. Schroeder stated that the monthly reports indicate that permits were issued on agricultural buildings. He
32 said that was curious why these farmers are required to obtain permits for agricultural buildings, which are
33 exclusively for farm storage, when they are considered exempt.

34
35 Mr. Hall stated that since 2000, staff has been encouraging people to obtain courtesy permits. He said that
36 given the County’s attempt to limit rural development the only way to keep on track of compliance is if
37 everyone calls the office for a permit. He said that ever since the County adopted the Rural Residential
38 Overlay (RRO) staff has been requesting that folks obtain courtesy permits, free of charge. He said that even
39 agricultural structures need to meet the setback requirements but the only way to document that they are
40 actually agricultural structures is to document it in a courtesy permit.

41
42 Mr. Moser asked Mr. Hall if he was aware of the large building being constructed on County Road 1800E

1 and Oaks Road.

2
3 Mr. Hall stated that the landowner has been issued a permit for a pond, house and barn. He said that Mr.
4 Lipps obtained a Special Use Permit for his construction and currently the as-built drawings are being
5 reviewed to assure that the construction was done properly. He said that Mr. Lipps had an engineer involved
6 the entire time and to date all is in compliance.

7
8 **10. Other Business:**

9 **A. Cancellations of July, 2008 ELUC meeting**

10 Mr. Hall stated that staff expects an application for a Minor Plat of Subdivision sometime soon although it
11 could wait until the August meeting. He said that there is a rezoning case, which the ZBA has already taken
12 action upon, that could be heard in July but it is not a pressing case that is time sensitive.

13
14 Mr. Schroeder asked if ELUC will have any involvement in the potential name change to the Salt Fork or
15 Saline.

16
17 Mr. Weibel stated that this issue will probably go to the Policy Committee in August.

18
19 Ms. Wysocki stated that unless a major issue arises there will be no meeting held for ELUC in July.

20
21 **B. Sangamon River Forest Preserve “Sneak Preview” Sunday, June 15, 2008 – 2:00 to 4:00**
22 **P.M.**

23
24 Ms. Wysocki invited County Board Members to attend the Sangamon River Forest Preserve “Sneak
25 Preview” on Sunday, June 15, 2008 – 2:00 to 4:00 P.M.

26
27 **11. Determination of Items to be placed on the County Board Consent Agenda**

28
29 None

30
31 **12. Adjournment**

32
33 **Mr. Doenitz moved, seconded by Mr. Langenheim to adjourn the meeting. The motion carried by**
34 **voice vote.**

35
36 The meeting adjourned at 7:36 p.m.

37
38 Respectfully submitted,

39
40
41 Secretary to the Environment and Land Use Committee

Champaign
County
Department of

**PLANNING &
ZONING**

To: **Environment and Land Use Committee**
From: **J.R. Knight**, Associate Planner
John Hall, Zoning Administrator

Date: August 7, 2008

RE: Zoning Case 602-AM-08

Zoning Case 602-AM-08

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

(217) 384-3708
FAX (217) 328-2426

Request **Amend the Zoning Map to change the zoning district designation from AG-1 Agriculture Zoning District to AG-2 Agriculture Zoning District**

Petitioners **Mark and Julie Hardy, d.b.a. Hardy's Reindeer Ranch, and Richard Hardy**

Location: **A 58.88 acre tract that is the West Half of the Southeast Quarter of Section 5 of Township 21N. Range 9E, except for the South 233.71 feet of the West 208.71 feet in Rantoul Township, and commonly known as the field north of Hardy's Reindeer Ranch at 1356 CR 2900N, Rantoul.**

STATUS

The Zoning Board of Appeals voted to "RECOMMENDED ENACTMENT" for this proposed rezoning at their April 17, 2008, meeting. Relevant maps are attached to the memo. The Finding of Fact is attached.

In a related action, the ZBA approved a Special Use Permit on the subject property in Case 587-S-07.

This case is located within the one-and-one-half mile extraterritorial jurisdiction (ETJ) of the Village of Rantoul, but no protest has been received.

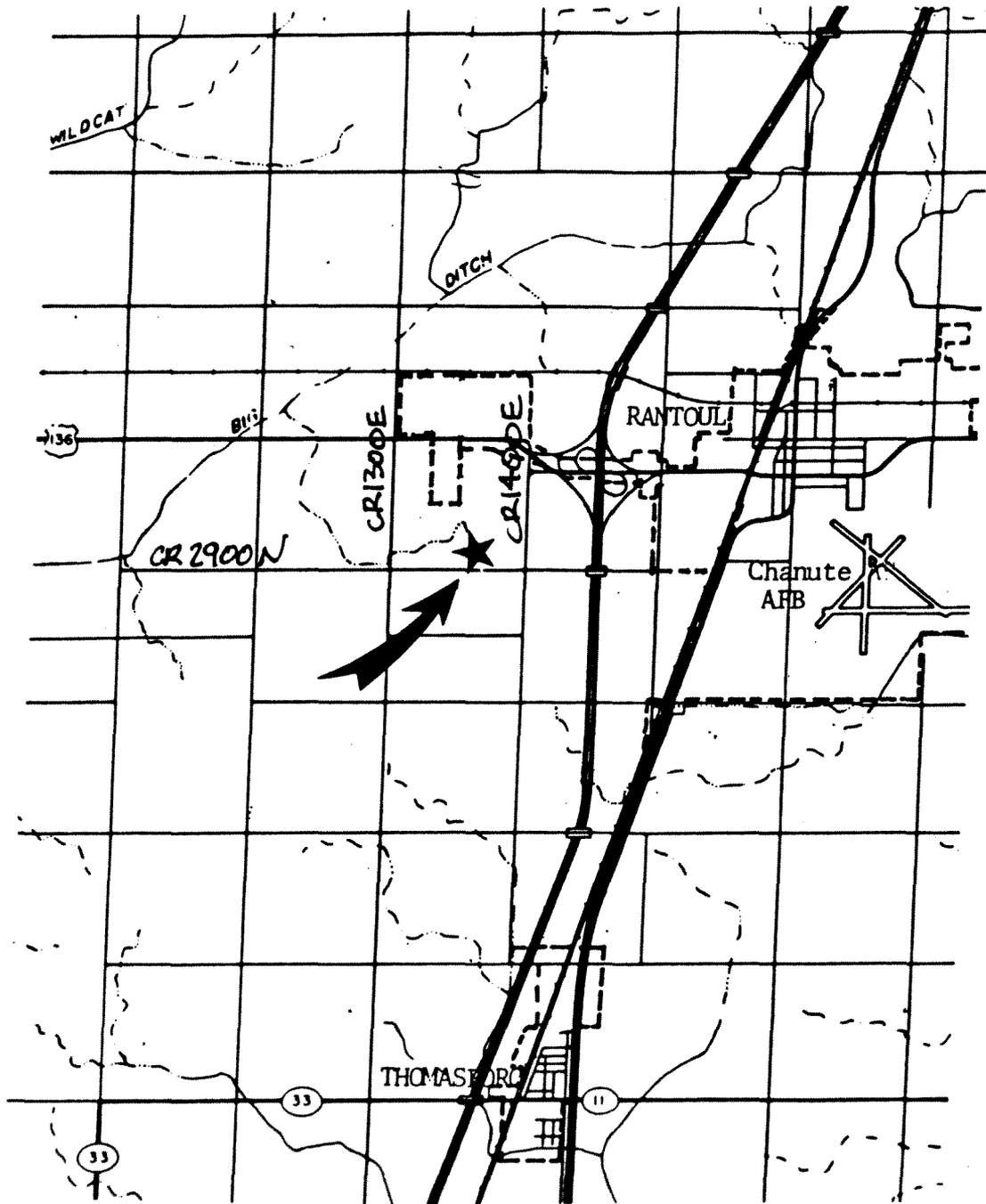
ATTACHMENTS

- A Case Maps for Case 602-AM-08 (Location, Land Use, and Zoning)
- B Revised Site Plan for Case 587-S-07 received on April 8, 2008
- C Revised Floor Plan for banquet hall in Case 587-S-07 received on August 9, 2007
- D Floor Plan of gift shop in Case 587-S-07 received on August 16, 2007
- E As Approved Finding of Fact for Case 602-AM-08

ATTACHMENT A. LOCATION MAP

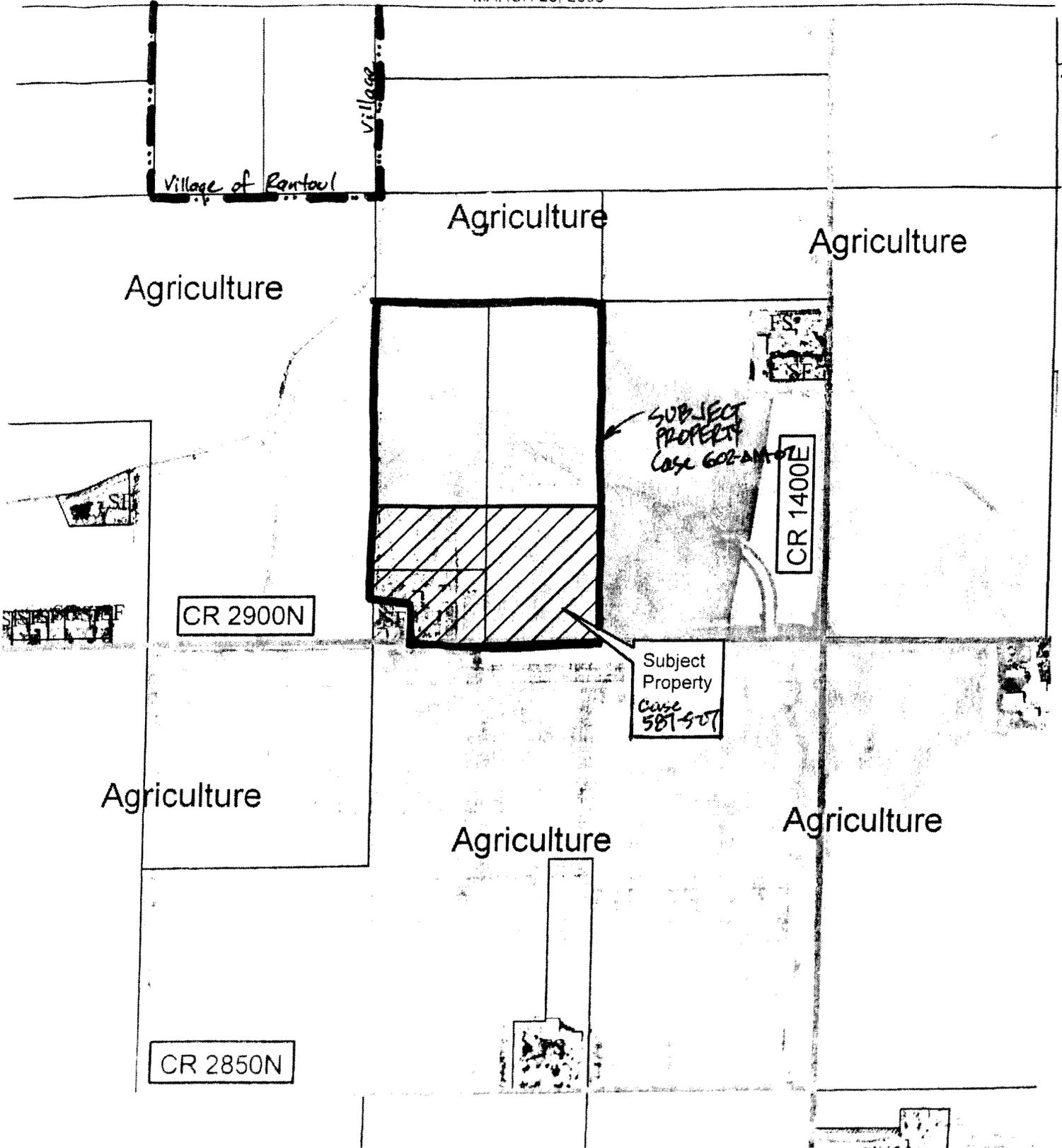
Cases 587-S-07 and 602-AM-07

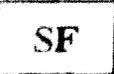
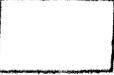
MARCH 28, 2008



Orange County
Department of
**PLANNING &
ZONING**

ATTACHMENT A. LAND USE MAP
 Cases 587-S-07 and 602-AM-07
 MARCH 28, 2008

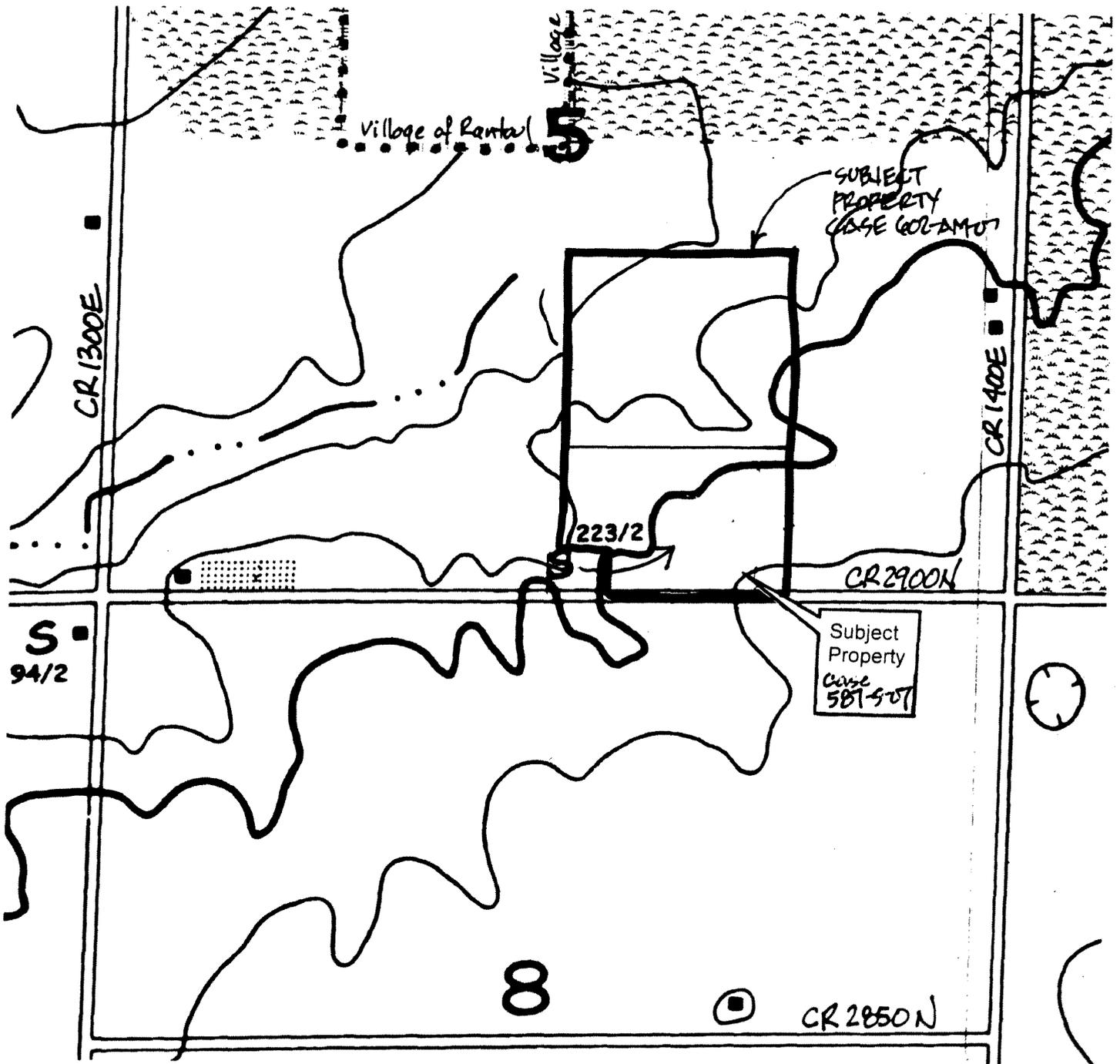


	Area of Concern	
	Single Family	
	Farmstead	



Champaign
 County
 Department of
**PLANNING &
 ZONING**

ATTACHMENT A. ZONING MAP
 Cases 587-S-07 and 602-AM-07
 MARCH 28, 2008

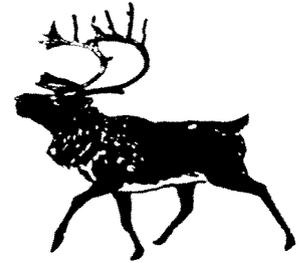


AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business
AG-2 Agriculture	R-2 Single Family Residence	R-5 Mobile Home Park	B-3 Highway Business	I-1 Light Industry
CR Conservation-Recreation	R-3 Two-family Residence	B-1 Rural Center	B-4 General Business	I-2 Heavy Industry



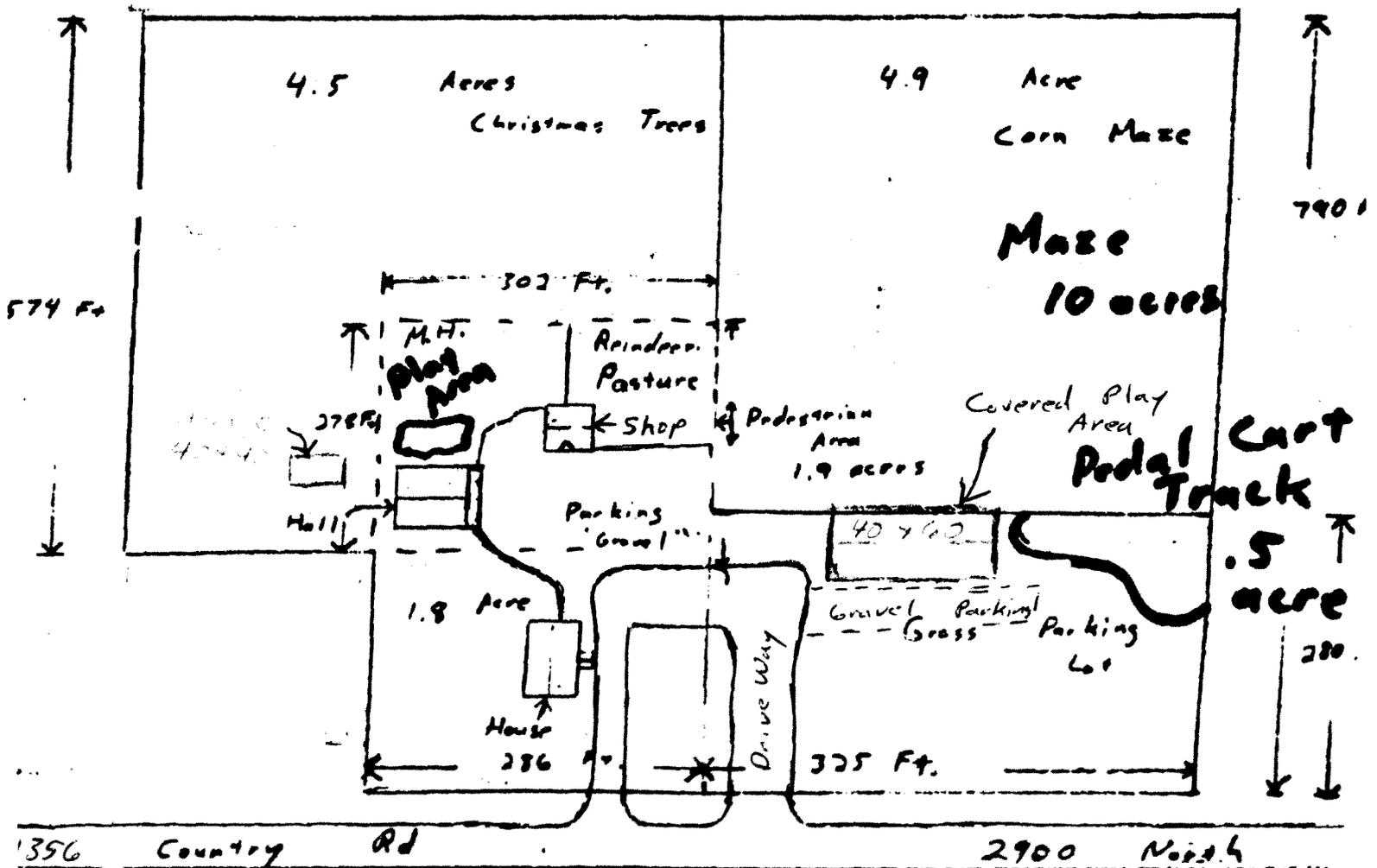
Champaign County
 Department of
PLANNING & ZONING

Hardy's Reindeer Ranch & Chuckwagon BBQ



Mark & Julie Hardy
1356 CR 2000N • Rantoul, IL 61866
217-893-9107

Future additions: 40x60 Ft Covered
Play Area + Storage
40x40 Ft Storage Shed



RECEIVED

APR 08 2008

CHAMPAIGN CO. P & Z DEPARTMENT

Total 15.6 Acres

Champaign County
Planning & Zoning Dept.
1776 E. Washington Street
Urbana, Illinois 61802

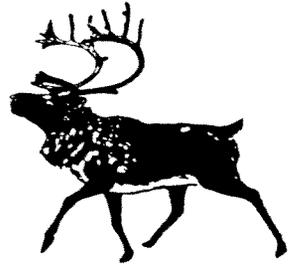
Site Plan submitted by Petitioner

Hardy's Reindeer Ranch & Chuckwagon BBQ

RECEIVED

AUG 16 2007

CHAMPAIGN CO. P & Z DEPARTMENT

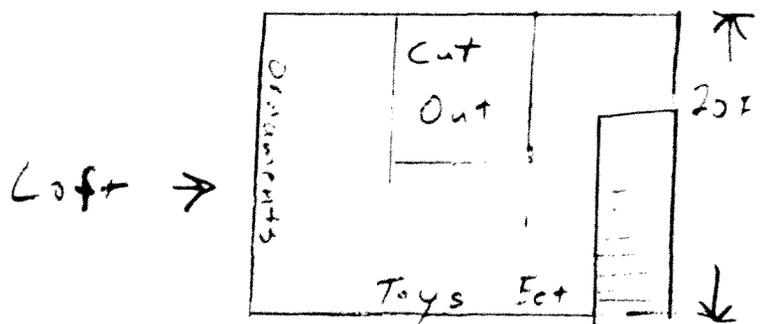
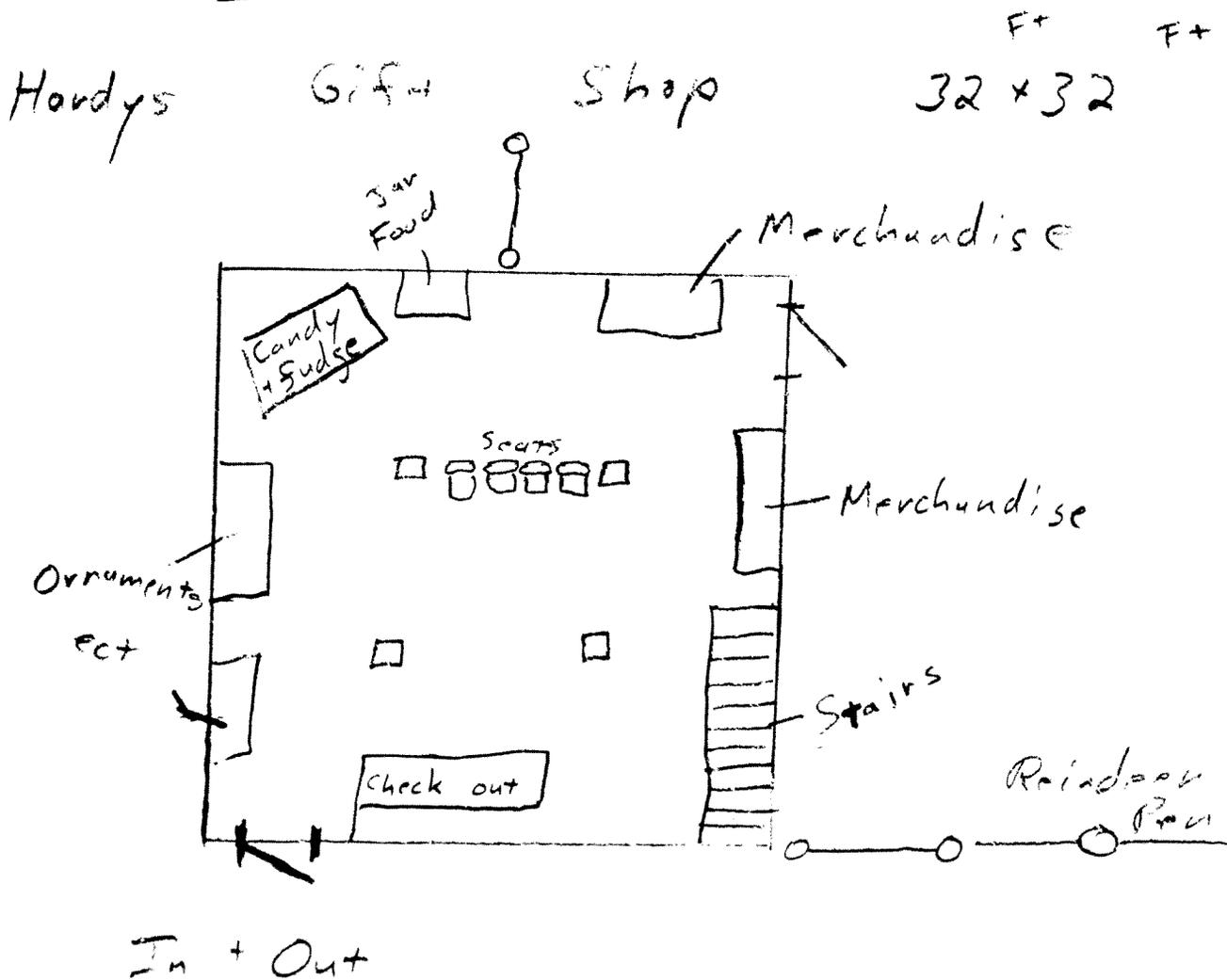


Mark & Julie Hardy

1356 CR 2900N • Rantoul, IL 61866

217 • 893 • 3407

Floor Plan 2007



Safety Features:

5/8 Dry wall covering all Interior walls and ceiling

Lighted exit signs - 3

Bathroom Handicap Fixtures and access

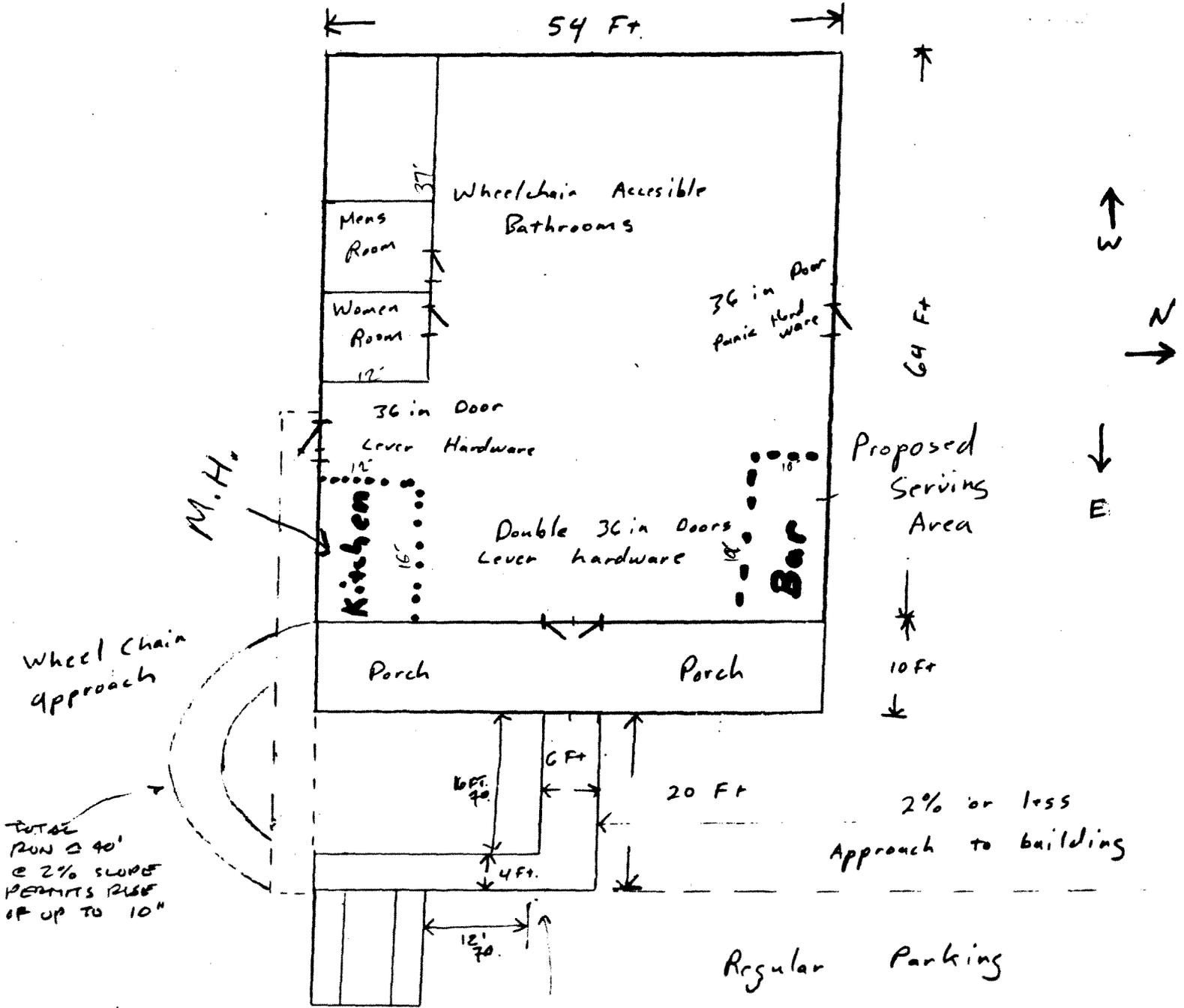
thresholds less than 1/2 in high

RECEIVED

AUG 09 2007

AUG 09 2007

CHAMPAIGN CO P & Z DEPARTMENT



TOTAL RUN = 40'
@ 2% SLOPE PERMITS RISE OF UP TO 10"

TOTAL RUN TO PORCH = 20'
@ 2% SLOPE PERMITS RISE UP TO 6.7"

RECEIVED
JUN 21 2007

SCALE: APPROX 1/16" = 1'-0"

AS APPROVED

602-AM-07

FINDING OF FACT
AND FINAL DETERMINATION
of
Champaign County Zoning Board of Appeals

Final Determination: **RECOMMEND ENACTMENT**

Date: April 3, 2008

Petitioners: Mark and Julie Hardy d.b.a. Hardy's Reindeer Ranch and Richard Hardy

Request: Amend the Zoning Map to change the zoning district designation from AG-1
Agriculture Zoning District to AG-2 Agriculture Zoning District

FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **April 3, 2008**, the Zoning Board of Appeals of Champaign County finds that:

- *1. The petitioners, Mark and Julie Hardy, and Richard Hardy, own the subject property
2. The subject property is a 58.88 acre tract that is the West Half of the Southeast Quarter of Section 5 of Township 21N, Range 9E, except for the South 233.71 feet of the West 208.71 feet in Rantoul Township, and commonly known as the field north of Hardy's Reindeer Ranch at 1356 CR 2900N, Rantoul.
3. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the Village of Rantoul.
4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioners indicated the following:

"Modify for growth"

5. Regarding comments by the petitioners when asked on the petition what other circumstances justify the amendment the petitioners indicated the following:

"Business has grown"

* Same evidence as in related Zoning Case 587-S-07

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

- *6. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is currently zoned AG-1 Agriculture and is in use as Hardy's Reindeer Ranch pursuant to Special Use Permit 223-S-00. The subject property is proposed to be rezoned to the AG-2 District in this case, and to a Special Use Permit (SUP) for a Private Indoor Recreational Development in related Case 587-S-07.
 - B. Land to the east, south, and west is zoned AG-1 and is in use as farmland.
 - C. Land to the north is zoned AG-2 Agriculture and is in use as farmland or has been annexed into the Village of Rantoul.
- 7. A previous zoning case that is relevant to the proposed rezoning is Case 223-S-00 (approved) that was the previous Special Use Permit case on the subject property that authorized Hardy's Reindeer Ranch as a Major Rural Specialty Business.

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

- 8. Regarding the existing and proposed zoning districts:
 - A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:
 - (1) The AG-1 Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURAL pursuits.
 - (2) The AG-2 Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
 - B. Regarding the general locations of the existing and proposed zoning districts:
 - (1) The AG-1 District is generally located throughout the county in areas which have not been placed in any other Zoning Districts.
 - (2) The AG-2 District is generally a belt that surrounds the larger municipalities and villages.
 - C. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
 - (1) Single family dwellings are authorized by right in both districts but two-family dwellings (duplexes) are authorized in the AG-2 District (but not the AG-1 District) and require a Special Use Permit.

- (2) There are five different types of non-residential and non-agricultural uses authorized by right in the AG-1 District (not including temporary uses) and seven types of non-residential and non-agricultural uses (not including temporary uses) authorized by right in the AG-2 District. The non-residential and non-agricultural principal uses authorized by right in the AG-1 District (other than single family dwellings and temporary use) are the following:
- (a) Rural specialty business (minor)
 - (b) Plant nursery
 - (c) Christmas tree sales lot
 - (d) Off-premises signs within 660 feet of interstate highways
 - (e) Off-premises signs along federal highways except interstate highways

In addition to those listed above the non-residential and non-agricultural principal uses authorized by-right in the AG-2 District include the following:

- (a) Country club or golf course
 - (b) Commercial breeding facility
- (3) There are 38 different types of uses authorized by Special Use Permit in the AG-1 District and there are 67 different types of uses authorized by Special Use Permit in the AG-2 District.
- (4) In total, Section 5.2 of the Ordinance indicates 43 different types of uses authorized in the AG-1 District and 74 different types of uses authorized in the AG-2 District, not including agriculture and Temporary Uses.

GENERALLY REGARDING WHETHER THE SUBJECT PROPERTY IS WITHIN A MUNICIPAL ETJ AREA

9. Regarding any relevant municipal or township jurisdiction:
- A. Amendments to the Champaign County Zoning Map can be protested by any zoned municipality within one-and-one-half miles of the subject property and/or the township in which the subject property is located if it has a township plan commission. In the event of either a municipal or township protest, a three-fourths majority of the County Board will be required to grant the rezoning request instead of a simple majority.
 - B. The subject property is located within the mile-and-a-half extraterritorial planning jurisdiction of the Village of Rantoul, which has a comprehensive Plan. The Village has received notice of this request. The subject property is also located in Rantoul Township, which has a township planning commission. The Township has received notice of this request.

REGARDING CHAMPAIGN COUNTY LAND USE GOALS AND POLICIES

10. The Land Use Goals and Policies were adopted on November 29, 1977, and were the only guidance for County Map Amendments until the Land Use Regulatory Policies-Rural Districts (LURP) were adopted on November 20, 2001, as part of the Rural Districts Phase of the Comprehensive Zoning Review (CZR). The LURP's were amended September 22, 2005, but the amendment contradicts the current Zoning Ordinance and cannot be used in concert with the current Zoning Ordinance. The LURP's adopted on November 20, 2001, remain the relevant LURP's for discretionary approvals (such as map amendments) under the current Zoning Ordinance. The relationship of the Land Use Goals and Policies to the relevant LURP's is as follows:
- A. Land Use Regulatory Policy 0.1.1 gives the Land Use Regulatory Policies dominance over the earlier Land Use Goals and Policies.
 - B. The Land Use Goals and Policies cannot be directly compared to the Land Use Regulatory Policies because the two sets of policies are so different. Some of the Land Use Regulatory Policies relate to specific types of land uses and relate to a particular chapter in the land use goals and policies and some of the Land Use Regulatory Policies relate to overall considerations and are similar to general land use goals and policies.

GENERALLY REGARDING POLICIES FOR AGRICULTURAL LAND USE

11. There are six policies related to agricultural land uses in the Land Use Goals and Policies. The agricultural land use policies are relevant because the property is proposed to be changed from the AG-1 District to the AG-2 District. The following agricultural land use policies do not appear to be relevant to any specific map amendment:
- A. Policy 1.1 of the Land Use Goals and Policies states that the Environmental and Land Use Committee will study the possibility of creating several agricultural districts which would provide one or more districts for agricultural uses, only, while other districts would permit limited non-agricultural uses.
 - B. Policy 1.3 of the Land Use Goals and Policies states that the Environment and Land Use Committee and the Board of Appeals will work towards applying the concepts of development rights transfer, planned unit development, cluster development and special use permits to insure, when and where necessary, that development of non-agricultural uses is compatible to adjacent agricultural activities.
 - C. Policy 1.4 of the Land Use Goals and Policies states that the Environment and Land Use Committee will examine the zoning classification of lands on the urban periphery for the possibility of rezoning lands from district classifications which encourage productive farming.
 - D. Policy 1.5 of the Land Use Goals and Policies states that the Environment and Land Use Committee and the County Board will encourage the development of tax assessment policies which will discourage the unnecessary conversion of agricultural land to non-agricultural uses.

- E. Policy 1.6 of the Land Use Goals and Policies states that the Environment and Land Use Committee and the County Board will initiate a coordinated effort among local units of government to create uniform standards and procedures to review developments proposed for agricultural areas.
12. Policy 1.2 of the Land Use Goals and Policies states that the Board of Appeals and the County Board will restrict non-agricultural uses to non-agricultural areas or
- i. those areas served by:
 - adequate utilities
 - transportation facilities, and
 - commercial services or
 - ii. those areas where non-agricultural uses will not be incompatible with existing agricultural uses.
- A. The following policies relate to adequacy of utilities:
- (1) Policy 7.3 states that the County Board will encourage development only in areas where both sewer and water systems are available. In areas without public sewer and water systems, development may occur only if it is determined that individual septic systems can be installed and maintained in a manner which will not cause contamination of aquifers and groundwater and will not cause health hazards. Requests for development should demonstrate that wastewater disposal systems, water supply, fire and police protection are adequate to meet the needs of the proposed development.
 - (2) Policy 7.3A states that new subdivisions and zoning changes should meet these (7.3 above) standards and will be considered where they are not in conflict with the goals and policies of this Plan.
- B. The proposed map amendment **CONFORMS** to Policy 1.2 because of the following:
- (1) The proposed use is a non-agricultural use that benefits from proximity to agricultural uses.
 - (2) The adequacy of utilities and transportation facilities for the existing use on the subject property is reviewed in related Zoning Case 587-S-07, and special conditions required to ensure that there is no negative impact on the District have been proposed.

REGARDING GOALS FOR AGRICULTURAL LAND USES IN THE LAND USE GOALS AND POLICIES

13. The agricultural land use goals are relevant because the property is proposed to be changed from the AG-1 District to the AG-2 District. The first agricultural land use goal of the Land Use Goals and Policies is as follows:

Preservation and maintenance of as much agricultural land in food and fiber production as possible, and protection of these lands from encroachment by non-agricultural uses.

- A. Based on the proposed use the proposed map amendment **ACHIEVES** this goal because of the following:

- (1) It will allow an established use that benefits from proximity to agricultural uses to continue to operate.
- (2) The AG-2 District is intended for application within one and one-half miles of existing communities in the county, and the subject property is within one and one-half miles of the Village of Rantoul.
- (3) The AG-2 District is also intended to prevent scattered indiscriminate urban development.

14. The second agricultural land use goal of the Land Use Goals and Policies is as follows:

Establishment of an agricultural land classification system based on productivity. Improvement of rural drainage systems.

This goal does not appear to be relevant to relevant to any specific map amendment.

REGARDING GENERAL LAND USE POLICIES

- 15. There are two general land use policies in the Land Use Goals and Policies. The second land use policy is not relevant to any specific map amendment.
- 16. The first general land use policy is the following:

The County Board, the Environmental and Land Use Committee and the Zoning Board of Appeals will follow the policies of:

- i. encouraging new development in and near urban and village centers to preserve agricultural land and open space;
- ii. optimizing the use of water, sewer, and public transportation facilities; and reducing the need for extending road improvements and other public services.

Based on the review of the relevant agricultural land use policies and goals, the proposed map amendment **CONFORMS** to this policy because the proposed rezoning is intended to allow an existing use that benefits from proximity to agricultural uses to continue to operate.

REGARDING GENERAL LAND USE GOALS

- 17. There are five general land use goals for all land use in the Land Use Goals and Policies. Three of the general land use goals are not relevant to the proposed map amendment for the following reasons:
 - A. The first and fifth general land use goals are not relevant to any specific map amendment.
 - B. The second general land use goal is so generally stated that it is difficult to evaluate the degree of achievement by the proposed map amendment.

18. The third general land use goal is as follows:

- Land uses appropriately located in terms of:
 - i. utilities, public facilities,
 - ii. site characteristics, and
 - iii. public services.

The proposed map amendment **ACHIEVES** the third general land use goal based on the following:

- A. **CONFORMANCE** with Policy 1.2 related to utilities, public facilities, and public services (see item 12);
- B. **ACHIEVES** in regards to site characteristics because the AG-2 District is intended to apply to areas within one and one-half miles of existing communities and the subject property is within one and one-half miles of the Village of Rantoul, but the subject property is not currently zoned in the AG-2 District.

19. The fourth general land use goal is as follows:

Arrangement of land use patterns designed to promote mutual compatibility.

Overall the fourth general land use goal will **BE ACHIEVED** by the proposed map amendment based on conformance with the preceding policies or achievement of the preceding goals.

GENERALLY REGARDING COMPLIANCE WITH THE LAND USE REGULATORY POLICIES—RURAL DISTRICTS

20. The LURP’s were originally adopted on November 20, 2001 as part of the Rural Districts Phase of the Comprehensive Zoning Review. The LURP’s were amended September 22, 2005, but the amendment contradicts the current Zoning Ordinance and cannot be used in concert with the current Zoning Ordinance. The LURP’s adopted on November 20, 2001, remain the relevant LURP’s for discretionary approvals (such as map amendments) under the current Zoning Ordinance.

21. Regarding compliance with relevant Land Use Regulatory Policies (LURP’s):

- A. LURP 1.4.1 states that non-agricultural land uses will not be authorized unless they are of a type not negatively affected by agricultural activities or else are located and designed to minimized exposure to any negative affect caused by agricultural activities.

The proposed rezoning **ACHIEVES** this policy because the AG-2 District is intended to allow an existing use that benefits from proximity to agricultural uses to continue to operate. Compatibility of that use will be determined in related Zoning Case 587-S-07.

- B. LURP 1.4.2 states that non-agricultural land uses will not be authorized if they would interfere with farm operations or would damage or negatively affect the operation of agricultural drainage systems, rural roads or other agriculture-related infrastructure.

AS APPROVED

The proposed rezoning **ACHIEVES** this policy because the AG-2 District is intended to allow an existing use that benefits from proximity to agricultural uses to continue to operate. Compatibility of that use will be determined in related Zoning Case 587-S-07.

- C. LURP 1.5.2 states that development that requires discretionary review will not be allowed on best prime farmland unless the site is well suited, overall, for the proposed land use.

The proposed rezoning **ACHIEVES** this policy because the proposed rezoning is for property that is well suited to the proposed use.

- D. LURP 1.5.3 states that development that requires discretionary review will not be allowed if the existing infrastructure, together with the improvements proposed, is inadequate to support the proposed development effectively and safely without undue public expense.

The proposed rezoning **ACHIEVES** this policy because the existing infrastructure is adequate to serve the proposed use.

- E. LURP 1.5.4 states that development that requires discretionary review will not be allowed if the available public services are inadequate to support the proposed development effectively and safely without undue public expense.

The proposed rezoning **ACHIEVES** this policy because the existing public services are adequate to serve the proposed use.

- F. LURP's 1.6.1 states that in all rural areas, businesses and other non-residential uses will be allowed if they support agriculture or involve a product or service that provided better in a rural area than in an urban area.

The proposed rezoning **ACHIEVES** this policy because the existing use benefits from proximity to agricultural uses.

- G. LURP 1.6.2 states that on the best prime farmland, businesses and other non-residential uses will not be authorized if they take any best prime farmland out of production unless they also serve the surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or the uses are otherwise appropriate in a rural area and the site is very well suited to them.

The proposed rezoning **ACHIEVES** this policy because the proposed use cannot be located in an urban area or on a less productive site; and the proposed use is appropriate in a rural area and the site is very well suited to it.

GENERALLY REGARDING ANALYSIS OF THE LASALLE FACTORS

- 22. In the case of *LaSalle National Bank of Chicago v. County of Cook* the Illinois Supreme Court reviewed previous cases and identified six factors that should be considered in determining the validity of any

proposed rezoning. Those six factors are referred to as the *LaSalle* factors. Two other factors were added in later years from the case of *Sinclair Pipe Line Co. v. Village of Richton Park*. The *Champaign County Zoning Ordinance* does not require that map amendment cases be explicitly reviewed using all of the *LaSalle* factors but it is a reasonable consideration in controversial map amendments and any time that conditional zoning is anticipated. The proposed map amendment compares to the *LaSalle* and *Sinclair* factors as follows:

A. **LaSalle factor: The existing uses and zoning of nearby property.**

- (1) This property is surrounded by land principally used for farmland.
- (2) The only residential property that directly abuts the subject property is a single family dwelling at the southwest corner of the subject property. Both the existing use and the residential property are established uses with no apparent history of conflict.
- (3) The populated area closest to the subject property is the Village of Rantoul, less than a mile away.
- (4) The nature of the existing uses of nearby properties appears to be compatible with the AG-2, Agriculture Zoning District.

B. **LaSalle factor: The extent to which property values are diminished by the particular zoning restrictions.**

- (1) It is impossible to establish values without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.
- (2) In regards to the value of nearby agricultural properties, it is not clear if the requested rezoning would have any effect as this property is mostly farmland as well.
- (3) In regards to the value of the subject property the proposed rezoning will have some impact on value. The proposed rezoning is intended to allow an existing use to continue to operate and grow at its current location.

C. **LaSalle factor: The extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, and general welfare of the public.**

- (1) As reviewed above, there is no appraisal available as evidence of value and any discussion of value at this time can only be general in nature.
- (2) There is no evidence indicating that there will be any destruction of property values.

D. **LaSalle factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.**

- (1) The proposed rezoning appears to create a mutually beneficial situation for the public and the property owner as the amount of land in the AG-2 District will be increased in an area where it is intended to apply and the property owner can continue to operate and grow their business at their current location.

- E. **LaSalle factor: The suitability of the subject property for the zoned purposes.**
 - (1) The subject property has been determined to be suited by the degree of conformance to various policies and the degree of achievement of various goals from the Land Use Goals and Policies and the Land Use Regulatory Policies – Rural Districts (see above).

- F. **LaSalle factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.**
 - (1) The subject property has not been vacant, as it has been in use as Hardy’s Reindeer Ranch for the past eight years.

- G. **Sinclair factor: The need and demand for the use.**
 - (1) The Petitioners have testified that their business continues to grow each year.

- H. **Sinclair factor: The extent to which the use conforms to the municipality’s comprehensive planning.**
 - (1) The Village of Rantoul Official Comprehensive Plan map indicates the subject property as open space and the proposed rezoning will not significantly change the property.

DOCUMENTS OF RECORD

1. Preliminary Memorandum for Case 602-AM-07, with attachments
 - A Case Maps for Cases 587-S-07 and 602-AM-07 (Location, Land Use, Zoning)
 - B Preliminary Finding of Fact for Case 602-AM-07
2. Special Use Permit Application, received on June 21, 2007, with attachments:
 - A 2006 Champaign County Public Health Department Permit
 - B Site plan from Case 223-S-00
 - C Amended floor plan of meeting hall from Case 223-S-00
3. Letter from Mark Hardy received on August 9, 2007, with attachments:
 - A Amended site plan from Case 223-S-00
 - B 2007 Champaign County Public Health Department Permit
4. Letter from Mark Hardy, received August 16, 2007, with attachments:
 - A Co-Petitioner signature for Richard Hardy
 - B 2006 Gross Sales Income Statement received on August 16, 2007
 - C Floor Plan for Gift Shop received on August 16, 2007
5. Preliminary Memorandum for Case 587-S-07, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Signed Summary of Evidence, Finding of Fact, and Final Determination for Case 223-S-00 approved on April 20, 2000
 - C Approved site plan from Case 223-S-00
 - D Approved floor plan for banquet hall from Case 223-S-00
 - E Minutes for Case 223-S-00 from April 20, 2000
 - F Amended Site Plan received on August 9, 2007
 - G Amended Floor plan for banquet hall received on August 9, 2007
 - G Floor Plan for Gift Shop received on August 16, 2007
 - H 2006 Gross Sales Income Statement received on August 16, 2007
 - I 2007 Champaign County Public Health Department Permit received on August 9, 2007
 - J Draft Summary of Evidence for Case 587-S-07
6. Supplemental Memorandum dated August 30, 2007, with attachments:
 - A Excerpt of definition of RURAL SPECIALTY BUSINESS from Champaign County Ordinance No. 598 Ordinance Amending Zoning Ordinance Case 147-AT-99
 - B Champaign County Liquor Ordinance Revised March 24, 2005 (included separately)
7. Supplemental Memorandum dated November 9, 2007, with attachments:
 - A Minutes for ZBA meeting on August 30, 2007 (attached separately)
 - B Revised Summary of Evidence dated November 9, 2007
8. Supplemental Memorandum for November 15, 2007

9. Supplemental Memorandum for December 21, 2007
10. Supplemental Memorandum for February 8, 2008, with attachment:
 - A Letter from Mark Hardy received on January 28, 2008
11. Supplemental Memorandum for March 28, 2008, with attachments:
 - A Case Maps for Cases 587-S-07 & 602-AM-08 (Location, Land Use, and Zoning)
 - B Village of Rantoul Official Comprehensive Plan map (annotated)
 - C Amended Site Plan received on August 9, 2007
 - D Amended Floor plan for banquet hall received on August 9, 2007
 - E Floor Plan for Gift Shop received on August 9, 2007
 - F Photograph of existing accessible parking space
 - G Photograph of front of meeting hall
 - H Revised Summary of Evidence for Case 587-S-07
12. Supplemental Memorandum for Case 587-S-07, dated April 3, 2008
13. Supplemental Memorandum for Case 587-S-07, dated April 11, 2008, with attachment:
 - A Amended Site plan received on April 8, 2008
14. Supplemental Memorandum for Case 587-S-07, dated April 17, 2008

FINAL DETERMINATION

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Map Amendment requested in **Case 602-AM-07** should **BE ENACTED** by the County Board.

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

SIGNED:

Debra Griest, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708
FAX (217) 328-2426

To: **Environment and Land Use Committee**
From: **J.R. Knight, Associate Planner**
John Hall, Zoning Administrator

Date: August 7, 2008

RE: Zoning Case 606-FV-08

Zoning Case 606-FV-08

Request **Authorize as a variance from the Champaign County Special Flood Hazard Areas Ordinance the conversion into and the occupancy of a dwelling in which the top of the lowest floor is 0.02 feet above the Base Flood Elevation (100-year floodplain) instead of 1.0 foot above the Base Flood Elevation and which has an enclosed area below the Flood Protection Elevation that does not allow the automatic entry and exit of flood waters in lieu of the requirement for the automatic entry and exit of flood waters**

Petitioner **Guadalupe Guzman**

Location: **Lot 1 of Guzbeck Granja Subdivision in Section 2 of Urbana Township and commonly known as the structure south of the house at 3207 East Airport Road.**

STATUS

Variances to the Special Flood Hazard Areas Ordinance must be approved by the full County Board but begin with a public hearing at the Zoning Board of Appeals (ZBA). The ZBA voted to "RECOMMEND APPROVAL" of the attached floodplain variance at their meeting on July 17, 2008, subject to special conditions

SPECIAL CONDITIONS OF APPROVAL

The ZBA approved this floodplain variance subject to the following special conditions:

A floodplain variance can result in an increased risk of danger to life and property in a flood event. The current residents of the subject property have indicated their willingness to accept these risks. However, if the variance is granted future purchasers of the subject property should be made aware of the increased risks associated with the subject property. The following condition requires a miscellaneous document to be recorded to make future purchasers aware of the floodplain variance. (see attached)

The Petitioner shall file the approved Notice of Flood Variance as a Miscellaneous Document with the Champaign County Recorder of Deeds and provide a copy of the recorded document to the Zoning Administrator within three business days of the County Board approval

to ensure that:

any prospective purchaser of the subject property is aware of the increased risk of flood hazard.

The original conversion of a portion of the barn into living space was a violation of the Zoning Ordinance and the Special Flood Hazard Areas Ordinance. Additional conversion of living space inside the barn should not occur because it would increase the amount of violation. The following condition makes that clear.

No additional floor area in the subject dwelling shall be converted to habitable space

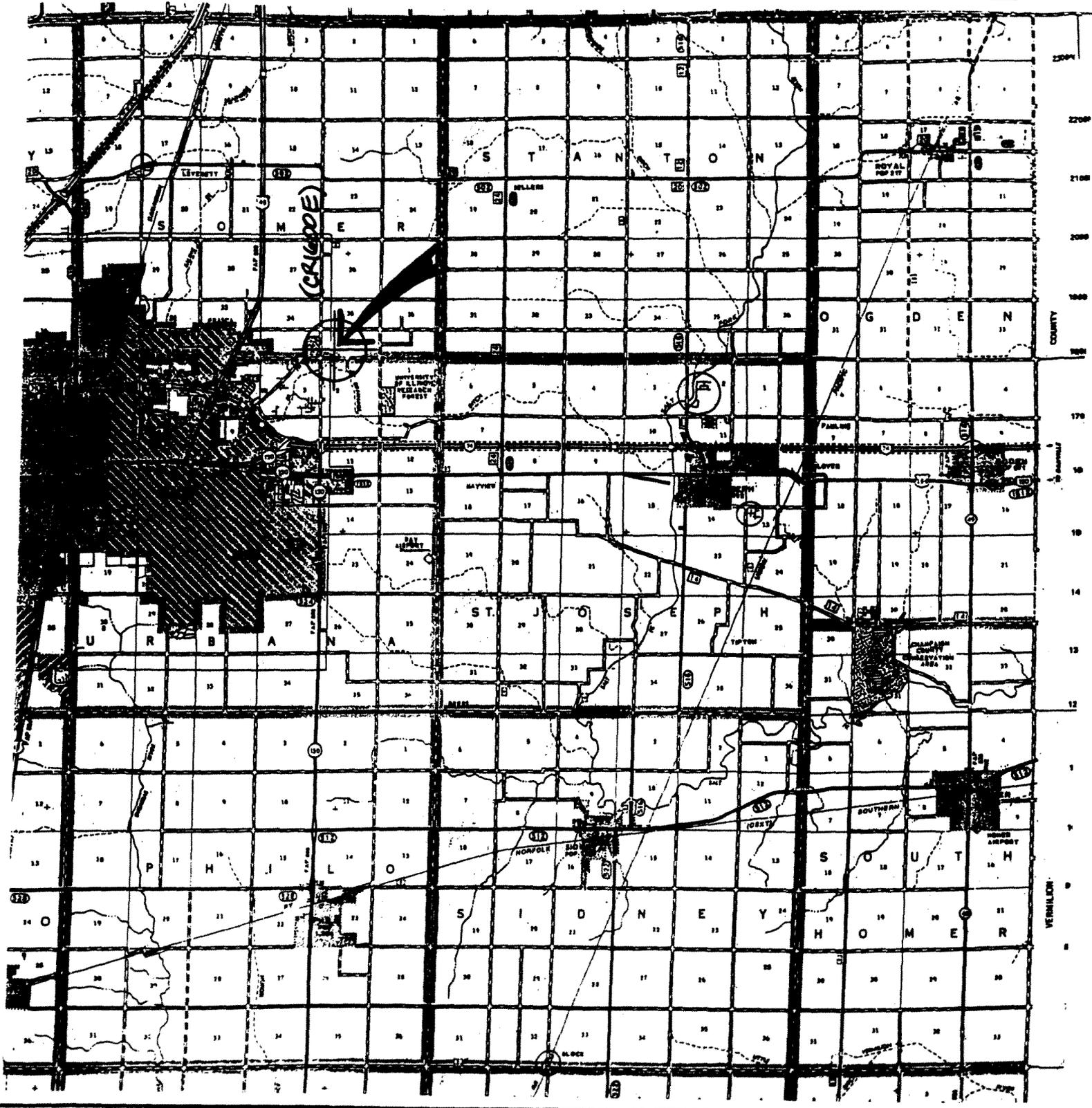
to ensure that:

the original violation is not increased.

ATTACHMENTS

- A Case Maps for Case 606-FV-08 (Location, Land Use, Zoning)**
- B Proposed Preliminary Plat for Guzbeck Granja Subdivision**
- C Foundation and Floor Details dated July 12, 2008**
- D Notice of Flood Variance**
- E As Approved Finding of Fact for Case 606-FV-08**

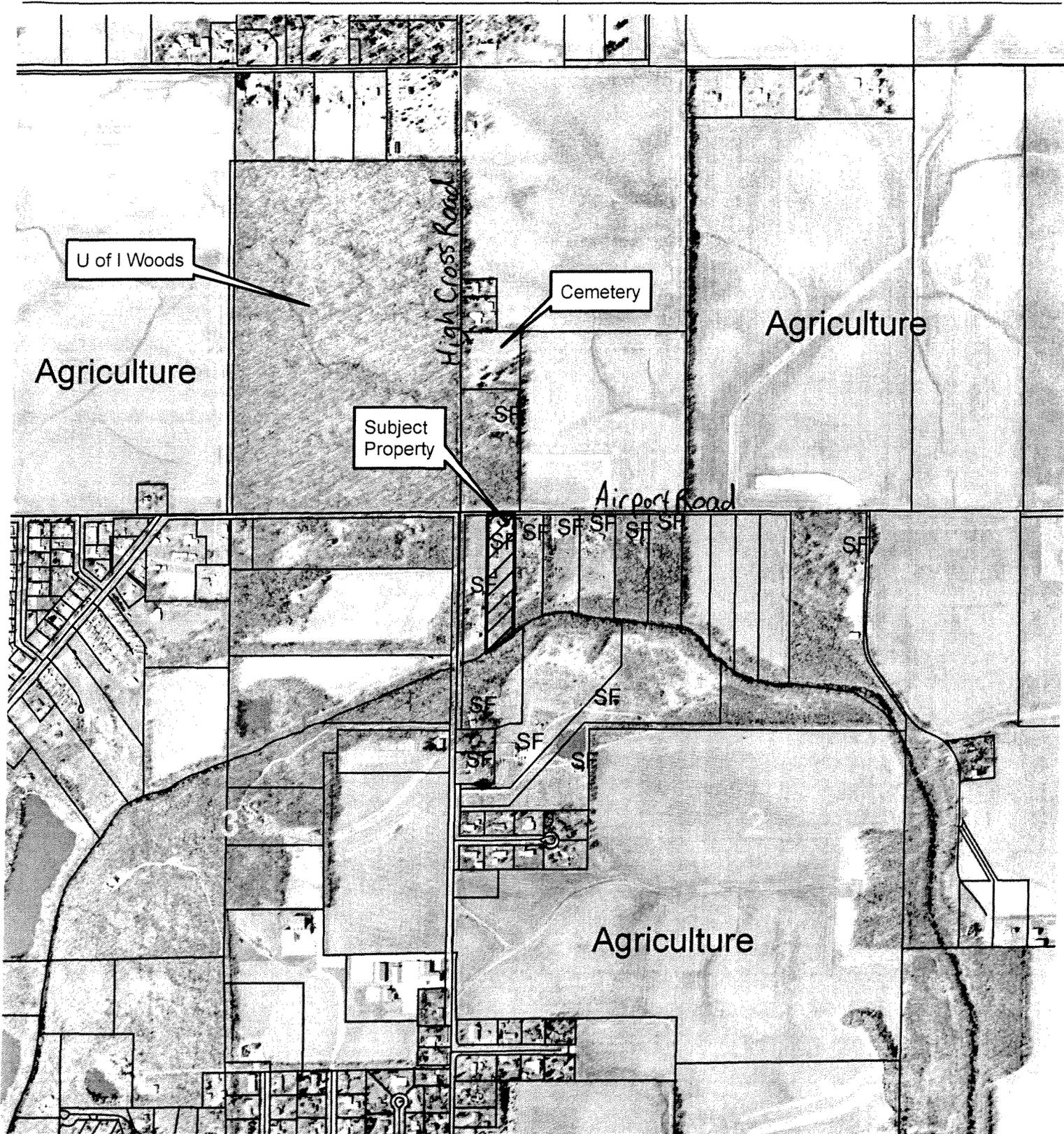
ATTACHMENT A. LOCATION MAP
Cases 512-V-05, 513-V-05, & 606-FV-08
MARCH 7, 2008

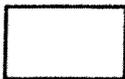
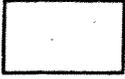
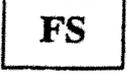
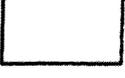


Champaign
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**PLANNING &
ZONING**



ATTACHMENT A. LAND USE MAP
Cases 512-V-05, 513-V-05, and 606-FV-08
 MARCH 7, 2008



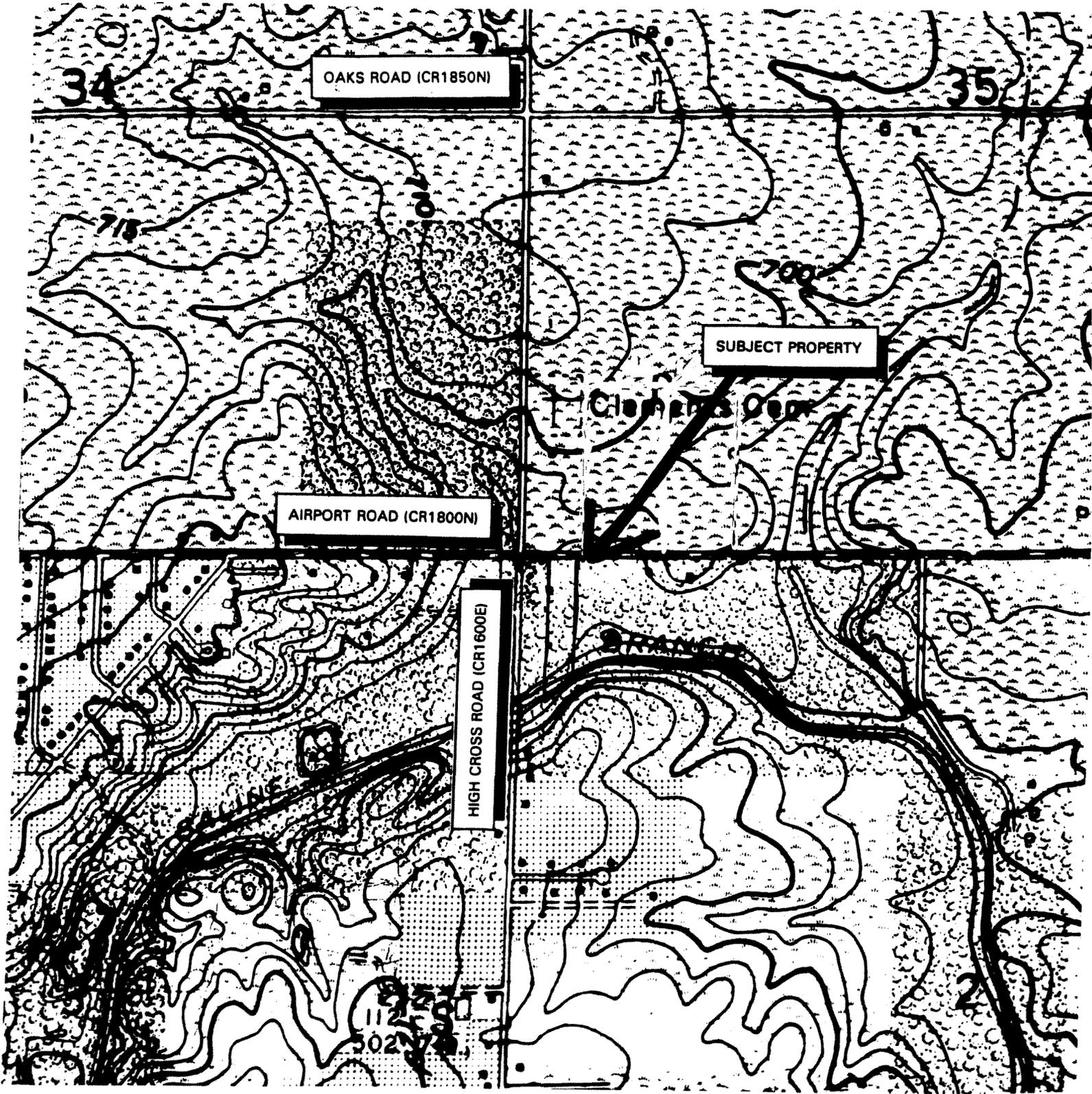
	Area of Concern	
	Single Family	
	Farmstead	



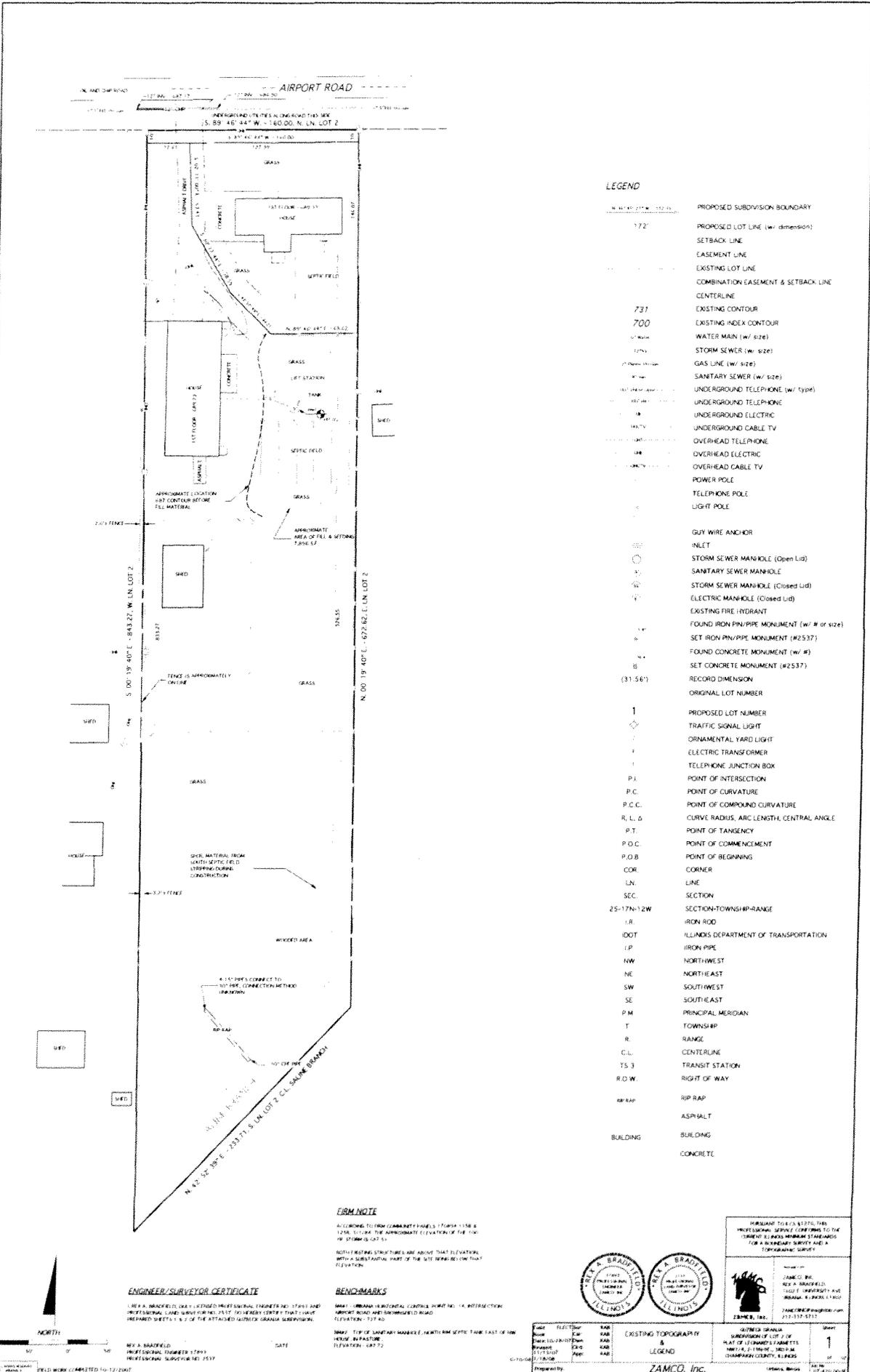
1 inch equals 800 feet

Champaign
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ATTACHMENT A. ZONING MAP
 Cases 512-V-05, 513-V-05, & 606-FV-08
 MARCH 7, 2008



	AG-1 Agriculture		R-1 Single Family Residence		R-4 Multiple Family Res.		B-2 Neighborhood Business		B-5 Central Business	 NORTH Champlain County Department of PLANNING & ZONING
	AG-2 Agriculture		R-2 Single Family Residence		R-5 Mobile Home Park		B-3 Highway Business		I-1 Light Industry	
	CR Conservation- Recreation		R-3 Two-family Residence		B-1 Rural Trad Center		B-4 General Business		I-2 Heavy Industry	



LEGEND

- PROPOSED SUBDIVISION BOUNDARY
- PROPOSED LOT LINE (w/ dimension)
- SETBACK LINE
- EASEMENT LINE
- EXISTING LOT LINE
- COMBINATION EASEMENT & SETBACK LINE
- CENTERLINE
- EXISTING CONTOUR
- EXISTING INDEX CONTOUR
- WATER MAIN (w/ size)
- STORM SEWER (w/ size)
- GAS LINE (w/ size)
- SANITARY SEWER (w/ size)
- UNDERGROUND TELEPHONE (w/ type)
- UNDERGROUND TELEPHONE
- UNDERGROUND ELECTRIC
- UNDERGROUND CABLE TV
- OVERHEAD TELEPHONE
- OVERHEAD ELECTRIC
- OVERHEAD CABLE TV
- POWER POLE
- TELEPHONE POLE
- LIGHT POLE
- GUY WIRE ANCHOR
- INLET
- STORM SEWER MANHOLE (Open Lid)
- SANITARY SEWER MANHOLE
- STORM SEWER MANHOLE (Closed Lid)
- ELECTRIC MANHOLE (Closed Lid)
- EXISTING FIRE HYDRANT
- FOUND IRON PIP/PIPE MONUMENT (w/ # or size)
- SET IRON PIP/PIPE MONUMENT (#2537)
- FOUND CONCRETE MONUMENT (w/ #)
- SET CONCRETE MONUMENT (#2537)
- RECORD DIMENSION
- ORIGINAL LOT NUMBER
- 1 PROPOSED LOT NUMBER
- ◇ TRAFFIC SIGNAL LIGHT
- ORNAMENTAL YARD LIGHT
- ELECTRIC TRANSFORMER
- TELEPHONE JUNCTION BOX
- P.I. POINT OF INTERSECTION
- P.C. POINT OF CURVATURE
- P.C.C. POINT OF COMPOUND CURVATURE
- R, L, Δ CURVE RADIUS, ARC LENGTH, CENTRAL ANGLE
- P.T. POINT OF TANGENCY
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- COR. CORNER
- LN. LINE
- SEC. SECTION
- 25-17N-12W SECTION-TOWNSHIP-RANGE
- I.R. IRON ROD
- IDOT ILLINOIS DEPARTMENT OF TRANSPORTATION
- I.P. IRON PIPE
- NW NORTHWEST
- NE NORTHEAST
- SW SOUTHWEST
- SE SOUTHEAST
- P.M. PRINCIPAL MERIDIAN
- T. TOWNSHIP
- R. RANGE
- C.L. CENTERLINE
- TS 3 TRANSIT STATION
- R.O.W. RIGHT OF WAY
- RSP RAP RSP RAP
- ASPHALT ASPHALT
- BUILDING BUILDING
- CONCRETE CONCRETE

FIRM NOTE

ALL DIMENSIONS TO THIS PLAN (DIMENSIONED) ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED. THE APPROXIMATE LOCATION OF THE CENTERLINE OF THE ROAD IS SHOWN AS DOTTED.

NOTICE: EXISTING STRUCTURES ARE ABOVE THAT ELEVATION WITH SUBSTANTIAL PARTS OF THE SITS BEING BELOW THAT ELEVATION.

BENCHMARKS

MARK: 100MM HORIZONTAL CONTROL POINT NO. 14, INTERSECTION AIRPORT ROAD AND UNIMPAVED ROAD ELEVATION: 107.40

MARK: TOP OF SANITARY MANHOLE (SOUTH) FROM SEPTIC TANK EAST OF NEW HOUSE SEPARATOR ELEVATION: 107.72

ENGINEER/SURVEYOR CERTIFICATE

REY A. BRAUNFELD, DOR, LICENSED PROFESSIONAL ENGINEER NO. 17911 AND PROFESSIONAL LAND SURVEYOR NO. 15377, HAS REVIEWED THIS PLAN AND PREPARED SHEETS 1 & 2 OF THE ATTACHED QUINCY GRASS SUBDIVISION.

REY A. BRAUNFELD, PROFESSIONAL ENGINEER 17911, PROFESSIONAL SURVEYOR 15377, DATE: _____

ILLINOIS STATE BOARD OF PROFESSIONAL ENGINEERS AND SURVEYORS FOR A REGISTERED SURVEY AND A TOPOGRAPHIC SURVEY

REY A. BRAUNFELD, 15377 UNIVERSITY AVE, QUINCY, ILLINOIS 62422-1000, 217-237-5313



DATE	11/11/2011	SCALE	AS SHOWN
BY	REY A. BRAUNFELD	PROJECT	QUINCY GRASS SUBDIVISION OF LOT 7 OF PLAT OF QUINCY GRASS SITS, TOWNSHIP 17 NORTH, RANGE 12 EAST, COUNTY QUINCY, ILLINOIS
CHECKED BY	REY A. BRAUNFELD	SHEET	1 OF 2
DATE	11/11/2011	SCALE	AS SHOWN
BY	REY A. BRAUNFELD	PROJECT	QUINCY GRASS SUBDIVISION OF LOT 7 OF PLAT OF QUINCY GRASS SITS, TOWNSHIP 17 NORTH, RANGE 12 EAST, COUNTY QUINCY, ILLINOIS
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DATE	11/11/2011	SCALE	AS SHOWN
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CHECKED BY	REY A. BRAUNFELD	SHEET	1 OF 2

ZAMCO, Inc.

NOTICE OF FLOOD VARIANCE

The dwelling on Lot 1 of the Guzbeck Granja Subdivision of Lot 2 of Leonard's Farnettes and that is commonly known as the converted barn (dwelling) at 3205 East Airport Road, Urbana, Illinois has been granted a variance by the Champaign County Board from the Champaign County Special Flood Hazard Areas Ordinance in Case 606-FV-08.

The variance authorized the conversion into and the occupancy of a dwelling in which the top of the lowest floor is 0.02 feet above the Base Flood Elevation (100-year floodplain) instead of 1.0 foot above the Base Flood Elevation and which has an enclosed area below the Flood Protection Elevation that does not allow the automatic entry and exit of flood waters in lieu of the requirement for the automatic entry and exit of flood waters.

As a special condition of approval of the variance, the Board required the owner of the property to file this Notice of Flood Variance so that any prospective purchaser of the property would be made aware of the variance and its implications.

The granting of the variance complied with the requirements of the National Flood Insurance Program. The variance will increase the risk to life and property, and will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage for the property.

A record of the hearing and the determination by the Board and all other case documents of record are available for inspection at the Champaign County Department of Planning and Zoning, 1776 East Washington Street, Urbana, IL 61802.

AS APPROVED

606-FV-08

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

Final Determination: *{ RECOMMEND APPROVAL / RECOMMEND DENIAL }*

Date: July 17, 2008

Petitioners: Guadalupe Guzman

Request: Authorize as a variance from the Champaign County Special Flood Hazard Areas Ordinance the conversion into and the occupancy of a dwelling in which the top of the lowest floor is 0.02 feet above the Base Flood Elevation (100-year floodplain) instead of 1.0 foot above the Base Flood Elevation and which has an enclosed area below the Flood Protection Elevation that does not allow the automatic entry and exit of flood waters in lieu of the requirement for the automatic entry and exit of flood waters.

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 13, 2008, and July 17, 2008**, the Zoning Board of Appeals of Champaign County finds that:

- *1. The petitioner, Guadalupe Guzman, owns the subject property.
- 2. The subject property is Lot 1 of Guzbeck Granja Subdivision in Section 2 of Urbana Township and commonly known as the structure south of the house at 3207 East Airport Road.
- *3. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Urbana. Municipalities do not have protest rights in floodplain variance cases and are not notified of such cases.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

- *4. Regarding land use and zoning on the subject property and adjacent to it:
 - A. The subject property is zoned CR Conservation-Recreation, and is in use as two single family dwellings, only one of which is currently occupied.
 - B. Land to the east, west, and south of the subject property is zoned CR Conservation-Recreation, and is in use as single family dwellings.

*Same evidence as in related Zoning Cases 512-V-05 & 513-V-05

- C. Land to the north of the subject property is zoned AG-2 Agriculture and is in use as a single family dwelling.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the proposed site plan, there are two structures on the existing lot: the existing house and the subject dwelling, as follows:
- A. The subject property in this case and property adjacent to it is subject to additional variances, as follows:
- (1) Related Zoning Case 512-V-05 is a variance to divide the existing lot into two lots despite having inadequate area to meet the requirement that no lot less than five acres be further subdivided.
 - (2) Related Zoning Case 513-V-05 is a variance for a nonconforming side yard and nonconforming lot area and average lot width on proposed Lot 2 of Guzbeck Granja Subdivision.
 - (3) The plat indicates an existing nonconforming well that serves the subject property and property to the east. The well is nonconforming with regards to the distance from the septic system for the existing house.
- B. The lowest finished floor of the existing house (located at 3207 East Airport Road) is indicated on the proposed plat for Guzbeck Granja Subdivision to be located 689.33 feet above mean sea level, but was constructed before the adoption of the *Special Flood Hazard Areas Ordinance*.
- C. The lowest finished floor of the subject dwelling (located at 3205 East Airport Road) is indicated on the application for Floodplain Variance to be 689.22 feet above mean sea level. The subject dwelling was modified into a dwelling after the adoption of Champaign County regulations that enforce the National Flood Insurance Program.
- D. The Foundation and Floor Details received on June 12, 2008, illustrate the joist space between the living floor of the converted barn and the original floor as follows:
- (1) The old concrete floor is the lowest layer in the converted barn floor.
 - (2) On top of the old concrete floor is a layer of sand with visqueen and a note indicates that there is no sill plate.
 - (3) On top of the sand layer are 2x4 spacers that create a 1-1/2 inch gap between the sand layer and the floor joists.
 - (4) On top of the spacers are 2x10 floor joists that support the floor above them.
 - (5) The 2x10 outside wall plate is screwed to poles at the corners of the living space and to the walls, it is not attached to the concrete floor.

*Same evidence as in related Zoning Cases 512-V-05 & 513-V-05

- E. The Foundation and Floor Details received on June 12, 2008, indicate that 2,255 square feet of the 4,223 square feet barn has been converted to living space. A condition is proposed to prohibit the conversion of any more of the barn to living space.
- F. The revised Existing Topography and Legend dated June 10, 2008, indicates an area of fill on the east side of the converted barn that approximately covers the septic system for the converted barn, as follows:
 - (1) The area of fill is approximately 7,896 square feet. The north edge of the fill is the just south of the proposed lot line between Lots 1 & 2 of the Guzbeck Granja Subdivision. The west edge of the fill follows the approximate contour line at elevation 687 that existed before the fill was brought in. The east edge of the fill curves slightly eastward approximately 12 feet from the east property line. The southern edge of the fill extends almost to the northeast corner of the south fence on the subject property.
 - (2) The fill appears to be about six inches deep at the deepest and averages less than six inches in depth.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

- 6. The *Special Flood Hazard Areas Ordinance* requirements that are directly relevant to this case are the following:
 - A. The following definitions from the *Special Flood Hazard Areas Ordinance* are especially relevant to the requested variance (capitalized words are defined in the Ordinance).
 - (1) “Base Flood” is the flood having a one-percent probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in Section 3 of this ordinance.
 - (2) “Base Flood Elevation” (BFE) is the elevation in relation to mean sea level of the crest of the base flood.
 - (3) “Flood” is a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff to surface waters from any source.
 - (4) “Floodplain” and “Special Flood Hazard Areas” are synonymous. Those lands within the jurisdiction of the County that are subject to inundation by the base flood. The floodplains of the Copper Slough, McCullough Creek, Saline Branch Ditch, Salt Fork River, Sangamon River, Upper Boneyard Creek and Phinney Branch Ditch are generally identified as such on the Flood Insurance Rate Map of Champaign County prepared by the Federal Emergency Management Agency and dated January 2, 2003 also includes those areas of known flooding as identified by the community.
 - (5) “Flood Protection Elevation” (FPE) is the elevation of the base flood plus one foot of freeboard at any given location in the floodplain.

*Same evidence as in related Zoning Cases 512-V-05 & 513-V-05

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- (6) "IDNR/OWR" is the Illinois Department of Natural Resources/Office of Water Resources.
- B. Paragraph 7A. requires that substantial improvements made to an existing building must be protected from flood damage below the flood protection elevation.
- C. Paragraph 7B provides that a residential building can meet the requirements of Paragraph 7A, as follows:
- (1) The building may be constructed on permanent landfill that conforms to the Ordinance.
 - (2) The building may be elevated in accordance with the Ordinance, which requires:
 - (a) The use of an open foundation or automatic flood vents.
 - (b) The location of all utility and ventilation equipment at or above the Flood Protection Elevation (FPE).
 - (c) The foundation must be designed to minimize flood damage and must be constructed of flood resistant materials.
 - (d) The finished interior grade may not be lower than the finished exterior grade.
 - (e) The area below the FPE shall not be habitable space.
- C. Subsection 10a of the *Special Flood Hazard Areas Ordinance* states that a variance from the terms of the *Champaign County Special Flood Hazard Areas Ordinance* shall not be granted by the Board unless the applicant demonstrates all of the following:
- (1) The development activity cannot be located outside the floodplain.
 - (2) An exceptional hardship would result if the variance were not granted.
 - (3) The relief requested is the minimum variance.
 - (4) There will be no additional threat to public health or safety or creation of a nuisance.
 - (5) There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.
 - (6) The applicant's circumstances are unique and do not establish a pattern inconsistent with the National Flood Insurance Program.
 - (7) All other state and federal permits have been obtained.

GENERALLY REGARDING WHETHER THE DEVELOPMENT ACTIVITY COULD BE LOCATED OUTSIDE OF THE FLOODPLAIN

*Same evidence as in related Zoning Cases 512-V-05 & 513-V-05

7. Regarding the SFHA Ordinance requirement that the development activity cannot be located outside of the floodplain:
- A. The Petitioner has testified on the application that, **“The entire lot is within the special flood hazard area, no relocation can be accommodated.”**
 - B. An excerpt of Flood Insurance Rate Map 1708940100C was attached to the Preliminary Memorandum and the subject property has been drawn at the proper scale and appears to be entirely within the SFHA.
 - C. This flood variance is not required for any planned changes to the subject property but is required for modifications to the subject property that were made by the previous owner and were already in place when the petitioner purchased the property. The previous owner was not aware that the subject property required a flood variance and was only aware of Zoning Ordinance violations.
 - D. The Zoning Administrator has determined that the best available Base Flood Elevation at this location is 689.2 feet Mean Sea Level based on a December 28, 2007, letter from the County’s consulting engineer Berns, Clancy And Associates.
 - *E. Relevant testimony at the March 13, 2008, public hearing can be summarized as follows:
 - (1) The testimony of Kent Follmer, the petitioner’s attorney, can be summarized as follows:
 - (a) The petitioner has renovated his personal residence to provide in-home health care for Mr. Anthony Becker. The petitioner had searched specifically for a property to accommodate the arrangement for Mr. Becker and the converted barn on the subject property was appropriate for the necessary accessibility renovation but the house near the street was not appropriate.
 - (b) The petitioner purchased the property not knowing about any violations of County ordinances. The realtor and previous owners did not provide any notice of violation to the petitioner during the sale of the property. The petitioner was represented by another attorney during the purchase of the property. The title commitment did not indicate any violations nor was there anything in the public record at the Champaign County Records Office or the Circuit Clerk’s Office.
 - (c) The petitioner has an obligation to take care of Mr. Becker and the renovation to accommodate Mr. Becker had to be made before Mr. Becker could move into the dwelling. The renovation included a rail system on the ceiling that picks up Mr. Becker and carries him from the bedroom to the bathroom. The rail system cost \$10,000 and was paid for by the Veterans Administration. The windows were also lowered so that Mr. Becker can operate them and the doorways were modified. There was already a gasoline generator installed so that if the electricity goes off the rail system can still operate. Most if not all of the

*Same evidence as in related Zoning Cases 512-V-05 & 513-V-05

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renovation to accommodate Mr. Becker were made before the petitioner was made aware of the Zoning Ordinance and Special Flood Hazard Area violations.

- (d) The petitioner has a pending lawsuit with the previous owners.
- (2) Lupe Guzman testified that the property was purchased in June 2005 and the renovations were done before he found out about the violations around July 1, 2005.
- (3) The testimony of Rex Bradfield, a Licensed Professional Engineer in the State of Illinois who has been hired by the petitioner, can be summarized in part as follows:
 - (a) The structural ceiling in the converted barn was a better framework for the rail system than that in the house near the street.
 - (b) The interior of the converted barn is very open and accommodates Mr. Becker's wheelchair.
 - (c) The converted barn has been cleverly renovated to make caregiving for Mr. Becker as easy as possible and should be considered strongly.
 - (d) The floor of the converted barn is a wood joist floor suspended a few inches over the original barn floor and there is no ventilation provided to the underfloor space. Earth fill has been placed along the west side to prevent surface water from entering into the underfloor space.
 - (e) Earth fill has been added over the south septic system to provide the minimum cover necessary over the septic leach field.
- (4) The testimony of Tony Becker can be summarized as follows:
 - (a) Mr. Becker is a quadriplegic and requires 24/7 care as a result of an automobile accident and Mr. Guzman is his caregiver.
 - (b) Mr. Guzman has had several houses modified for Mr. Becker.
 - (c) They were looking for a property where they could have animals and still use MTD bus service since Mr. Becker cannot drive. The subject property was one of the best in the area that could accommodate him.
 - (d) The house near the street would not have allowed a convenient ramp configuration and the floors were carpeted and the doors in the hallway were too narrow and there was no generator hookup.
 - (e) The converted barn already had a generator installed and wood floors and wide doors. As soon as we bought the property all renovations were done because Mr. Becker could not get in unless they were done.

*Same evidence as in related Zoning Cases 512-V-05 & 513-V-05

- (f) Approximately one month after moving in to the subject property they put up ads to rent the house near the street and the Dillman's explained that they could not rent the front house and Mr. Guzman and Mr. Becker needed to talk to the County. Mr. Becker then spoke with John Hall, Champaign County Zoning Administrator, and asked Mr. Hall to send an official violation letter for the suit against the previous owners.
- (g) They would not have paid as much as they did for the property if they could not receive rental income from the house near the street.

*F. A letter dated January 23, 2008, was received from Karen Mannon, Rehabilitation Counselor Senior at the Illinois Department of Human Services, that can be summarized as follows:

- (1) The letter was written at the request of Anthony Becker who is a customer of Illinois Department of Human Services Home Services Program.
- (2) Ms. Mannon is Mr. Becker's counselor and has been to Mr. Becker's residence at 3205 Airport Road on numerous occasions.
- (3) Ms. Mannon has observed the high level of accessibility of the home for Mr. Becker. Changes, modifications, and the open floor plan facilitate easy access and movement for Mr. Becker. The home has all hardwood floors, a ceiling track system from Mr. Becker's bedroom to the bathroom, a small ramp into the home, and the doors are wide enough to easily allow for the power chair in and out of all areas of the home. The long blacktop driveway allows Mr. Becker to easily get outside of the home for outdoor activities.

GENERALLY REGARDING WHETHER AN EXCEPTIONAL HARDSHIP WOULD RESULT IF THE FLOODPLAIN VARIANCE WERE NOT GRANTED

- 8. Regarding the SFHA Ordinance requirement that an exceptional hardship would result if the floodplain variance were not granted:
 - A. The Petitioner has testified on the application that, **"Mr. Guzman purchased the subject property for \$271,000 on June 20, 2005 based upon representations made by the Sellers, Ken and Mary Rowe, and the listing realtor that the property including both residences was in compliance with all applicable city and county ordinances. Petitioner relied on the additional representations made by sellers, that 1) the front house could be legally rented while the residence in the rear was occupied and 2) that Sellers had no notice of any violation from the city or county concerning any violations zoning or otherwise. Petitioner later determined that these representations were false. A lawsuit is now pending in Champaign county Illinois based upon these false representations where Mr. Guzman is plaintiff and the Rowes are defendants. See Champaign County Case number 06-LM-639. This case is currently stagnant until the issues with the city and county are resolved in order to quantify Mr. Guzman's damages resulting from the misrepresentations.**

*Same evidence as in related Zoning Cases 512-V-05 & 513-V-05

Mr. Guzman is under contract with the State of Illinois Department of Human Services to provide home care to Mr. Becker. The contract requires 302.50 hours per month of personal services to include preparation of meals, eating, grooming, dressing, transferring, cleaning etc. The residence was inspected in January 2008 by the Department of Human Services and the residence was determined to be appropriate in all respects for Mr. Becker. See a letter from Ms. Karen Mannon, Mr. Becker's Rehabilitation Counselor with the Illinois Department of Human Services, attached as Exhibit E.

If the variance is not granted, Mr. Guzman will not be able to comply with these legal obligations to Mr. Becker and Mr. Becker will be in desperate need of a residence appropriate for him to survive. The front residence is not appropriate for Mr. Becker for several reasons and would require substantial modification. The cost to modify the front residence to accommodate Mr. Becker would exceed \$50,000 and Mr. Guzman would lose substantial rental income from the front residence.

Mr. Becker's quality of life is enhanced as a result of the accommodations previously completed to the residence and further, he obtains much satisfaction from living in close proximity to the numerous animals located in close proximity to the rear residence.

Had Champaign County enforced its ordinances with the prior owner, Mr. Rowe in 2002, three years before Mr. Guzman's purchase, Mr. Guzman would not be petitioning for a variance because he would not have purchased it.

If the county intends to enforce the provisions of the county zoning ordinances to the strict letter of the law upon petitioner, fundamental principles of fairness and due process require it to also enforce county zoning ordinances with respect to the adjacent owners."

*B. Regarding the history of the subject property:

- (1) Staff first received a complaint regarding the subject property in January 2002.
- (2) Staff discovered an accessory storage structure had been converted into a dwelling creating a lot with two single family dwellings on it. Staff sent a First Notice to the then owners of the subject property, Kenneth and Margaret Rowe on March 18, 2002. Mr. Rowe contacted the Department to determine what action was necessary to correct the violation.
- (3) The enforcement case was discussed at the Environment and Land Use Committee (ELUC) in April 2002, but action was deferred due to a change in Zoning Administrators and the Comprehensive Zoning Review Cases 344-AT-02 and 352-AT-02 which were withdrawn in August 2003 and replaced.
- (4) ELUC considered amending the Zoning Ordinance to allow two single family dwellings on a lot but finally decided against amending the Zoning Ordinance to allow two

*Same evidence as in related Zoning Cases 512-V-05 & 513-V-05

dwellings on a single lot at the January 10, 2005, ELUC meeting. For some reason, there was no follow up with the Rowe's enforcement case following the ELUC decision.

- (5) Mr. Guzman apparently contacted the Department after purchasing the property in June 2005. Staff reserved a docket space for Mr. Guzman on July 1, 2005, and a notice of violation was mailed on October 13, 2005.
- (6) The Petitioners submitted their applications for variance on January 24, 2008. They filed the necessary documents for subdivision with the City of Urbana on January 25, 2008.

C. Regarding current enforcement cases on the subject property pursuant to violations of the Special Flood Hazard Areas Ordinance:

- (1) ZN-06-49/21, Placement of fill in the floodplain without a permit: First Notice was given on October 2, 2006, and the Petitioner has submitted an incomplete application for a Floodplain Development Permit. However, additional required information has not been received as yet and no permit has been issued.
- (2) ZN-07-10/21, Placement of fill in the floodplain without a permit: First Notice was given on June 14, 2007, no Floodplain Development Permit Application has been received regarding additional fill material brought onto the subject property since the previous Notice of Violation.

D. Regarding enforcement of County Ordinances nearby the subject property:

- (1) ZN-07-11/21, Construction without a permit in the mapped floodplain, 3313 E. Airport Road (three lots east of the subject property), Urbana, Floodplain Development Permit is in the process of being issued.
- (2) ZN-07-19/21, Development in the floodplain without a permit – storage of inoperable vehicles, equipment, and firewood stored outside a fully enclosed building and in the mapped floodplain, deposition and accumulation of garbage and debris and two dwelling units on one property, 3307 E. Airport Road (two lots east of the subject property), Urbana, Open enforcement case is ready to be referred to the Champaign County State's Attorney's Office for further action.
- (3) ZN-07-34/21, Operation of a home occupation without registration, 3301 E. Airport Road (the lot east of the subject property), Urbana, NHO issued on 2/13/08 to operate a beauty shop from the dwelling.
- (4) ZN-05-78/21, Placement of fill in the floodplain without a permit, 2600 N. Highcross Road (north of the Saline Branch on the west side of Highcross Road), Urbana, Case resolved when ZUPA 46-06-01FP was issued on 5/9/06 to construct a single family home with attached garage.

*Same evidence as in related Zoning Cases 512-V-05 & 513-V-05

- E. Regarding the cost of raising the house so that it would comply with the Special Flood Hazard Areas Ordinance, staff researched two examples of the cost to place a new foundation under an existing building, as follows:
- (1) A 105 year old Champaign County house with a brick foundation was recently raised and a new foundation, including new footing and new basement walls were constructed. The house was approximately 1,800 square feet and the total cost for the project was approximately \$44,000.
 - (2) A Regional Planning Commission grant project in 1997 raised a 2,000 square feet house with an 800 square feet attached garage and a 200 square feet outbuilding (a total of 3,000 square feet building area) a total of six vertical feet using crawl space construction for approximately \$45,500 (in 1997 dollars). The home had been constructed prior to the adoption of the *Zoning Ordinance* and the Special Flood Hazard Areas Ordinance (SFHA) and has experienced \$150,000 in flood damage since 1980 and the new owner elevated the house to be in conformance with the SFHA and reduce flood damages.
 - (3) The subject structure is a pole barn structure and the costs of elevating it may be much greater than for a typical residence.

GENERALLY REGARDING WHETHER THE RELIEF REQUESTED IS THE MINIMUM NECESSARY

9. Generally regarding the SFHA Ordinance requirement that the relief requested is the minimum necessary:
- A. The Petitioner has testified on the application that, **“This property was selected and purchased by Mr. Guzman because the house in the rear was capable of being modified to accommodate Mr. Anthony Becker, a disabled veteran, who resides there with Mr. Guzman. Mr. Guzman intended to rent the front house and he did so for several months after he purchased it. Mr. Guzman recently evicted the former tenants by a legal proceeding. The front house is currently vacant.**

Numerous improvement and accommodations have been made to the rear residence at 3205 E. Airport Road including lift and rail systems, ramps and doorways. These modifications were made to accommodate Mr. Becker, who was tragically injured in an automobile accident on December 14, 1998 wherein he lost the use of his legs and suffered substantial loss of use of his arms. These accommodations include a mechanical/electrical lift installed into the structural components of the ceiling including rails from the bedroom, through a doorway into the bathroom to allow Mr. Becker to use the toilet and shower. See photographs attached, as Exhibits A1 – A8. The lift and rail system was paid for by the United States Veterans Administration at a cost of approximately \$10,000.

There is a built-in electrical cord attached to the electric box on the exterior of the residence to allow for easy hook up to a gasoline-powered electric generator. See photographs attached as Exhibit B. In the event of a power outage, Mr. Becker’s livelihood

*Same evidence as in related Zoning Cases 512-V-05 & 513-V-05

will not be in jeopardy and he will still be able to travel to the bathroom by use of his electric lift, charge his electric wheel chair and the furnace will continue to operate so Mr. Becker can stay warm, which is critical for his health.

There is not carpet in the residence in the areas occupied by Mr. Becker to facilitate his use of his wheelchair on the hard wood floors. Doors are wide and ramps exist. See photographs attached as Exhibits C and D. The windows are lower than usual to allow Mr. Becker to open, to close and to view out of them.

The total value of the improvements made to the residence to accommodate Mr. Becker is approximately \$50,000.”

- B. Regarding the subject dwelling; this is the minimum variance possible as any change to the amount of variance requested would require raising the house.

GENERALLY REGARDING WHETHER THERE WILL BE ANY ADDITIONAL THREAT TO PUBLIC HEALTH AND SAFETY OR CREATION OF A NUISANCE

- 10. Generally regarding the SFHA Ordinance requirement that there will be no additional threat to public health and safety or creation of a nuisance:
 - A. The Petitioner has testified on the application that, **“The buildings shown on the Plat have been in existence prior to the creation of the Flood Insurance Rate Map FEMA (Federal Emergency Management Agency)”**
 - B. The subject structure was a barn until it was converted to a dwelling sometime before 2002.
 - C. The testimony of Tony Becker at the March 13, 2008, public hearing can be summarized in part as follows:
 - (1) Mr. Becker is a quadriplegic and requires 24/7 care as a result of an automobile accident and Mr. Guzman is his caregiver.
 - (2) Mr. Becker has no concerns about living in a house that is lower than normally required in the floodplain and if he had to evacuate in a flooded situation two people can carry him easily and he has a hooyer lift that the Veterans Administration has provided so if there is water two feet deep it could still be rolled into a vehicle or boat.
 - *D. Case 546-AM-06 was a Rural Residential Overlay map amendment that was approved for 9 single family residential lots in the AG-2 Agriculture Zoning District on the north side of Airport Road and bordered the northeast corner of the subject property. The following testimony regarding drainage conditions in the vicinity has been excerpted from the approved Summary of Evidence in that case:
 - (1) Carrol Goering, 2606 North High Cross Road, testified generally as follows:
 - i. He owns property that runs from the Saline Ditch to Airport Road on the east side of High Cross Road and is within 300 feet of the proposed subdivision and he has

*Same evidence as in related Zoning Cases 512-V-05 & 513-V-05

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lived on the property for 29 years and he supports the proposed subdivision which is an upscale subdivision that will enhance the neighborhood.

- ii. Flooding is a well known problem in the area and the new subdivision with detention pond will help slow down some of the flooding problems.
 - iii. He has no concerns regarding the overflow water draining into the roadside ditch.
- (2) George Boyd, 3705 East Airport Road, testified generally that he lives approximately one-quarter mile east of the subject property and he agrees with Carrol Goering and is in favor of the proposed subdivision. He would guess that the proposed subdivision would decrease the flooding during a major rainfall and would be an asset to the community.
- (3) Steve Wayman, 3313 East Airport Road, testified generally as follows:
- i. He owns property directly south of the proposed subdivision and he supports the subdivision.
 - ii. The culverts at the intersection of High Cross Road and Airport Road are in disrepair and repair would help route the water towards the river.
 - iii. He would like to be assured that any dirt that is removed from the low ground is going to be placed on high ground so that the drainage conditions will not be made any worse.
 - iv. He was assured that the permanent pool would be held at 680 feet Mean Sea Level.
 - v. The detention will be helpful in solving the flooding problems in the neighborhood and he has no concerns regarding the overflow drainage into the roadside ditch.
- (4) Anthony Becker, 3205 East Airport Road, testified generally as follows:
- i. He supports the subdivision but his major concern is flooding.
 - ii. Flooding is an issue for him because his property is lower than either Mr. Wayman's or Mr. Goering's and if water is too deep he cannot get into or out of his house with his wheelchair.
 - iii. A lot of his land has been flooded but it appears that the proposed detention pond will alleviate some of the flooding issues.
 - iv. He is concerned about overflow draining into the roadside ditch and the majority of the water in the ditch is the water that floods his property.

*Same evidence as in related Zoning Cases 512-V-05 & 513-V-05

- v. There has been a lot of erosion along the river from the drainage pipes and the drainage pipes are deteriorating and falling into the river after each flood event.
- *E. In a letter dated March 2, 2008, and in testimony at the public hearing on July 17, 2008, neighbor Carroll Goering stated that he and his wife live next door to the subject property and they recently had the worst flooding in the 30 years that they have lived in their home and the apartment on Lot 2 (the converted barn) on the subject property was not flooded.
- *F. Albert Wilms, 2405 North High Cross Road, in testimony at the July 17, 2008, public hearing supported the petitioner's request.
- *G. Tom Turino submitted a letter on July 17, 2008, in support of the petitioner's requests.

GENERALLY REGARDING WHETHER THERE WILL BE ADDITIONAL PUBLIC EXPENSE

- 11. Regarding the SFHA Ordinance requirement that there be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities:
 - A. The Petitioner has testified on the application that, **“This is private property and there are no public roads associates with it.”**
 - B. The presence of a caregiver on a 24/7 basis means that there will not necessarily be any additional public expense for rescue operations.

GENERALLY REGARDING WHETHER THE CIRCUMSTANCES ARE UNIQUE

- 12. Regarding the SFHA Ordinance requirement that the applicant's circumstances are unique, and do not establish a pattern inconsistent with the National Flood Insurance Program:
 - A. This is only the sixteenth flood variance that has ever been applied for in the history of the *Champaign County Special Flood Hazard Areas Ordinance* and in the same amount of time there have been nearly 2000 Zoning Use Permits authorized.
 - B. This appears to be the first instance in Champaign County of a flood variance being requested by someone who purchased a property that had been illegally converted by the previous owner in violation of the Special Flood Hazard Areas Ordinance.

GENERALLY REGARDING WHETHER ALL OTHER REQUIRED PERMITS HAVE BEEN OBTAINED

- 13. Regarding whether all other required state and federal permits have been obtained:
 - A. On the application, the Petitioner referred to the Petition for a Minor Plat that has been submitted to the City of Urbana. Other than the proposed subdivision plat there is no indication of any other permits that have been obtained or whether any other permits are required.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

- 14. Regarding proposed special conditions of approval:

*Same evidence as in related Zoning Cases 512-V-05 & 513-V-05

- A. A floodplain variance can result in an increased risk of danger to life and property in a flood event. The current residents of the subject property have indicated their willingness to accept these risks. However, if the variance is granted future purchasers of the subject property should be made aware of the increased risks associated with the subject property. The following condition requires a miscellaneous document to be recorded to make future purchasers aware of the floodplain variance.

The Petitioner shall file the approved Notice of Flood Variance as a Miscellaneous Document with the Champaign County Recorder of Deeds and provide a copy of the recorded document to the Zoning Administrator within three business days of the County Board approval

to ensure that:

any prospective purchaser of the subject property is aware of the increased risk of flood hazard.

- B. The original conversion of a portion of the barn into living space was a violation of the Zoning Ordinance and the Special Flood Hazard Areas Ordinance. Additional conversion of living space inside the barn should not occur because it would increase the amount of violation. The following condition makes that clear.

No additional floor area in the subject dwelling shall be converted to habitable space

to ensure that:

the original violation is not increased.

*Same evidence as in related Zoning Cases 512-V-05 & 513-V-05

DOCUMENTS OF RECORD

1. Floodplain Variance Application submitted on January 24, 2008, with attachments:
 - A Petitioner's Photos illustrating improvements made to subject dwelling (labeled A-D)
 - B Letter from Karen Mannon, dated January 23, 2008
2. Preliminary Memorandum for Case 606-FV-08, with attachments:
 - A Excerpt from Flood Insurance Rate Map No. 1708940100C
 - B Draft Finding of Fact for Case 606-FV-08(see also attachments to Preliminary Memorandum for Case 512-V-05)
3. Supplemental Memorandum for Case 606-FV-08, with attachment:
 - A Revised Draft Finding of Fact for Case 606-FV-08
4. Variance Application for Case 512-V-05 from Guadalupe Guzman , received on January 24, 2008, with attachments:
 - A Petitioner's Photos illustrating improvements made to subject dwelling (labeled A-D)
 - B Letter from Karen Mannon, dated January 23, 2008
5. Preliminary Memorandum for Case 512-V-05, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Proposed Plat of Guzbeck Granja Subdivision received on January 24, 2008
 - C Petitioner's Exhibits A-E
 - D Letter from Carroll E. Goering, received on March 5, 2008
 - E Excerpt of Champaign County Soil Survey
 - F Excerpt of Soil Potential Ratings for Septic Tank Absorption Fields for Champaign County, Illinois
 - G Traffic Map from Illinois Department of Transportation website
 - H Draft Summary of Evidence for Case 592-V-07
6. Supplemental Memorandum for Case 512-V-05, dated March 13, 2008, with attachments:
 - A Table of common Conditions Influencing the Suitability of Locations for Rural Residential Development in Champaign County
 - B Comparing the Proposed Site Conditions to Common Champaign County Conditions
 - C LESA worksheet for subject property
 - D Letter from Larry and Chris Dillman, received on March 11, 2008
7. Supplemental Memorandum for Case 512-V-05, dated June 6, 2008, with attachments:
 - A Excerpt of As Approved Finding of Fact for Zoning Case 546-AM-06
 - B Revised Draft Summary of Evidence for Case 512-V-05
8. Variance Application for Case 513-V-05 from Guadalupe Guzman and Kent Follmer, attorney, received on January 24, 2008, with attachments:
 - A Petitioner's Photos illustrating improvements made to subject dwelling (labeled A-D)

*Same evidence as in related Zoning Cases 512-V-05 & 513-V-05

- B Letter from Karen Mannon, dated January 23, 2008
- 9. Preliminary Memorandum for Case 513-V-05, with attachment:
 - A Preliminary Draft Summary of Evidence for Case 513-V-05
- 10. Supplemental Memorandum for Case 513-V-05, dated June 6, 2008, with attachment:
 - A Revised Draft Summary of Evidence for Case 513-V-05
- 11. Supplemental Memorandum for Case 512-V-05, dated June 12, 2008
- 12. Supplemental Memorandum for Case 513-V-05, dated June 12, 2008, with attachments:
 - A Existing Topography & Legend of Guzbeck Granja Subdivision revised June 10, 2008
 - B Preliminary and Final Plat of Guzbeck Granja Subdivision revised June 10, 2008
 - C Annotated Excerpt of the Existing Topography & Legend revised June 10, 2008
- 13. Supplemental Memorandum for Case 606-FV-08, dated June 12, 2008, with attachment:
 - A Notice of Flood Variance
- 14. Revised Plat of the Guzbeck Granja Subdivision, dated June 10, 2008
- 15. Foundation and Floor Details dated June 12, 2008
- 16. Supplemental Memorandum for Case 512-V-05, dated July 11, 2008
- 17. Supplemental Memorandum for Case 513-V-05, with attachment:
 - A Letter from Debbie Insana dated July 2, 2008
- 18. Supplemental Memorandum for Case 606-FV-08, dated July 11, 2008
- 19. Supplemental Memorandum for Case 513-V-05, dated July 17, 2008, with attachments:
 - A Letter from Jim Brown, Illinois-American Water, received on July 15, 2008
 - B Excerpt of Illinois American Water's Rules, Regulations, and Conditions of Service Section 7.04
 - C Excerpt of the Illinois State
- 20. Letter of support from Tom Turino, 2902 North High Cross Road, Urbana, IL, received on July 17, 2008
- 21. Color photographs submitted by Anthony Becker on July 17, 2008
- 22. Color photographs submitted by Anthony Becker on June 12, 2008
- 23. Letter from William Gray, City of Urbana Public Works Director, dated June 12, 2008

*Same evidence as in related Zoning Cases 512-V-05 & 513-V-05

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **606-FV-08** held on **March 13, 2008, and July 17, 2008**, the Zoning Board of Appeals of Champaign County finds that:

1. The development activity **CAN NOT** be located outside the floodplain because there is no area outside the floodplain on the subject property and no land available for purchase, and the cost of raising the subject structure would be exorbitant.
2. An exceptional hardship **WOULD** result if the floodplain variance were not granted because the cost of raising the dwelling would be exorbitant.
3. The relief requested **IS** the minimum necessary because any reduction in the amount of variance would require raising the house, for which the cost would be very expensive.
4. The requested floodplain variance **WILL NOT** result in any additional threat to public health and safety or creation of a nuisance because the building was inhabited before and will not include any additional hazard, and during the last flood event the subject structure was not flooded according to neighbor testimony.
5. The requested floodplain variance **WILL NOT** result in additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities because no additional living space can be created, and the presence of a twenty-four hour caregiver alleviates public expense. The subject property is adjacent to a detention basin that decreases flood levels and there has been no comment from the township highway commissioner or the fire protection district.
6. The applicant's circumstances **ARE** unique and **DO NOT** establish a pattern inconsistent with the National Flood Insurance Program because
7. All other required state and federal permits **HAVE** been obtained.

*Same evidence as in related Zoning Cases 512-V-05 & 513-V-05

FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements of Section 10a. of the *Special Flood Hazard Areas Ordinance* **HAVE** been met, and determines that:

The Floodplain Variances requested in Case **606-FV-08** is hereby **RECOMMENDED FOR APPROVAL** to the Petitioner, **Guadalupe Guzman**, to authorize as a variance from the Champaign County Special Flood Hazard Areas Ordinance the conversion into and the occupancy of a dwelling in which the top of the lowest floor is 0.02 feet above the Base Flood Elevation (100-year floodplain) instead of 1.0 foot above the Base Flood Elevation and which has an enclosed area below the Flood Protection Elevation that does not allow the automatic entry and exit of flood waters in lieu of the requirement for the automatic entry and exit of flood waters.

SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:

- A. The Petitioner shall file the approved Notice of Flood Variance as a Miscellaneous Document with the Champaign County Recorder of Deeds and provide a copy of the recorded document to the Zoning Administrator within three business days of the County Board approval**

to ensure that:

any prospective purchaser of the subject property is aware of the increased risk of flood hazard.

- B. No additional floor area in the subject dwelling shall be converted to habitable space**

to ensure that:

the original violation is not increased.

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

SIGNED:

Debra Griest, Chair
Champaign County Zoning Board of Appeals

*Same evidence as in related Zoning Cases 512-V-05 & 513-V-05

AS APPROVED

Cases 606-FV-08
Page 19 of 19

ATTEST:

Secretary to the Zoning Board of Appeals

Date

*Same evidence as in related Zoning Cases 512-V-05 & 513-V-05

TO: **Environment and Land Use Committee**
FROM: **J. R. Knight, Associate Planner**
John Hall, Zoning Administrator & Subdivision Officer
DATE: **August 7, 2008**
RE: **Case 192-08 Hughes – Race Street First Subdivision**

REQUESTED ACTION

Area General Plan and Final Plat approval for a one-lot Minor subdivision of a 1.0 acre residential lot out of an existing 134.84 acre parcel located in the AG-1 Zoning District in Section 17 of Philo Township located on the east side of CR 1350E approximately one-third mile south of the intersection with CR 1000N.

The proposed lot received a variance for average lot width in Zoning Case 615-V-08, but otherwise meets all Zoning Ordinance requirements and the proposed subdivision appears to meet all of the minimum subdivision standards, but the Final Plat does require some waivers. Because there is an existing dwelling with a septic system on the proposed lot there have been no percolation tests conducted and the results are not on the Final Plat and approval at this time requires the following waivers (See Draft Findings at Attachment F):

- 1. Waive requirement of paragraph 9.1.2 q. for percolation test data at a minimum frequency of one test hole for each lot in the approximate area of the proposed absorption field.**
- 2. Waive requirement of paragraph 9.1.2 r. for certification on the plat by a Registered Professional Engineer or Registered Sanitarian that the proposed land use, the proposed lot, and the known soil characteristics of the area are adequate for a private septic disposal system.**

Subdivider

James A. Hughes
c/o Attorney E. Phillips Knox
115 North Broadway Avenue
Urbana, IL 61801

Engineer/Surveyor

Berns, Clancy, and Associates
405 East Main Street
Urbana, IL 61802

Location, Roadway Access, and Land Use

The subject property is an approximately 1.0 acre parcel in the Northwest Quarter of the Southwest Quarter of the Northwest Quarter of Section 17 of Philo Township. See the Location Map. The existing property is an existing dwelling with adjacent agricultural land located on the east side of CR 1350E approximately one-third mile south of the intersection with CR 1000N.

The proposed subdivision is bordered by farmland on all sides. See the Land Use Map.

Applicable Zoning Regulations

The subject property is zoned AG-1 Agriculture. See the attached Zoning Map. The proposed lot meets the minimum lot requirements because it has received a variance from the requirements of the *Zoning Ordinance* in Case 615-V-08. See Table 1 for a summary.

Table 1. Review Of Minimum Lot Requirements

Lot Characteristic	Requirement (or Limit)	Proposed Lot	Notes
Lot Area (acres)	Minimum: 1.00 acre	1.0 acre	MEETS MINIMUM REQUIREMENT
	Maximum ¹ : 3.00 acres		
Lot Frontage (feet)	20.00 (minimum)	162.48 feet	EXCEEDS MINIMUM REQUIREMENT
Lot Depth (feet)	80.00 (minimum)	264.40 feet	EXCEEDS MINIMUM REQUIREMENT
Average Lot Width (feet)	200.00 (minimum)	164.75 feet	RECEIVED VARIANCE FROM MINIMUM STANDARD IN CASE 615-V-08
Lot Depth to Width	3.00 : 1.00 (maximum)	1.6 : 1.00	LESS THAN MAXIMUM ALLOWED
<p>NOTES NR= No Requirement (or limit)</p> <p>1. The maximum lot size only applies when the new lots are Best Prime Farmland overall and when the tract to be divided was larger than 12 acres on 1/1/98. The subject property existed on 1/1/98 and so the maximum lot size applies.</p>			

Minimum Subdivision Standards and Area General Plan Approval

The Minimum Subdivision Standards were added to the Area General Plan section of the *Subdivision Regulations* on July 8, 2004, in Subdivision Case 175-04, Part B, which also added the requirement that any subdivision needed Area General Plan approval except for subdivisions pursuant to a Rural Residential Overlay (RRO) map amendment. Area General Plan approval is only by ELUC. The subject subdivision is not pursuant to an RRO amendment and so Area General Plan requirements are applicable.

Attachment E reviews the conformance of the proposed subdivision with those standards and the proposed subdivision appears to meet all of the minimum subdivision standards and so appears to comply with the Area General Plan requirements.

Soil Conditions / Natural Resource Report

A Section 22 Natural Resource Report (see attached) prepared for this site by the Champaign County Soil and Water Conservation District indicates the following:

1. **The area that is to be developed has 2 soil types that have severe wetness and ponding characteristics.**
2. **The two waterways on the north and south of the property need to be maintained to continue to take water from the field to the east and deposit it in the road ditch.**

Drainage, Stormwater Management Policy, and Flood Hazard Status

The subject property is located in the Upper Embarras River Drainage District. The drainage district was notified of the proposed subdivision. No part of the proposed lot contains any portion of the right of way of the drainage ditch.

No Subsidiary Drainage Plat has been received at this time. The requirement for a subsidiary drainage plat cannot be waived. A Subsidiary Drainage Plat has not yet been received but may be received by the meeting. Basic topographic data was provided in Zoning Case 615-V-08.

The existing property is not located in the Special Flood Hazard Area.

No Stormwater Drainage Plan is required for the subdivision due to the low development density (impervious area less than 16%).

Public Improvements

No public improvements are indicated or required in this subdivision.

Water Wells and Soil Suitability For Septic Systems

There is an existing dwelling on the proposed lot which has an existing septic system and there have been no percolation tests performed.

A waiver of the final plat requirement for percolations tests is required and has been included.

NECESSARY FINAL PLAT WAIVERS AND REQUIRED FINDINGS

Article 18 of the Champaign County Subdivision Regulations requires four specific findings for any waiver of the Subdivision Regulations. The Required Findings are generally as follows:

- **Required Finding 1. Does the waiver appear to be detrimental or injurious to the public safety?**
- **Required Finding 2. Are there special circumstances unique to the property that are not generally applicable to other property and will granting the waiver provide any special privilege to the subdivider?**
- **Required Finding 3. Do particular hardships result to the subdivider by carrying out the strict letter of the regulations?**

- **Required Finding 4. Do the special conditions or practical difficulties result from actions of the subdivider?**

The proposed subdivision does not conform to the following requirements for Final Plats and waivers are required for the following:

1. **Waive requirement of paragraph 9.1.2 q. for percolation test data at a minimum frequency of one test hole for each lot in the approximate area of the proposed absorption field.**
There is an existing dwelling with a septic system on the proposed lot and no percolation tests or soil investigations have been performed at this time.
2. **Waive requirement of paragraph 9.1.2 r. for certification on the plat by a Registered Professional Engineer or Registered Sanitarian that the proposed land use, the proposed lot, and the known soil characteristics of the area are adequate for a private septic disposal system.**
There is an existing dwelling with a septic system on the proposed lot and no percolation tests or soil investigations have been done at this time.

Draft Findings for these waivers are attached for the Committee's review.

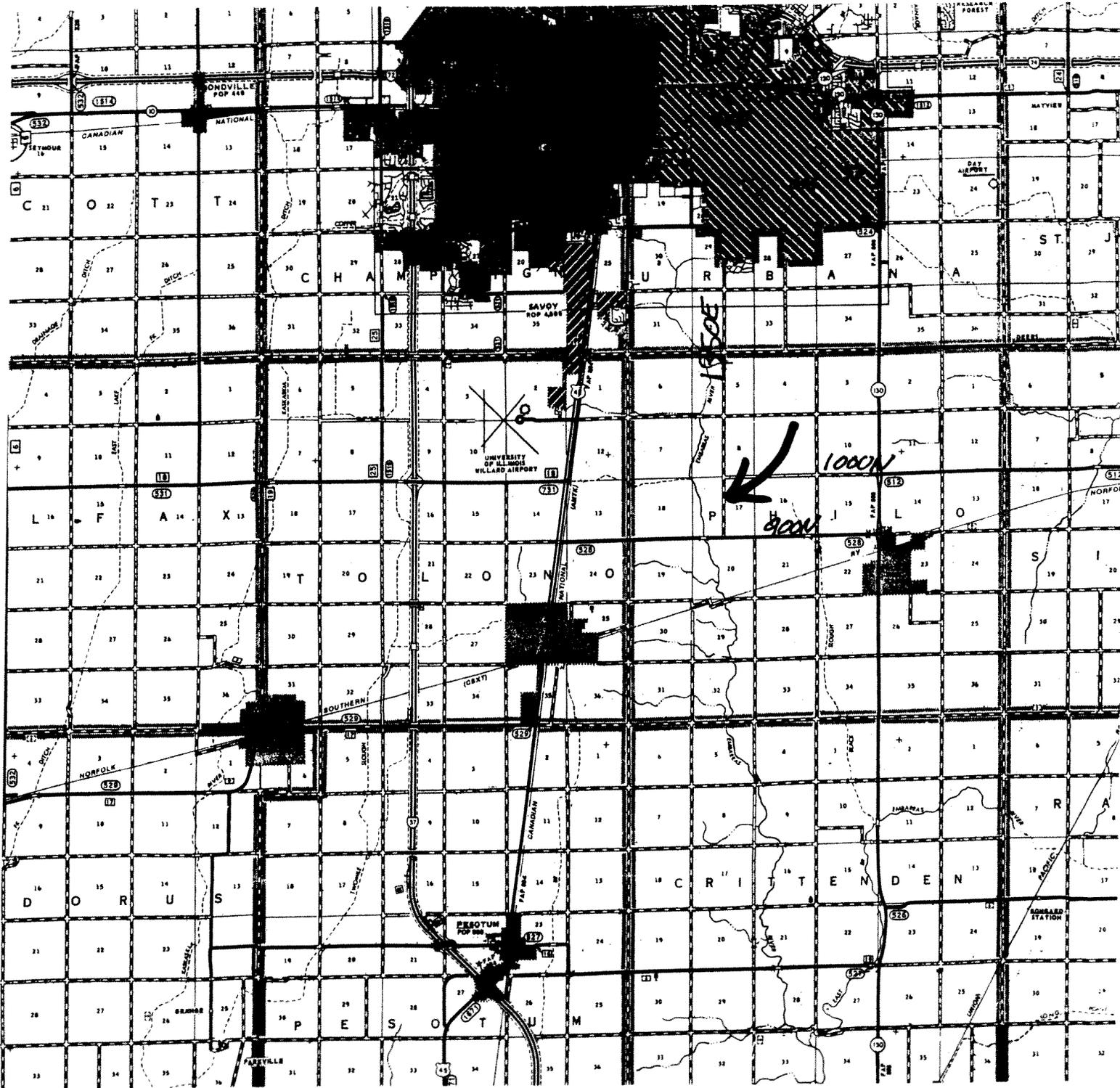
ATTACHMENTS

- A Subdivision Case Maps (Location, Land Use, Zoning) (Maps from Zoning Case 615-V-08)**
- B Final Plat of Hughes – Race Street First Subdivision received July 10, 2008**
- C Section 22 Natural Resource Report by the Champaign County Soil and Water Conservation District**
- D Topographic information for Case 615-V-08**
- E Preliminary Assessment Of Compliance With Minimum Subdivision Standards**
- F Draft Findings for Waivers of Final Plat Requirements**

ATTACHMENT A. LOCATION MAP

Case 615-V-08

MAY 23, 2008



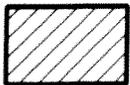
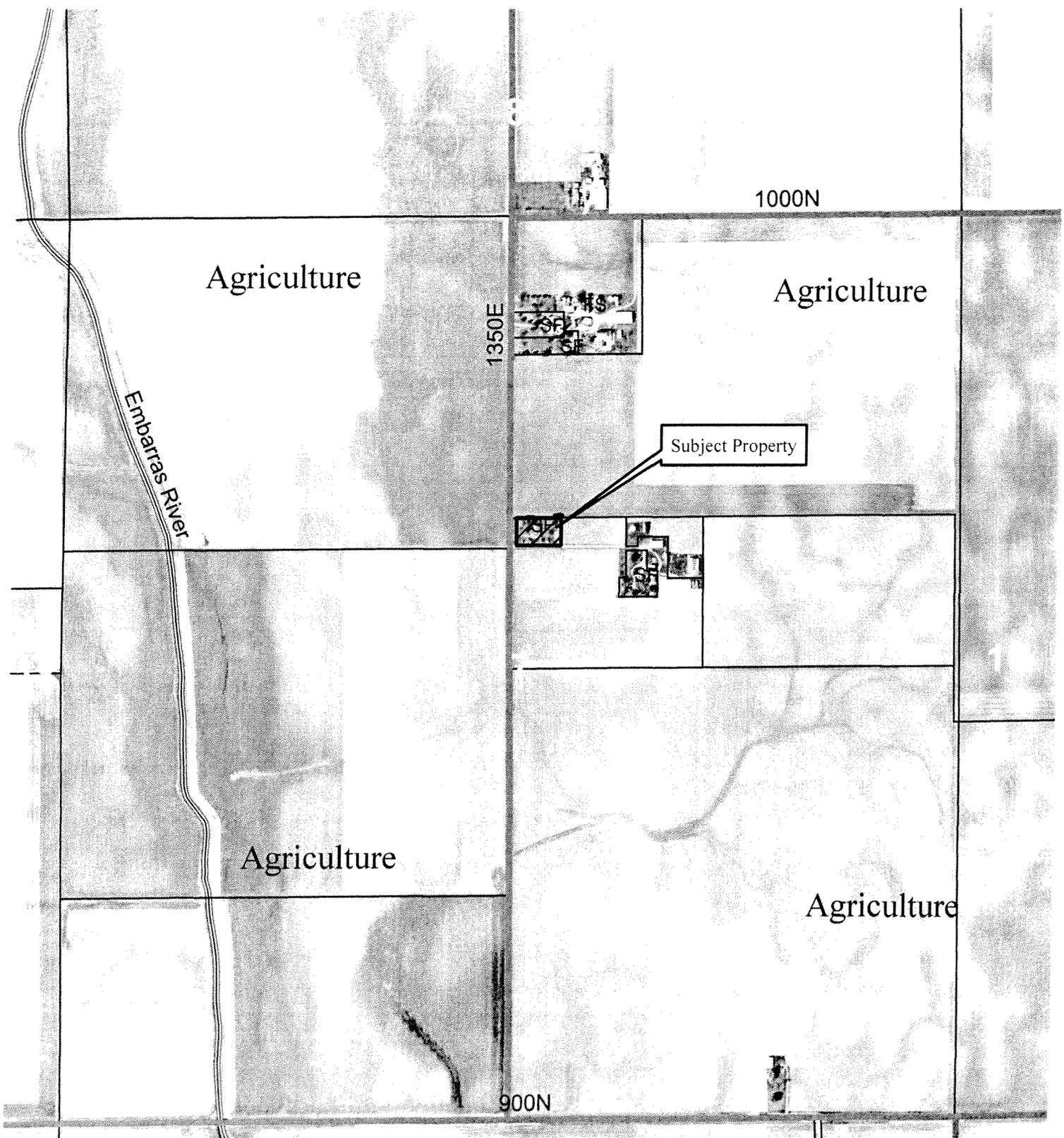
NORTH

Champaign
County
Department of
**PLANNING &
ZONING**

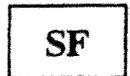
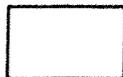
ATTACHMENT A. LAND USE MAP

Case 615-V-08

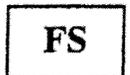
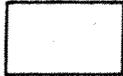
MAY 22, 2008



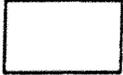
Area of Concern



Single Family



Farmstead



Champaign
County
Department of

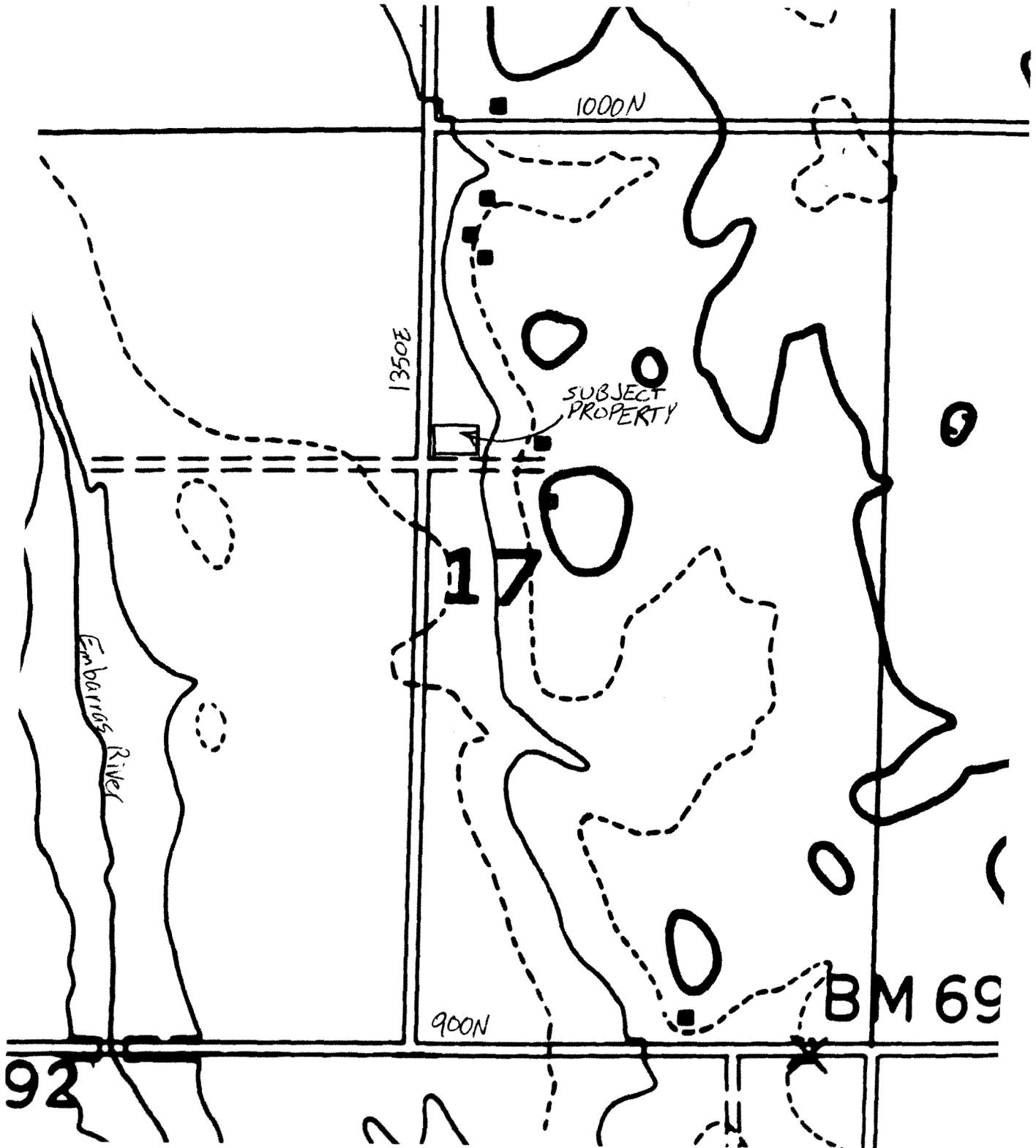
**PLANNING &
ZONING**

1 inch equals 800 feet

ATTACHMENT A. ZONING MAP

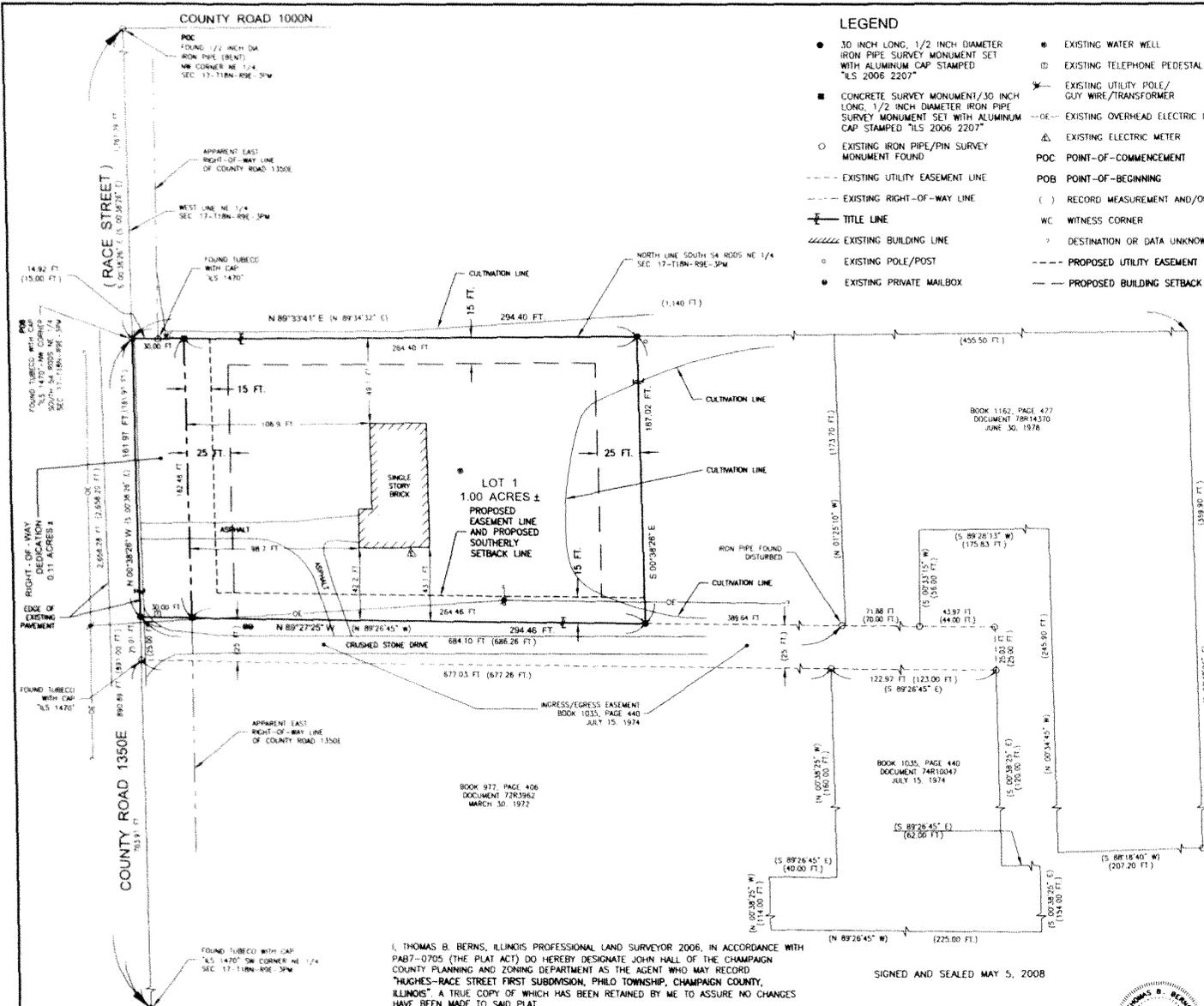
Case 615-V-08

MAY 23, 2008

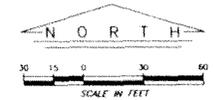


AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business	NORTH
AG-2 Agriculture	R-2 Single Family Residence	R-5 Mobile Home Park	B-3 Highway Business	I-1 Light Industry	
CR Conservation- Recreation	R-3 Two-family Residence	B-1 Rural T. Center	B-4 General Business	I-2 Heavy Industry	

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- LEGEND**
- 30 INCH LONG, 1/2 INCH DIAMETER IRON PIPE SURVEY MONUMENT SET WITH ALUMINUM CAP STAMPED "LS 2006 2207"
 - CONCRETE SURVEY MONUMENT/30 INCH LONG, 1/2 INCH DIAMETER IRON PIPE SURVEY MONUMENT SET WITH ALUMINUM CAP STAMPED "LS 2006 2207"
 - EXISTING IRON PIPE/PIN SURVEY MONUMENT FOUND
 - EXISTING UTILITY EASEMENT LINE
 - EXISTING RIGHT-OF-WAY LINE
 - TITLE LINE
 - //// EXISTING BUILDING LINE
 - EXISTING POLE/POST
 - EXISTING PRIVATE MAILBOX
 - EXISTING WATER WELL
 - EXISTING TELEPHONE PEDESTAL
 - ✱ EXISTING UTILITY POLE/GUY WIRE/TRANSFORMER
 - EXISTING OVERHEAD ELECTRIC LINE
 - △ EXISTING ELECTRIC METER
 - POC POINT-OF-COMMENCEMENT
 - POB POINT-OF-BEGINNING
 - () RECORD MEASUREMENT AND/OR DATA
 - WC WITNESS CORNER
 - > DESTINATION OR DATA UNKNOWN
 - PROPOSED UTILITY EASEMENT
 - PROPOSED BUILDING SETBACK LINE



TOWNSHIP HIGHWAY COMMISSIONER
 I, _____ HIGHWAY COMMISSIONER, OF URBANA TOWNSHIP DO HEREBY CERTIFY THAT THIS PLAT HAS BEEN REVIEWED BY ME AND APPROVED WITH RESPECT TO ROADWAY ACCESS AND OTHER MATTERS UNDER MY JURISDICTION.
 DATED THIS _____ DAY OF _____ A.D. 20____

 TOWNSHIP HIGHWAY COMMISSIONER

CHAMPAIGN COUNTY ENVIRONMENT AND LAND USE COMMITTEE
 _____ CHAIRMAN
 _____ SUBDIVISION OFFICER

CHAMPAIGN COUNTY BOARD
 APPROVED THE _____ DAY OF _____ A.D. 20____
 CHAMPAIGN COUNTY BOARD
 _____ CHAIR

FINAL PLAT
HUGHES - RACE STREET
FIRST SUBDIVISION
PHILO TOWNSHIP,
CHAMPAIGN COUNTY, ILLINOIS

I, THOMAS B. BERNIS, ILLINOIS PROFESSIONAL LAND SURVEYOR 2006, IN ACCORDANCE WITH PAB7-0705 (THE PLAT ACT) DO HEREBY DESIGNATE JOHN HALL OF THE CHAMPAIGN COUNTY PLANNING AND ZONING DEPARTMENT AS THE AGENT WHO MAY RECORD "HUGHES-RACE STREET FIRST SUBDIVISION, PHILO TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS". A TRUE COPY OF WHICH HAS BEEN RETAINED BY ME TO ASSURE NO CHANGES HAVE BEEN MADE TO SAID PLAT.

SIGNED AND SEALED MAY 5, 2008



THOMAS B. BERNIS, P.E., L.S., PRESIDENT
 BERNIS, CLANCY AND ASSOCIATES, P.C.
 ILLINOIS PROFESSIONAL LAND SURVEYOR 2006
 URBANA, CHAMPAIGN COUNTY, ILLINOIS
 DATE OF LICENSE EXPIRATION: NOVEMBER 30, 2008

RETURN TO: BERNIS, CLANCY, AND ASSOCIATES, P.C.
 405 EAST MAIN STREET
 URBANA, ILLINOIS 61802

J.U.L.I.E.
 NOTE: THE EXACT LOCATION OF ALL UTILITIES SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION ACTIVITIES. FOR UTILITY LOCATIONS CALL: 213.2323 (1-800-462-0122)
 B. Bernis, P.E., L.S., PRESIDENT
 Bernis, Clancy and Associates, P.C.



BERNIS, CLANCY AND ASSOCIATES
 ENGINEERS • SURVEYORS • PLANNERS
 405 EAST MAIN STREET - POST OFFICE BOX 755
 URBANA, ILLINOIS 61803-0755
 PHONE: (217) 384-1144 - FAX: (217) 384-3355

JOB: 5854 FILE: 5854.DWG DATE: 050508 SHEET 1 OF 2

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GENERAL NOTES

ALL MEASUREMENTS ARE IN FEET AND DECIMAL PARTS THEREOF, UNLESS NOTED OTHERWISE.

SEE CHAMPAIGN COUNTY ORDINANCES AND REGULATIONS FOR ZONING, SETBACK AND BUILDING STANDARD REQUIREMENTS.

ALL SURFACE, SUBSURFACE, BUILDING IMPROVEMENTS AND UTILITY SERVICE LINES ON AND ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN.

THE LOCATION AND/OR EXISTENCE OF ALL UTILITY SERVICE LINES TO SUBJECT PROPERTY ARE UNKNOWN AND ARE NOT SHOWN.

BEARINGS SHOWN ARE BASED UPON A PLAT OF SURVEY BY CHARLES S. DANNER, ILLINOIS PROFESSIONAL LAND SURVEYOR 1470, DATED MAY 16, 1978. THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 17 HAS A BEARING OF SOUTH 00 DEGREES 38 MINUTES 26 SECONDS EAST.

DETAILS NOT DRAWN TO SCALE.

SEE MONUMENT RECORDS ON FILE WITH THE COUNTY RECORDER'S OFFICE FOR DETAILS OF SECTION CORNERS USED IN THIS SURVEY.

KNOWN PRIOR SURVEYS

PLAT OF SURVEY OF PART OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 18 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, CHAMPAIGN COUNTY, ILLINOIS BY CHARLES S. DANNER, ILLINOIS PROFESSIONAL LAND SURVEYOR 1470, DATED MAY 16, 1978.

PLAT OF SURVEY OF PART OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 18 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, CHAMPAIGN COUNTY, ILLINOIS BY CHARLES S. DANNER, ILLINOIS PROFESSIONAL LAND SURVEYOR 1470, DATED APRIL 21, 1976.

PLAT OF SURVEY OF PART OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 18 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, CHAMPAIGN COUNTY, ILLINOIS BY CHARLES S. DANNER, ILLINOIS PROFESSIONAL LAND SURVEYOR 1470, DATED APRIL 5, 1974.

PLAT OF SURVEY OF PART OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 18 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, CHAMPAIGN COUNTY, ILLINOIS BY CHARLES S. DANNER, ILLINOIS PROFESSIONAL LAND SURVEYOR 1470, DATED JANUARY 31, 1972.

PLAT OF SURVEY OF SECTION 17, TOWNSHIP 18 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, CHAMPAIGN COUNTY, ILLINOIS BY SURVEYORS ALFRED M. DANIELY AND C. B. SCHEMELTZER, DATED FEBRUARY 28, 1927.

OWNER'S AND ENGINEER'S STATEMENT

TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THE DRAINAGE OF SURFACE WATERS WILL NOT BE CHANGED BY THE DEVELOPMENT OF "HUGHES - RACE STREET FIRST SUBDIVISION, PHILO TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS" OR ANY PART THEREOF, OR IF SUCH SURFACE WATER DRAINAGE WILL BE CHANGED THAT REASONABLE PROVISION HAS BEEN MADE FOR THE COLLECTION AND DIVERSION OF SURFACE WATERS INTO PUBLIC AREAS, OR DRAINS WHICH THE SUBDIVIDER HAS THE RIGHT TO USE, AND THAT SUCH SURFACE WATERS WILL BE PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO REDUCE THE LIKELIHOOD OF DAMAGE TO THE ADJOINING PROPERTY BECAUSE OF CONSTRUCTION OF "HUGHES - RACE STREET FIRST SUBDIVISION, PHILO TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS".

THOMAS B. BERNS, PRESIDENT
BERNS, CLANCY AND ASSOCIATES, P.C.
ILLINOIS PROFESSIONAL ENGINEER 30889
URBANA, CHAMPAIGN COUNTY, ILLINOIS
DATE OF LICENSE EXPIRATION NOVEMBER 30, 2008



JAMES A. HUGHES

CAROL L. FLUCK

JUDY A. KIRBY

SURVEYOR'S REPORT

I, THOMAS B. BERNS, ILLINOIS PROFESSIONAL LAND SURVEYOR 2006 AND PRESIDENT OF BERNS, CLANCY AND ASSOCIATES, P.C. DO HEREBY STATE THAT AT THE REQUEST OF AND FOR THE EXCLUSIVE BENEFIT OF JAMES A. HUGHES, CAROL L. FLUCK, AND JUDY A. KIRBY, I PREPARED A BOUNDARY SURVEY ON THE GROUND TO THE NORMAL STANDARD OF CARE OF PROFESSIONAL LAND SURVEYORS PRACTICING IN CHAMPAIGN COUNTY, ILLINOIS OF A PART OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 18 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, PHILO TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS A RESULT OF THIS PRESENT SURVEY AS FOLLOWS:

COMMENCING AT AN IRON PIPE SURVEY MONUMENT FOUND AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 18 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, CHAMPAIGN COUNTY, ILLINOIS; THENCE SOUTH 00 DEGREES 38 MINUTES 26 SECONDS EAST ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 17, A DISTANCE OF 1,767.39 FEET TO AN IRON PIPE SURVEY MONUMENT FOUND AT THE NORTHWEST CORNER OF THE SOUTH 54 RODS OF THE NORTHEAST QUARTER OF SAID SECTION 17 FOR THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 33 MINUTES 41 SECONDS EAST ALONG THE NORTH LINE OF THE SOUTH 54 RODS OF THE NORTHEAST QUARTER OF SAID SECTION 17, A DISTANCE OF 294.40 FEET TO AN IRON PIPE SURVEY MONUMENT SET; THENCE SOUTH 00 DEGREES 38 MINUTES 26 SECONDS EAST A DISTANCE OF 167.02 FEET TO AN IRON PIPE SURVEY MONUMENT SET ON THE NORTH LINE OF AN EXISTING INGRESS/EGRESS EASEMENT AS FILED FOR RECORD IN BOOK 1036 AT PAGE 440 IN THE OFFICE OF THE RECORDER OF CHAMPAIGN COUNTY, ILLINOIS; THENCE NORTH 89 DEGREES 27 MINUTES 25 SECONDS WEST ALONG THE NORTH LINE OF SAID EXISTING INGRESS/EGRESS EASEMENT, A DISTANCE OF 294.46 FEET TO AN IRON PIPE SURVEY MONUMENT SET ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 17; THENCE NORTH 00 DEGREES 38 MINUTES 26 SECONDS WEST ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 17, A DISTANCE OF 167.97 FEET TO THE POINT OF BEGINNING, CONTAINING 1.11 ACRES, MORE OR LESS, ALL AS SHOWN ON THE ACCOMPANYING PLAT, ALL SITUATED IN PHILO TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS.

I FURTHER STATE THAT BASED UPON MY REVIEW OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, PANEL 200 OF 300, COMMUNITY PANEL NUMBER 1708940200 B WITH AN EFFECTIVE DATE OF MARCH 1 1984 THE PROPERTY SURVEYED IS REPORTEDLY LOCATED WITHIN ZONE "C" (AREAS OF MINIMAL FLOODING).

I FURTHER STATE THAT THE OWNERS DESIRE TO FACILITATE THE SALE OF SAID LAND BY CREATING A LOT FOR WHICH PURPOSE I PREPARED A PLAT TO WHICH THIS REPORT IS ATTACHED AND MADE A PART THEREOF, PARTICULARLY DESCRIBING AND SETTING FORTH THE BOUNDARIES OF SAID LANDS TO WHICH SAID LANDS HAVE BEEN SO PLATTED AND I NUMBERED THE LOT, WHICH NUMBER IS SHOWN IN LARGE SIZE ON SAID PLAT AND HAVE STATED AND SHOWN THE PRECISE DIMENSIONS OF SAID LOT.

I FURTHER STATE THAT REFERENCE HAS BEEN MADE UPON SAID PLAT TO KNOWN AND PERMANENT SURVEY MONUMENTS FROM WHICH FUTURE SURVEYS MAY BE MADE AND THAT I PLACED SURVEY MONUMENTS AT EACH LOT CORNER AS SHOWN ON THE ACCOMPANYING PLAT AND THAT ALL OF THE DIMENSIONS ARE SHOWN IN FEET AND HUNDRETHS OF FEET AND THAT THE EASEMENT LOCATIONS AND WIDTHS ARE AS INDICATED ON SAID PLAT.

I FURTHER STATE THAT NO INVESTIGATION CONCERNING ENVIRONMENTAL AND SUBSURFACE CONDITIONS, OR TO DETERMINE THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES WHICH MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY.

I FURTHER STATE THAT AS A PART OF THIS BOUNDARY SURVEY, EXCEPT AS MAY BE SPECIFICALLY NOTED ON THIS PLAT, I MADE NO INVESTIGATION CONCERNING ZONING OR LAND USE, NOR HAVE I MADE AN INDEPENDENT SEARCH OF THE RECORDS FOR EASEMENTS, ENCUMBRANCES, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS, OWNERSHIP, TITLE EVIDENCE OR ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE FOR SUBJECT PROPERTY OR FOR ADJOINING PARCELS AS I RELIED UPON THE MATERIALS AND REPRESENTATIONS SUPPLIED BY THE OWNERS.

I FURTHER STATE THAT NO ATTEMPT HAS BEEN MADE AS A PART OF THIS BOUNDARY SURVEY TO OBTAIN DATA CONCERNING THE EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY, OR LOCATION OF ANY MUNICIPAL OR PUBLIC SERVICE FACILITY. FOR INFORMATION REGARDING THESE UTILITIES, PLEASE CONTACT THE APPROPRIATE AGENCIES.

I FURTHER STATE THAT THERE ARE NO APPARENT ABOVE GROUND ENCROACHMENTS EXCEPT AS SHOWN ON THE ACCOMPANYING PLAT OF SURVEY.

I FURTHER STATE THAT NO PART OF THE AREA COVERED BY THIS PLAT OF SURVEY IS WITHIN 500 FEET OF A SURFACE DRAIN OR WATER COURSE SERVING A TRIBUTARY AREA OF 640 ACRES OR MORE.

I FURTHER STATE AT THE REQUEST OF THE OWNERS, THIS SUBDIVISION IS TO BE KNOWN AS "HUGHES - RACE STREET FIRST SUBDIVISION, PHILO TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS".

I FURTHER STATE THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

SIGNED AND SEALED MAY 5, 2008



THOMAS B. BERNS, P.E., L.S., PRESIDENT
BERNS, CLANCY AND ASSOCIATES, P.C.
ILLINOIS PROFESSIONAL LAND SURVEYOR 2006
URBANA, CHAMPAIGN COUNTY, ILLINOIS
DATE OF LICENSE EXPIRATION NOVEMBER 30, 2008

FINAL PLAT

HUGHES - RACE STREET
FIRST SUBDIVISION
PHILO TOWNSHIP,
CHAMPAIGN COUNTY, ILLINOIS



BERNS, CLANCY AND ASSOCIATES
ENGINEERS • SURVEYORS • PLANNERS
405 EAST MAIN STREET • POST OFFICE BOX 755
URBANA, ILLINOIS 61803-0755
PHONE (217) 384-1144 • FAX (217) 384-3355

JOB: 5854 FILE: 5854.DWG DATE: 050508 SHEET 2 OF 2

J.U.L.I.E.

NOTE: THE EXACT LOCATION OF ALL UTILITIES SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION ACTIVITIES. FOR UTILITY LOCATIONS CALL 243.1111 (TURNS) OR 243.1433 (TURNS)

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RM

Champaign County Soil and Water Conservation District
2110 W. Park Court, Suite C
Champaign, IL. 61821
(217) 352-3536, Ext. 3

NATURAL RESOURCE REPORT

Development Name: Hughes Race Street Subdivision

Date Reviewed: May 20, 2008

Requested By: Roger Meyer, Berns, Clancy and Associates, P.C.

Address: Berns, Clancy and Associates
Box 755
Urbana, IL 61803

Location of Property: Part of the Northeast Quarter of Section 17, T18N, R9E, Philo Township, Champaign County, IL. This is on County Road 1350 East on the east side of the road at approximately the mid-section point. The project consists of dividing 1 lot out of the tract that has a homestead on it.

The Resource Conservationist of the Champaign County Soil and Water Conservation District inspected this tract May 20, 2008.

SITE SPECIFIC CONCERNS

1. The area that is to be developed has 2 soil types that have severe wetness and ponding characteristics.
2. The two waterways on the north and south of the property need to be maintained to continue to take water from the field to the east and deposit it in the road ditch.

SOIL RESOURCE

a) Prime Farmland:

This tract is considered best prime farmland for Champaign County.

This tract has an L.E. Factor of 99; see the attached worksheet for this calculation. The tract is almost completely a farmstead and has not been farmed for many decades.

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b) Erosion:

The tract is a homestead covered by grass and no major construction is planned. Therefore erosion should not be an issue on the site.

c) Sedimentation:

The tract is a homestead covered by grass and no major construction is planned. Therefore sedimentation should not be an issue on the site.

d) Soil Characteristics:

There are two (2) soil types on this site; see the attached soil map. The soils present have moderate to severe limitations for development in their natural, unimproved state. The possible limitations include severe ponding and wetness that will adversely affect septic field on the site.

A development plan will have to take these soil characteristics into consideration; specific problem areas are addressed below.

Map Symbol	Name	Slope	Shallow Excavations	Basements	Roads	Septic Fields
152A	Drummer Silty Clay Loam	0-2%	Severe: ponding	Severe: ponding	Severe: ponding	Severe: ponding
154A	Flannigan Silty Clay Loam	0-2%	Severe: wetness	Severe: wetness	Severe: low strength	Severe: wetness

WATER RESOURCE

a) Surface Drainage:

The water flows from east to west on the site to the road ditch. The field east of the tract drains through the tract to the west through 2 waterways that are well established. These drainageways need to be maintained to avoid water damage to the house.

b) Subsurface Drainage:

This site may contain agricultural tile, if any tile found care should be taken to maintain it in working order. Since no construction is planned at this time this should not be an issue.

c) Water Quality:

As long as adequate erosion and sedimentation control systems are installed as described above, the quality of water should not be significantly impacted.

CULTURAL, PLANT, AND ANIMAL RESOURCE

a) Plant:

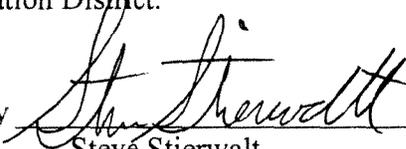
For eventual landscaping of the site, the use of native species is recommended whenever possible. Some species include White Oak, Blue Spruce, Norway Spruce, Red Oak, and Red Twig Dogwood.

b) Cultural:

The Illinois Historic Preservation Agency may require a Phase 1 Archeological Review to identify any cultural resources that may be on the site.

If you have further questions, please contact the Champaign County Soil and Water Conservation District.

Signed by



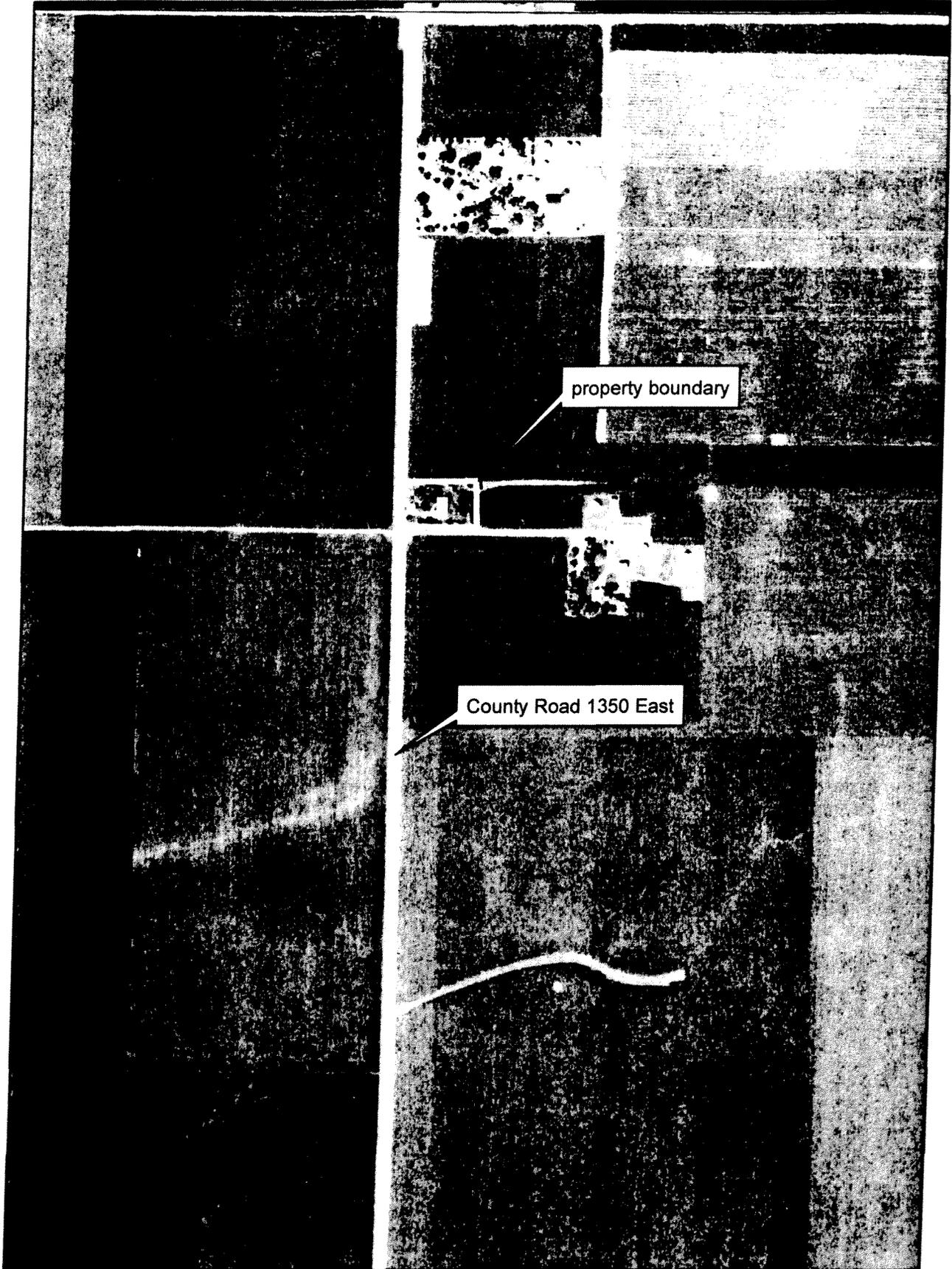
Steve Stierwalt
Board Chairman

Prepared by



Bruce Stickers
Resource Conservationist

Hughes Subdivision



property boundary

County Road 1350 East



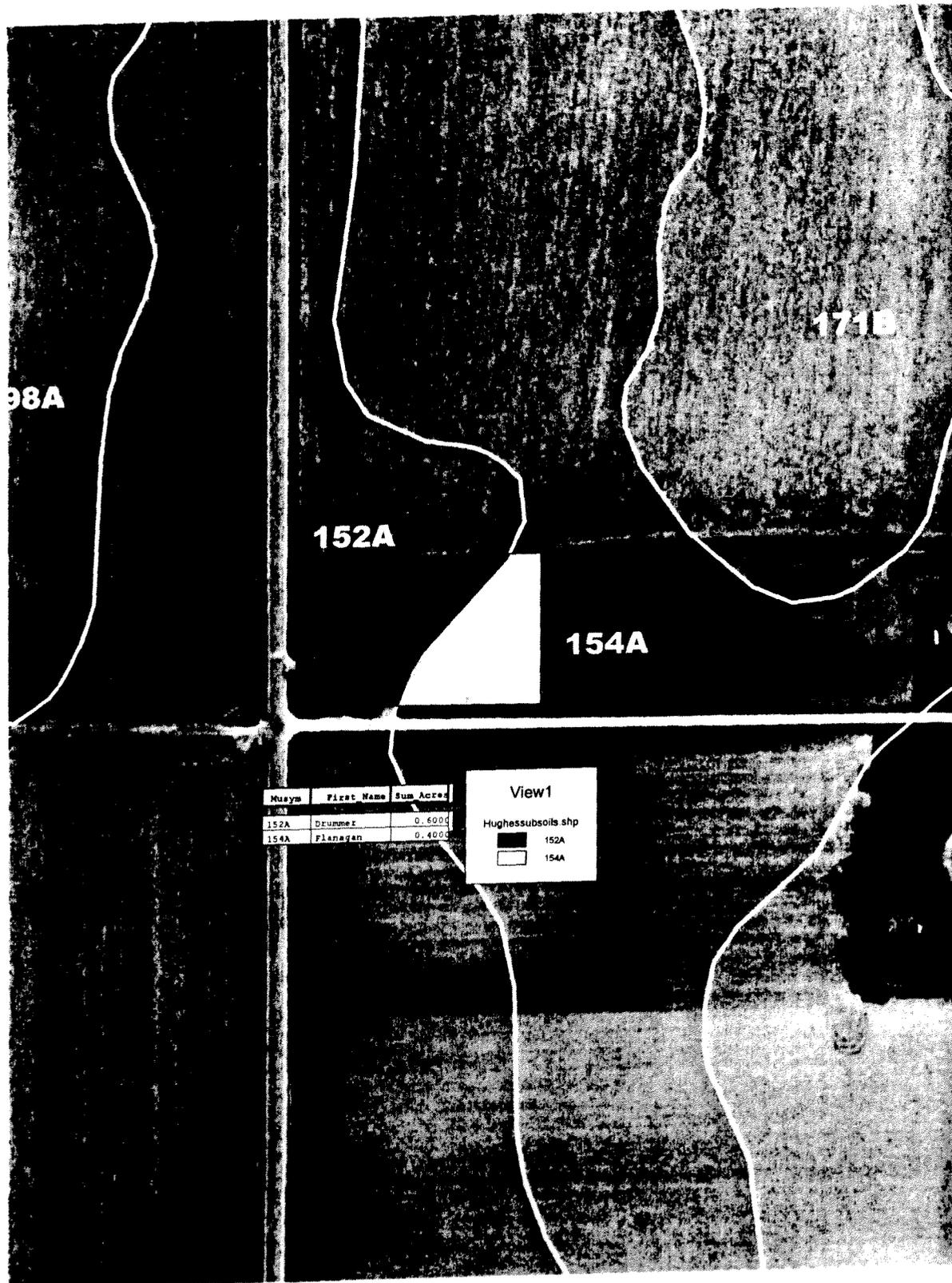
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Feet
Champaign County SWCD
5/15/2008

Hughes Subdivision



SOILS

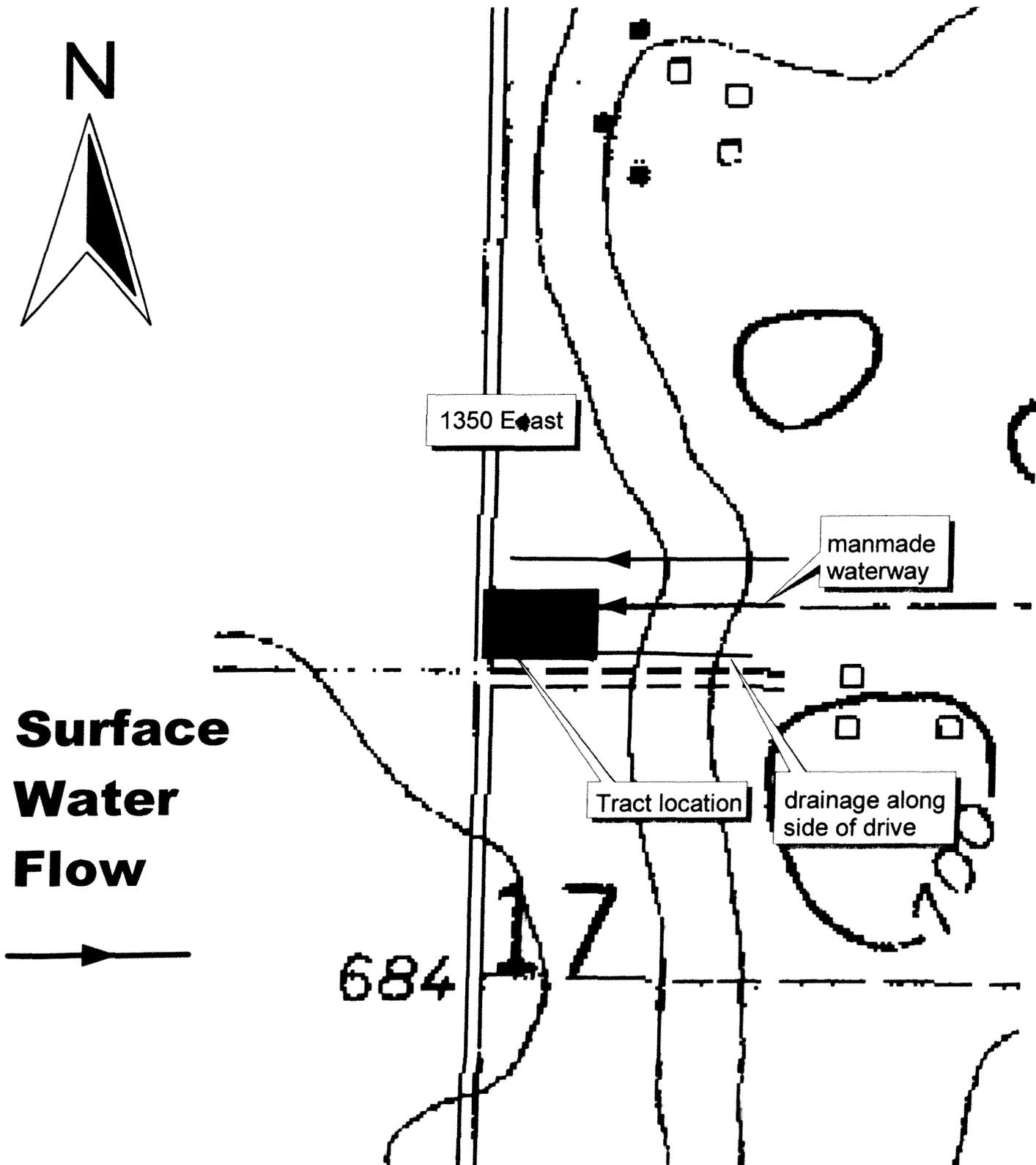
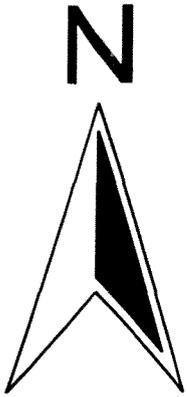


T18N
R9E
Sec 17

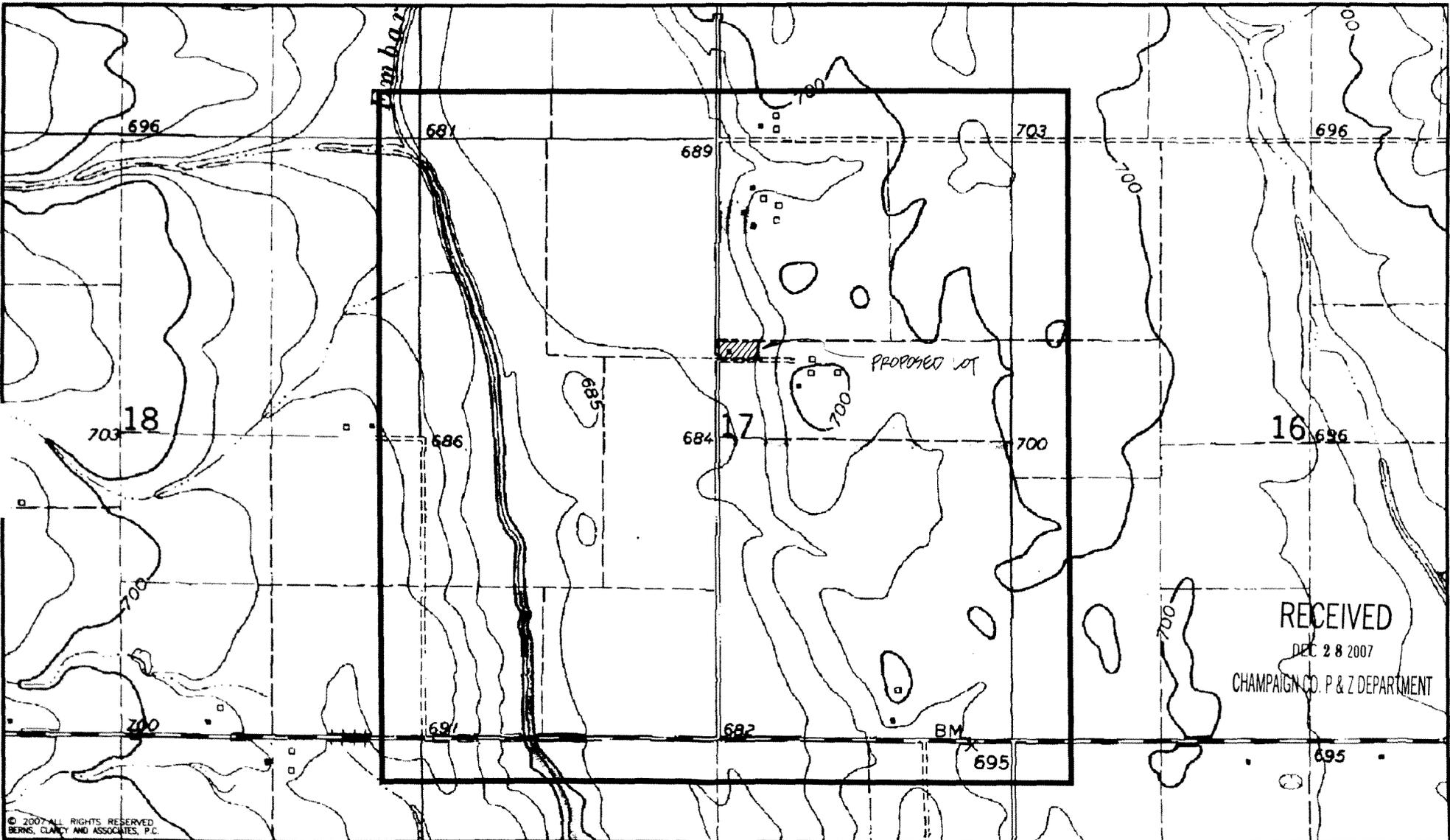


Champaign County SWCD
5/15/2008

Hughes Subdivision



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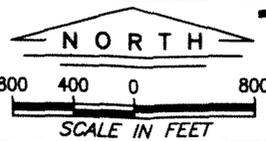
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 CHAMPAIGN CO. P & Z DEPARTMENT

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 CHECKED: TBB
 FILE: 5854QDB.DWG



BERNIS, CLANCY AND ASSOCIATES
 ENGINEERS • SURVEYORS • PLANNERS
 405 EAST MAIN STREET - POST OFFICE BOX 705
 URBANA, ILLINOIS 61803-0705
 PHONE: (217) 384-1144 - FAX: (217) 384-3355



AREA OF INTEREST
 BASE DATA TAKEN FROM
 UNITED STATES ECOLOGICAL
 SURVEY 7.5 MINUTE
 QUADRANGLE MAP URBANA*
 DATED 1970, PHOTOREVISED 1975

BOUNDARY SURVEY FOR THE
 NORTHEAST QUARTER OF SECTION 17,
 TOWNSHIP 18 NORTH, RANGE 9 EAST
 OF THE THIRD PRINCIPAL MERIDIAN
 PHILO TOWNSHIP,
 CHAMPAIGN COUNTY, ILLINOIS

DATE: 122807
 SHEET:
 4 OF 6
 JOB: 5854

**ATTACHMENT E. PRELIMINARY ASSESSMENT OF COMPLIANCE WITH MINIMUM
SUBDIVISION STANDARDS**

Case 192-08 Hughes – Race Street First Subdivision

AUGUST 7, 2008

Standard	Preliminary Assessment ¹
SUITABILITY STANDARDS (Section 6.1.5 a.)	
1) No part of a minimum required LOT AREA ² shall be located on the following soils: Ross silt loam soil (No. 3473A), Ambraw silty clay loam soil (No. 3302A), Peotone silty clay loam soil (No. 330A), or Colo silty clay loam soil (3107A)	APPEARS TO CONFORM. The Natural Resource Report reports the subject property contains two soil types: Drummer silty clay loam (No. 152A) and Flannagan silty clay loam (No. 154A).
2) No part of a minimum required LOT AREA ² shall contain an EASEMENT for an interstate pipeline	APPEARS TO CONFORM. No pipeline is included in the area proposed for subdivision.
3) No part of a minimum required LOT AREA ² shall be within a runway primary surface or runway clear zone	APPEARS TO CONFORM. No runway is known to be in the vicinity of the subject property.
4) Prior to the commencement of any change in elevation of the land, no part of a minimum required LOT AREA ² shall be located more than one foot below the BASE FLOOD ELEVATION (BFE).	APPEARS TO CONFORM. The proposed lot is not located within the Special Flood Hazard Area.
5) When a connected public sanitary sewer is not available, the septic suitability of the soils occupied by each proposed LOT must be the most suitable soils on the larger tract from which the SUBDIVISION is proposed.	APPEARS TO CONFORM. The proposed lot consists of soils consistent with the distribution of soils on the existing property.
6) The amount of farmland with a Land Evaluation score of 85 or greater that is occupied by each LOT must be minimized as much as possible.	APPEARS TO CONFORM. The soils on this lot are best prime farmland soils and the proposed lot complies with the maximum lot size limitation.
7) A minimum required LOT AREA ² for any LOT must have positive surface drainage with no significant identifiable area of likely stormwater ponding and provided that any portion of any LOT that is likely to experience ponding of stormwater is noted on the FINAL PLAT.	APPEARS TO CONFORM. No Subsidiary Drainage Plat has been received as of yet but topographic information provided in Case 615-V-08 appears to indicate conformance.
8) Possible driveway locations on each LOT must comply with the Minimum Stopping Sight Distance standards based on lawful speed limits at that location.	APPEARS TO CONFORM.
AGRICULTURAL COMPATIBILITY STANDARDS (Section 6.1.5 b.)	
1) Possible driveway locations on each LOT must be limited such that driveway entrances to existing public STREETS are centralized as much as possible consistent with good engineering practice.	APPEARS TO CONFORM. The existing house is near the north line of the subject property and utilizes an existing shared driveway with the lots to the east of it.

**ATTACHMENT E. PRELIMINARY ASSESSMENT OF COMPLIANCE WITH MINIMUM
SUBDIVISION STANDARDS**

Case 192-08 Hughes – Race Street First Subdivision

AUGUST 7, 2008

Standard	Preliminary Assessment ¹
2) The location of a SUBDIVISION on the larger tract from which the SUBDIVISION is proposed must maximize the separation of the proposed SUBDIVISION from: <ul style="list-style-type: none"> i. adjacent farmland that is under different OWNERSHIP at the time of SUBDIVISION; and ii. adjacent public parks, natural areas, or nature preserves 	<i>APPEARS TO CONFORM.</i> The subject property is the location of an existing house, and there are no public parks, natural areas, or nature preserves adjacent to the subject property.
3) The SUBDIVISION LOT arrangement must minimize the perimeter of the SUBDIVISION that borders adjacent agriculture and must be located next to adjacent residential LOTS whenever possible.	<i>APPEARS TO CONFORM.</i> The subject property is contiguous to the existing farmstead and does not border any existing small residential lots.
<p>Notes</p> <p>1. This preliminary assessment is subject to review by the Environment and Land Use Committee. A waiver is required for any Minimum Subdivision Standard to which the Committee determines that the Plat does not conform.</p> <p>2. The minimum required lot area is one acre (43,560 square feet).</p>	

DRAFT FINDINGS FOR WAIVER OF FINAL PLAT REQUIREMENTS

As required by Article Eighteen of the Champaign County Subdivision Regulations and based on the testimony and exhibits received at the meeting held on **August 11, 2008**, the Environment and Land Use Committee of the Champaign County Board finds that:

1. The requested subdivision waiver(s) of final plat requirements **WILL NOT** be detrimental to the public health, safety, or welfare or injurious to other property located in the area because:

A. The farmstead house on the proposed Lot 1 already has a septic system.

B. There will be no new dwelling established as a result of this subdivision.

2. Special conditions and circumstances **DO** exist which are unique to the property involved and are not applicable generally to other property and granting the subdivision waiver(s) of final plat requirements will not confer any special privilege to the subdivider because:

A. This is a one lot subdivision of an existing farmstead that will not result in any new dwelling or the need for a new septic system.

B. These waivers are not prohibited by the Subdivision Regulations and could be requested for any subdivision with similar conditions.

3. Particular hardships **WILL** result to the subdivider by carrying out the strict letter of the subdivision requirements sought to be waived because:

A. This is a one lot subdivision of an existing farmstead that will not result in the need for a new septic system and requiring percolation test data and the statement regarding suitability would increase the subdividers costs and slow down the approval process with no gain to public health or safety.

4. The special conditions, circumstances, hardships, or practical difficulties **DO NOT** result from actions of the subdivider because:

A. The farmstead needs to be separated from the rest of the farm property.

Champaign
County
Department of

**PLANNING &
ZONING**

TO: **Environment and Land Use Committee**

FROM: **John Hall, Zoning Administrator**

DATE: **August 7, 2008**

RE: **Requirement that a current land owner pay the zoning use permit fee for a structure built by a previous owner without a Zoning Use Permit.**

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

(217) 384-3708
FAX (217) 328-2426

REQUESTED ACTION

The following background is provided for information at the request of a Committee member. No action is requested at this time.

BACKGROUND

Construction without a Zoning Use Permit is a violation of the Zoning Ordinance. It is quite common for Planning and Zoning Staff to identify unauthorized construction (existing construction not authorized by a previous Zoning Use Permit) on property when reviewing site plans submitted for a Zoning Use Permit. And, if the best available information indicates clearly that the construction in question should have been authorized by a Zoning Use Permit but was not, the applicant is charged a Zoning Use Permit fee not only for the newly proposed construction but also for the previously unauthorized construction. It is not unusual for the unauthorized construction to have been constructed by a previous owner and in those cases it remains the current owner's responsibility to pay the fee in order to get authorization for the proposed construction.

This situation recently came up during the review of an application. The applicant was notified and thought that this practice was unfair. It was subsequently determined that, in fact, the applicant had submitted incorrect information and when the correct information was received staff verified that there had indeed been a Zoning Use Permit approved for the construction in question and that resolved the problem. However, the applicant had already discussed the problem with a Board member and the Board member requested that the Committee at least be made aware of this practice.

This practice is based on a requirement in the Zoning Ordinance that was added by the adoption of Ordinance No. 650 (Case 326-AT-02) on April 16, 2002. Ordinance No. 650 amended the Zoning Ordinance to require, among other things, that the Zoning Administrator shall not issue a Zoning Use Permit on a lot when an outstanding violation of the Zoning Ordinance exists on the lot except when the Zoning Use Permit is the sole impediment to correcting the violation. Ordinance No. 650 did not exempt the current owner from paying a fee to correct a violation created by a previous owner.

Construction that existed prior to adoption of the Ordinance (October 10, 1973) is not "unauthorized". Staff determines if construction existed prior to that date by reviewing the aerial photographs from 1972 and the tax cards in the Supervisor of Assessments Office. Construction that was originally agricultural is also not unauthorized.

The State's Attorney has determined that this practice is valid and is required by the Zoning Ordinance. Requiring a different practice would require amending the Zoning Ordinance.

