

# CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **October 16, 2008**  
Time: **7:00 PM**  
Place: **Lyle Shields Meeting Room  
Brookens Administrative Center  
1776 E. Washington Street  
Urbana, IL 61802**

**Note: NO ENTRANCE TO BUILDING  
FROM WASHINGTON STREET PARKING  
LOT AFTER 4:30 PM.  
Use Northeast parking lot via Lierman Ave.,  
and enter building through Northeast  
door.**

*If you require special accommodations please notify the Department of Planning & Zoning at  
(217) 384-3708*

**EVERYONE MUST SIGN THE ATTENDANCE SHEET – ANYONE GIVING TESTIMONY MUST SIGN THE WITNESS FORM**

## AGENDA

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Correspondence
4. Approval of Minutes (August 14, 2008)
5. Continued Public Hearings

**\*Case 610-S-08: Petitioner: Charles and Mary Ellen Stites**

Request: **Authorize a Major Rural Specialty Business in the CR District.**

Location: **A 5.0 acre tract in the East Half of the Southeast Quarter of the Northeast Quarter of Section 1, T18N, R10E of Sidney Township and commonly known as River Bend Wild Game and Sausage Company at 1611 CR 2400E, St. Joseph.**

**\*Case 616-V-08: Petitioner: Charles and Mary Ellen Stites**

Request: **Authorize the reconstruction and use of a building to be used as a Major Rural Specialty Business with a side yard of four feet in lieu of the required side yard of 15 feet in the CR District.**

Location: **Same as Case 610-S-08**

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**\*Case 619-FV-08**

**Petitioner: Larry Peters**

**Request: Authorize as a variance from the Champaign County Special Flood Hazard Areas Ordinance the construction and occupancy of a dwelling in which the top of the garage floor is 0.83 feet below the Flood Protection Elevation of 690.3 instead of being at the Flood Protection Elevation; and the interior grade of the crawlspace is 2.3 feet below the lowest adjacent exterior grade instead of only 2.0 feet below the lowest adjacent exterior grade.**

**Location: An 11 acre tract in the West Half of the Southeast Quarter of the Northeast Quarter of Section 3 of Urbana Township and commonly known as the house at 2501 North Highcross Road, Urbana.**

**\*Case 628-V-08**

**Petitioner: Virgil and Susie Roderick**

**Request: Authorize the following in the I-1, Light Industry District:**

- A. The construction and use of an industrial building with two side yards that are each five feet in width in lieu of the required 10 feet.**
- B. No loading dock in lieu of the requirement for one loading dock.**
- C. The use of a parking space with a front yard of zero feet in lieu of the required front yard of 10 feet.**
- D. The use of a parking space with a front yard of five feet in lieu of the required front yard of 10 feet.**

**Location: Lots 109, 110, 131, and 132 in Wilbur Heights Subdivision in Section 31 of Somer Township and commonly known as the house at 311 Paul Avenue and the vacant lot at 312 Wilbur Avenue in Champaign.**

6. New Public Hearings
7. Staff Report
8. Other Business
9. Audience Participation with respect to matters other than cases pending before the Board
10. Adjournment

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**\* Administrative Hearing. Cross Examination allowed.**

**DRAFT**

1 **MINUTES OF REGULAR MEETING**  
2 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**  
3 **1776 E. Washington Street**  
4 **Urbana, IL 61801**

5  
6  
7 **DATE:** August 14, 2008 **PLACE:** Lyle Shields Meeting Room  
8 1776 East Washington Street  
9 **TIME:** 7:00 p.m. **Urbana, IL 61802**

10  
11 **MEMBERS PRESENT:** Doug Bluhm, Eric Thorsland, Joseph L. Irle, Richard Steeves, Melvin  
12 Schroeder

13  
14 **MEMBERS ABSENT:** Roger Miller

15  
16 **STAFF PRESENT:** John Hall, JR Knight, Leroy Holliday

17  
18 **OTHERS PRESENT:** Jim Harper, Phillip VanNess, Lucy Whalley, Dennis Wandell, Chuck Stites,  
19 Cathe Capel, Laverna Harper

20  
21  
22 **1. Call to Order**

23 Ms. Griest called the meeting to order at 7:02pm.

24  
25 **2. Roll Call and Declaration of Quorum**

26 The roll was called and a quorum was established.

27  
28 **3. Correspondence**

29 Mr. Hall said that there was no correspondence.

30  
31 **4. Approval of Minutes – May 15, 2008**

32 Ms. Griest said that there was a revised set of minutes dated August 14, 2008, that was distributed and asked

33 Mr. Hall to give an overview of the changes.

34  
35 Mr. Hall said that on page 45 starting at the second paragraph it has the continuation of Mr. Bilbury and the  
36 discussion of Mr. Varnold and continuing on to the end so the minutes are ready for approval tonight but if  
37 the Board wants to review them and approve them at the next meeting they can do so.

38 He said that on page 16 line 13 and 14 he could not make sense of the statement from the tape and anything  
39 he would change could change the intent of the statement. Mr. Hall asked Mr. Irle if he could recall what his

**WORKING DOCUMENT**

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1 statement on page 16 line 13 and 14 actually was.

2

3 Mr. Irle said that he has a lesser problem with the petitioner and thinks if it could be made a non perpetual  
4 designation it should because the site would not always be in that classification.

5

6 Ms. Griest asked Mr. Hall if we could add clarification and change "it" to the "Special Use".

7 Ms. Griest asked the Board if there were any other changes or clarifications.

8

9 Mr. Hall said that on the first page under Others Present LaVerne Harper should be LaVerna Harper.

10

11 **Mr. Bluhm moved, seconded by Mr. Steeves to approve the minutes of May 15, 2008, as amended. The**  
12 **motion carried by voice vote.**

13

14 Ms. Griest asked that board members speak into the microphone when speaking to ensure proper recording  
15 and transcribing of the minutes.

16

17 **5. Continued Public Hearing**

18

19 **Case 610-S-08 Petitioner: Charles and Mary Ellen Stites Request: Authorize a Major Rural Specialty**  
20 **Business in the CR District. Location: A five acre tract in the Ease Half of the Southeast Quarter of the**  
21 **Northeast Quarter of Section 1 T.18 N. R 10 E. of Sidney Township and commonly known as River**  
22 **Bend Wild Game and Sausage Company at 1161 CR 2400E, St. Joseph.**

23

24 **Case 616-V-08 Petitioner: Charles and Mary Ellen Stites Request: Authorize the reconstruction and use**  
25 **of a building to be used as a Major Rural Specialty Business with a side yard of four feet in lieu of the**  
26 **required side yard of 15 feet in the CR District. Location: A five acre tract in the east half of the**  
27 **Southeast Quarter of the Northeast Quarter of Section 1 T. 18 N. R 10 E. of Sidney Township and**  
28 **commonly known as River Ben Wild Game and Sausage Company at 1161 CR 2400E, St. Joseph.**

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Ms. Griest informed the audience that both of these Cases are Administrative Cases and as such the County allows anyone the opportunity to cross examine any witness. She stated that at the proper times he will ask for a show of hands of those who would like to cross examine and each person will be called upon. She said that anyone called to cross examine should go to the cross examination microphone to ask any questions. She said that those who desire to cross examine are not required to sign the witness register but are required to clearly state their name before asking any questions. Ms. Griest stated that no new testimony is to be given during cross examination and attorneys who have complied with article 6.5 of the ZBA Bylaws are exempt from cross examination

Mr. Hall said that there is a new memo dated August 18, 2008, which includes new evidence which is a letter from Jeff Blackford of Champaign County Public Health, and a letter from Chuck Stites responding to items Mr. Hall had concerns with regards to wild game, poultry meats and waste water. He said that there was also a response from the Bureau Chief, Bureau of Meat and Poultry Inspection regarding wild game dressing not being regulated in the State of Illinois. Mr. Hall said that he had another letter of concern by a neighbor although he had not hunted down where their 2425A CR 1225N address is in St. Joseph and it's signed by Sheila Paul. He said that that letter was faxed to the office late that afternoon. Mr. Hall said that separate from the memo was a better copy of the soil survey although it is not a literal mapping of the soils and if you consider a two five acres the accuracy becomes even less. He said that half of the site had soils which are reasonably good for septic suitability. Mr. Hall distributed for all Board members color photos dated November 29, 2007, showing the bone barrels being emptied. Mr. Hall said that there are two things he wanted to go over in the August 8, 2008, Memorandum, and one was a concern at the last meeting about is whether or not and, dressing, and butchering of field dressed deer carcasses really is a rural specialty business. He said that the State's Attorney, could not be here tonight but before she left she had arranged for materials to be delivered to the office that was not delivered to the office so he talked to Susan McGrath, Senior State's Attorney, and she agrees with his determination. Mr. Hall said on page 23 of the Revised Draft Summary of Evidence under Item 9 is the criteria regarding whether the Special Use conforms to all applicable

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1 regulations and standards and preserves the essential character of the District. Mr. Hall reviewed the  
2 revised item 9A through 9G of the August 8, 2008, Revised Draft Summary of Evidence. Mr. Hall said  
3 that this use is completely unregulated so there are no rules clearly stated although the rule about not  
4 selling only to the hunter is a legally enforceable requirement. He said that concerning wastewater  
5 treatment and disposal he had received information from the County Health Department that he could  
6 not get in the Summary of Evidence in time that an interior holding tank inside a building is an option  
7 for wastewater capturing at this use. He said that this goes back to his attempt to identify and separate  
8 the business use from the on-site system and put it in a holding tank. Mr. Hall said that he received a  
9 letter from the Department of Public Health stating that under the Private Sewage Disposal Act the  
10 holding tank is only authorized for a seasonal residential use but late last week they realized that a  
11 holding tank inside a building is not regulated by the Private Sewage Disposal Act and it is regulated by  
12 the State Plumbing Code and that is a feasible alternative. He said that the advice from the County  
13 Health Department was if a holding tank like that would indeed be an alternative to be considered a  
14 condition that would make sense would be to require proof that the petitioner has an agreement from a  
15 relevant municipal wastewater system to allow for the collecting of that wastewater at that municipal  
16 plant. Mr. Hall said that the Health Department was not keen on the idea of an exterior holding tank  
17 under the Private Sewage Disposal Code but this seems to be a feasible alternative depending on how the  
18 actual feasibility would work out.

19  
20 Mr. Hall said that in the August 14, 2008, Supplemental Memorandum he will go over the new Items of  
21 Evidence. Mr. Hall reviewed new Items of Evidence 5F, 8L. (5), 8.K. (9) a, b, c, d, e, f. Mr. Hall said  
22 that the faxed letter from Sheila Paul Would be added to the Summary of Evidence.

23  
24 Ms. Griest asked the Board if there were questions for Mr. Hall.

25  
26 Mr. Irle said that he is glad that they took the time and explained the septic system. He said that it  
27 appears that the processing center doesn't generate a lot of fluid and when you think about it there are  
28 not body fluids nor rinse aids to clean shelves with so maybe they can get by with a catcher or something  
29 like that since they are not dumping a lot of stuff into it. He said that he was thinking along the same line

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1 as that but maybe something buried but if they keep it inside the building that would be a better  
2 alternative than being hooked up to the residential septic system.

3  
4 Mr. Hall said that one thing that he reviewed in the August 8, 2008, Summary of Evidence was the  
5 discussion that the half of this property that is suitable for a septic system is the half of the property  
6 where the storage buildings will go and the storage building is intended for bone barrels and the bone  
7 barrels need to be washed and so there is a need for wastewater disposal on the east half of the property  
8 and how feasible it would be to run all of the wastewater from the business use to a subsurface system  
9 on the east half of the property.

10 Mr. Hall said that if the bone barrels are not currently being washed as a condition the current  
11 wastewater system has about one hundred gallons perhaps of unused capacity with a 500 gallon tank in a  
12 typical two bedroom house and if they bring in 130 carcasses on a busy day or if they are cleaning out 50  
13 bone barrels it may be taxing that system on those busy days. He said that future growth is the most  
14 problematic thing about a use like this on a private sewage disposal system since these systems have a  
15 finite capacity and you can't grow forever on the same system.

16  
17 Mr. Irle said that it did not sound like they did not want to expand anymore\*\*\*\*\*.

18  
19 Mr. Hall said that we have no control over how many deer are taken in the only thing that this Board can  
20 control is the physical space available for processing the deer and when you double the cooler capacity  
21 and add a 2,400square foot building that could be used completely for bone barrel storage is a lot of  
22 expansion and that is why he included the condition of limiting the amount of storage building for bone  
23 barrel storage and the Board needs to consider limiting the cooler capacity.

24  
25 Ms. Griest asked the Board if there were other questions for Mr. Hall and there were none.

26 Ms. Griest called Charles Stites.

27  
28 Mr. Stites said that he had no new testimony but there are some things he would like to touch base on in  
29 light of the new letters and what Mr. Hall read regarding the septic system. He said that when the septic

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1 was installed it was done by a licensed plumber and when they submitted the information to the County  
2 Health Department the shop was on the drawing to the Health Department and the County Health  
3 Department did not contact them or gave them any information to say that they could not do this or give  
4 them any indication that the way things were was incorrect so we were operating under the faith that  
5 everything was alright. He said that the Board wanted to know what happens when the river floods. He  
6 said that he has a backflow preventer on the outlet pipe so if the river does come up the water can still  
7 only flow in one direction and not flood in to the wastewater treatment system. He said that their general  
8 practice is when the river does flood they don't do much not even laundry during that time to ensure that  
9 nothing improper flows out of the septic. He said that years ago their septic tank and leach field failed  
10 and they had stuff back up into the house because it was not flowing through. He said that when he  
11 talked to the County Health Department about this system last spring and asked about this system and he  
12 said at that time they would not have approved that kind of a system for this kind of use however they  
13 allow monitoring of the wastewater samples to see if things are at their proper levels. Mr. Stites said in  
14 regards to how the septic is sized it is an approximation and it is no hard and fast rule. He said that he is  
15 not denying that their business is growing and it maybe that they need to address a change in their  
16 wastewater treatment so he had proposed to Mr. Hall in a meeting monitoring the water to see how much  
17 they were actually using and suggested having a plumber put in a meter on the waterline in the shop and  
18 whatever water is used will go into the floor drain then we would know if we need to put something in  
19 we would know what size we need to take care of the shop.  
20 Mr. Stites said that regarding the letters submitted from the neighboring property owners regarding deer  
21 bones in their yards in the warmer months the barrels are not covered and we keep them in the cooler  
22 because we have the room to do that and he did not want the barrels out there smelling. He said during  
23 the deer season harvest increases and when it is cooler we set them outside but they are blockaded off  
24 and have a tarp over them as best they can and his truck is parked out there every morning and he did not  
25 see evidence that anything had been in the barrels pulling anything out during the night. He said that he  
26 could not say that the bones that may have been in somebody's yard comes from them because he had  
27 not seen them but as far as someone finding deer heads with antlers or heads with the spinal column  
28 attached those did not come from them because that's not how we process the deer. He said that the  
29 heads are removed in the processing area. He said that sounds like deer that may have died of natural

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1 causes or unrecovered deer rather than something that came from his facility. Mr. Stites said that many  
2 of you have seen the pictures of the barrels waiting to be picked up and even a picture of the bone man  
3 picking up barrels at the time thinking and thinking it had to come from his facility.  
4 Mr. Stites said that when people see that some one is applying for a Major Rural Specialty Business they  
5 may think that they are looking to expand but this Rural Specialty Business is something that's come out  
6 of working with the zoning office. He said it was for them to comply with the conditions they want to  
7 put on the business and not from them going to them saying we want to increase our business and in  
8 order to do that they have to add this building and that building. He said that he was here for the Hardy's  
9 Reindeer Ranch case and he had learned that basically on the site plan you should put down everything  
10 you might possibly do for the next five years because if you don't you would have to go back to the  
11 Zoning Board for a new Special Use Permit. He said that he put the 40 by 60 building with the intent on  
12 using it as a garage and storage of the bone barrels and other things. He said that he did not see any  
13 reason why the Board wanted to put a condition of 800 square feet and as far as the cooler expansion that  
14 was something they thought about doing anyway but had not done it yet. He said that the extra space  
15 would be to alleviate the congestion during the busiest times so it is not that they are out there with this  
16 business plan and also expanded the number f counties. Mr. Stites said that last year they did grow but it  
17 was not because they took more deer in during shot gun season it was because DNR changed their  
18 season and expanded the muzzle loader permits and expanded the number of counties that were open for  
19 that late January hunting season.

20

21 Ms. Griest asked the Board if there were questions for Mr. Stites.

22 Mr. Steeves asked Mr. Stites what would the 08/09 season be like and how many employees does he  
23 anticipate having on his site.

24

25 Mr. Stites said that he doesn't know, the way the prices and economy are it depends on the people and if  
26 they continue like they did last year it may not be more than last year but if harvest is as good as it was  
27 last year maybe a little more. He said that he foresees them doing more deer than what they did this year  
28 because their processing area is only so big that we could only have so many people and can only work  
29 through so much at one time.

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1 He said that he did not have any full time people and they only use employees on an as needed bases. He  
2 said that in addition to his family maybe two or three people on the outside and seven or eight on the  
3 inside.

4

5 Mr. Bluhm asked Mr. Stites if it was seven or eight besides his family.

6

7 Mr. Stites said that it could be.

8

9 Mr. Bluhm asked Mr. Stites if he was located One and One Half miles from the Sidney slab.

10

11 Mr. Stites said about a mile straight north.

12

13 Mr. Bluhm said that he knew of some people that had their deer turned away by Mr. Stites.

14

15 Mr. Sites said that they set a number they thought they could work with and could get done in a  
16 reasonable amount of time.

17

18 Ms. Griest asked the Board if there were any more questions for the Board.

19

20 Mr. Irle asked Mr. Stites if he made any decision about the coolers.

21

22 Mr. Stites said that it is still in the back of his mind because he is not sure of the conditions the Board  
23 may impose on him after this hearing. He said that he would have to contact and work with the county  
24 health department to see what the option would be to satisfy their requirements for the cleaning water he  
25 would generate from their plant. He said the extra space would be to alleviate extra congestion. He said  
26 that it was his intention to store the bone barrels out of that building and will need to keep those cooler.  
27 He said that during archery season the deer could be put in the center like in the past.

28

29 Mr. Irle said that at this point the objective is to see what you need to do to comply and to meet your

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1 neighbor's concerns not necessarily to grow. Mr. Irle said that said that it looks like he has plans in place  
2 for addressing the traffic problem, and the parking problem and Mr. Hall made suggestions about what  
3 you need to do so you need to do those. Mr. Irle said that if Mr. Stites doesn't need the cooling capacity  
4 for cooling carcasses but is concerned about adding footage to the 800 square foot why couldn't Mr.  
5 Stites use a regular air conditioner with a cut out on the side of the building to cool that area.

6  
7 Mr. Stites said that he had thought about it also but he would have to check with his refrigeration person  
8 to find out exactly how cool can something keep with a regular air conditioner. He said that they are not  
9 storing things for long periods of time but one thing that may have been confusing in our initial  
10 paperwork is how many times the bone man came to pick up at their facility. He said that when he has a  
11 few barrels he puts the barrels on the back of his pick up truck with a topper on it and haul's it to the  
12 facility and gets rid of it that way.

13  
14 Ms. Griest asked the Board if there were any other questions and there were none.

15 Ms. Griest asked staff if there were questions for Mr. Stites.

16 Mr. Hall said that on the plans it shows the cooler expansion and asked Mr. Stites how does he envisions  
17 the building exterior.

18  
19 Mr. Stites said that it would look like the existing facility, it would have vinyl siding and look just like a  
20 house.

21  
22 Mr. Hall asked Mr. Stites if it would have a sloped roof.

23  
24 Mr. Stites said that he would have to check to see how his roof line is but he would envision carrying it  
25 with the existing pitch of the roof.

26  
27 Mr. Hall asked Mr. Stites if the cooler expansion that is shown on the north side of the existing building  
28 wa to house the bone barrels or was that a flex cooler space.

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1 Mr. Stites said that area could be used to put barrels in. he said that during archery season and shotgun  
2 season it gets heavy so the additional deer can be stored there. He said that the additional space could be  
3 use when they are making the sausage there are trimmings that have been frozen and defrost those in the  
4 cooler.

5  
6 Mr. Hall said that the conditions that staff proposes but the final conditions will be decided by the Board.

7  
8 Mr. Stites said that he understand and that he thinks the conditions that are in there are not out of line but  
9 the timing of it seeing how the deer season would be coming up he is not sure that everything will be  
10 completed. He said that he would conform to what ever the County needs but he did not want to be taken  
11 advantage of but not against being a good neighbor and steward.

12  
13 Ms. Griest asked Mr. Stites when does deer the season start.

14  
15 Mr. Stites said that deer season in Illinois is from October 1<sup>st</sup> to January and it s broken up into a variety  
16 of seasons. He said that archery starts out in October 1<sup>st</sup> till the weekend prior to Thanksgiving. He said  
17 that there is a tree day shotgun season then archery season opens up again until a week after  
18 Thanksgiving. He said that shotgun season opens for four days then starts archery again. He said that  
19 there is a muzzle loader season after the second shotgun season then archery until the middle of January.  
20 He said then firearms season to harvest antlerless deer. He said that there thousands of permits issued by  
21 the State which is allocated by county a certain number permits per county for the number of deer they  
22 feel can be harvested and to provide a safe hunter density.

23  
24 Ms. Griest asked if there were any other questions for Mr. Stites and there were none.

25 Ms. Griest asked if anyone wished to cross examination Mr. Stites and there was no cross examination.

26 Mr. Griest called Phill Van Ness.

27  
28 Mr. VanNess, attorney for the neighbors said that they oppose the request authorization to allow River  
29 Bend Company to expand this business operation. He said that no one is willing to put up a 2400 square

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1 foot building and invest \$20,000.00 on scrubber on the top of the smoke stack and add three children and  
2 not plan to expand their operation. He said that they made it easier to expand by added parking and  
3 adding cooling.

4 Mr. VanNess said that they had filed their extensive memorandum of opposition to the application which  
5 he understood was included the in packet material including photographs and reprints of the River Bend  
6 web site advertising material. He said that he would ask the Board to seriously consider what they have  
7 given in writing.

8 Mr. VanNess said that regarding the statements made tonight they had learned that other neighbors of the  
9 River Bend Sausage Company had consistently and without coaching from them noted in writing to the  
10 administrator some of the causes of concerns that they expressed. He said that in addition to some of the  
11 things they had not mentioned in the memorandum are body parts not like a bone here or a piece of meat  
12 there but pieces where there are legs and heads are attached. In addition to that there had been quarter  
13 mile long traffic jams along 2400E during hunting season. He said that what the applicant had not done  
14 to date is to seriously operate the present facility correctly not to mention the expanded facility they  
15 proposed to operate. Mr. VanNess said that the latest staff report since last week is that the applicant still  
16 had not met the requirements under the ordinance to justify approval of this application. He said that he  
17 agree to disagree with the underline premise that somehow enough band aids put this expansion project  
18 together in a way that it makes sense at anytime. Mr. VanNess said that River Bend Sausage Company  
19 could never be a Major Rural Specialty Business at this location and it won't be because there is a  
20 difference between services and goods although that is part of it but it is there is already a definition of  
21 what they are doing at River Bend Sausage Company. He said that Section 5.2 talks about the processing  
22 and packaging of meat and when they say processing of meat they are talking about real meat and not  
23 some meat and poultry act. He said that to say that it is not meat because it is wild game ignores the fact  
24 that in their own website the word meat is used to describe what they do ten times on the their first page.  
25 He said that is Section 5.2 of the County's Ordinance says that has to take place in an I-2 District and  
26 only as a Special Use. He said that if the Board allow this to take place know how will the Board stop  
27 the expansion from going beyond 1,200, 2,500, 3,500 animals the Board have one shot at this.

28 Mr. VanNess said that they also disagree that the River Bend problems are being add by the  
29 recommendations by staff concerning odors and noise. He said that moving the noisy chillers to the

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1 south of the proposed building that may or may not affect his client but what about the those individuals  
2 to the south, east and west you just seem to move the noise pollution to someone else. He asked the  
3 Board what information do they have in front of them that would allow them to conclude that all three  
4 sources of types of odors at that facility would be adequately addressed or even tributary to the single  
5 proposed scrubber that is in the plan right now. He said that the real question for the Board tonight can  
6 be put this way why is the administrator and the Board working so hard to make this work when the  
7 applicant isn't why is the Board is being asked to call this operation something else other than what it is.  
8 He said that the Board still doesn't know how or when River Bend will deal with its wastewater  
9 discharges because they still had not said. He said that the Board still doesn't know how dead animal  
10 parts had become scattered throughout the neighborhood. Mr. VanNess asked Mr. Hall if he had other  
11 areas where he people complaining about deer parts showing up in their back yards.  
12  
13 Mr. Hall said that prior to this hearing they received one complaint.  
14  
15 Mr. VanNess said that now we are having a hot bed of complaints within a vicinity of a processor of  
16 1,200 deer. Mr. VanNess said that the Board still doesn't know how, when or how long dead animal  
17 parts will be scattered or staged by the new expanded River Bend operation before and during loading  
18 and unloading and storing to control odor, disease and the litter problem to the neighbor that reported to  
19 the Board. He said that the Board still doesn't know tonight about any measures to control odors would  
20 be designed to handle the smoking, cooking and butchering odors coming off the River Bend operation.  
21 Mr. VanNess said that the Board still doesn't know when the River Bend will have adequate parking. He  
22 said that one of the letters received from a neighbor stated that sometimes trucks are strung along 2400E  
23 for a distance of a quarter of a mile. He said that he did some math and looked up the length of a Ford  
24 F150 and added ten feet to give adequate room to separate themselves from the next vehicle and came  
25 up with 48 trucks. Mr. VanNess said that although this is an estimation but it is a reasonable estimation  
26 of the traffic parking along 2400E Mr. VanNess said that there are not 48 parking spaces in their plans.  
27 He said that the Board Doesn't know whether or how River Bend ensure the additional chillers will be  
28 located and designed and sound proof to protect unreasonable noise pollution from the neighbors nor  
29 does the Board know how much wastewater would be generated by that operation because that

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1 information is not provided. Mr. VanNess said that it is not know what the new level of business after  
2 the expansion of his facility. He said that Mr. Stites handled 1,270 animals last year how can you  
3 regulate the amount of deer he processes, the fact that this operation is not regulated by the State means  
4 that the Board is the last chance the neighbors have to protect the property values and their quality of life  
5 because they are not in the position to do it. He said that in the Zoning Ordinance Section 9.1.9 and  
6 9.1.11 requiring to know the answers before approve any variance or Special Use and it requires the  
7 applicant to demonstrate that these questions has been answered fully.  
8 Mr. VanNess said that the applicant has not shown the Board that this could be approved and this  
9 application should be denied.

10

11 Ms. Griest asked the Board if there any questions for Mr. VanNess.

12

13 Mr. Irle asked Mr. VanNess if there were any problems in the special conditions posed by staff to  
14 address the concerns of the clients and other neighbors in the revised draft.

15

16 Mr. VanNess said that there still seems to be some unanswered questions, volume is a big deal and we  
17 would like to know how much volume he is talking about. He said that in the recommendations from  
18 staff the chillers would be moved to the south side of the building which would be good for the he  
19 clients but what will it do for the people on the other side or behind the facility. He said that it is possible  
20 to design enclosures for those chillers or even rooftop chillers. He said that we have one of the world's  
21 foremost experts on noise pollution at the University of Illinois to design an enclosure. He said that  
22 regarding the wastewater this is probably an area for the EPA. He said that at peak flows he is going to  
23 get well of an excess of flow that could be handled by the septic field. He said that it does not mean that  
24 he could not used the septic field or to put in a larger one or even put one somewhere else but where they  
25 are at right now may not be suitable because the soils may not be that great. He said that he talked to Mr.  
26 Blackford from the Department of Public Health and he understood that the public health typically do  
27 not authorize a septic field for this type of operation but he was not sure if it could be done by an  
28 engineering standpoint if an engineer said that it was properly sizes, properly located, passed the perc  
29 test and everything was ideal he thinks he would be fine with it. Mr. VanNess said that this is a matter of

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1 demonstrating to the Boards satisfaction that things could be done and will be done and frankly they  
2 don't have a lot of confidence in the applicant but they is willing to be fair minded and willing to work  
3 with the situation in hand but it has to be proofs and insurances in there that would ensure that things  
4 would be done right.

5  
6 Ms. Griest asked staff if there were any questions for Mr. VanNess and there were none.

7 Ms. Griest asked if anyone else had any questions for Mr. VanNess and there were none.

8 Ms. Griest said that Mr. VanNess complies with Article 6.5 there for there would be not cross  
9 examination.

10 Ms. Griest called Lucy Whalley.

11  
12 Ms. Whalley said that she would like to commend the Planning and Zoning Office for their work in  
13 taking into account their neighborhood health and well being when preparing the special conditions for  
14 approval beginning at 12 on page 34. She said that clearly the Board was paying attention to pubic  
15 comment as it relates to the intent of the County Ordinance. She said that she hope that the Planning and  
16 Zoning Office as well as the ZBA would continue to act in keeping with the intent of the Ordinance as  
17 they perceive in the decision making regarding this place. She said that she is impressed by sub-section  
18 5.9.8 of the Ordinance that reads "CR Conservation Recreation District is intended to protect the public  
19 health by restricting the development in areas subject to frequent or periodic floods and to conserve the  
20 natural and scenic area generally along the major stream networks of the County".

21 Ms. Whalley said that she has three issues that she would like to bring to the Board and her husband may  
22 have some additional ones. She said that she is not convince that the proper noise shielding had been  
23 taken into account on J on page 40 enough to ensure "maximum noise shielding for neighboring  
24 residences". She said that she would suggest approval of the engineering specs for the noise shielding for  
25 the specific type of refrigeration units to be installed. She said that nuisance noise is a great concern to  
26 all the neighbors. She said that the second point she would like to bring up is she expects absolute  
27 assurance that the treatment and disposal of the private and business wastewater would not endanger  
28 public health, drinking water quality, and the habitat and water quality of the Salt Fork River that flows  
29 on the western boundary of her property. She said that current conditions that would have adverse

1 impacts are as follows: the private wastewater treatment and disposal system of the Stites residence had  
2 not properly approved by the Champaign County Public Health. She said that observations of the Stites  
3 properly during repeated seasonal flooding reveals that the private wastewater and disposal system may  
4 be under water for days at a time. She said that a metallic odor emanates west of the business during the  
5 River Bend peak butchering season that she personally associate with butchered animal parts. She said  
6 that this odor always gives her paus as she stand on her property overlooking the floodplain. Ms.  
7 Whalley said that there also remains the question can the Stites current private wastewater treatment and  
8 disposal system accommodate the increase wastewater load during peak processing periods if over five  
9 hundred gallons a day is generated. She said that the third is that she do not understand how the  
10 proposed Special Use Permit conditions conforms with 2.0E of the Ordinance which states “one purpose  
11 of the Ordinance is conserving the value of land, buildings, and structures throughout the County as  
12 reference on page 31” she said that if all the building driveway construction and infrastructure associated  
13 with the Special Use Permit are implemented this will ensure that a significant built up area is placed  
14 adjacent to the Salt Fork River and its floodplain forest. She said that many people chosen to live in this  
15 area primarily because of its wooded river habitat. She said that a built up area would only be of value to  
16 someone who wants to continue a major business. She said that to turn this property back to wooded area  
17 would be very costly on the other hand the area occupied by Mr. Wandell’s rural home business could  
18 easily be restored to the landscape.

19  
20 Ms. Griest asked the Board if there were any questions for Ms. Whalley and there were none.

21 Ms. Griest asked staff if there were any questions for Ms. Whalley and there were none.

22 Ms. Griest asked if there would be any cross examination for Ms. Whalley and there were no cross  
23 examination.

24  
25 Ms. Griest called Dennis Wandell.

26  
27 Mr. Wandell said that he lives north of the Stites and distributed pictures dated June 5<sup>th</sup> for the board for  
28 their review. He said that these pictures show that water on that day was covering a great deal of that  
29 property including the backyard, play equipment, and comes fairly close to his property. He said that in

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1 picture number one if you look to the left you would see the roof of Mr. Stites meat processing building and  
2 the center lower left you would see a blue color which is a tarp at the corner of the building over some  
3 equipment with picture two being a close up of that. Mr. Wandell said that if you look at picture four which  
4 shows the west side of the 12 by 12 barn along with the backyard, trampoline, and play equipment. He said  
5 that he keeps fairly accurate records as to how high the water comes up and the flood they had early this  
6 spring was 18 plus inches higher than this flood. He said that regarding other concerns if the parking issue he  
7 said that he wanders if the parking would be adequate. He said that it seems like that a lot of trees would  
8 have to come down to accommodate the building and with the entire front yard is basically business it would  
9 be totally out of character for a residential five acre recreation conservation area. He said that he also has  
10 concerns about the storage of the barrels of animal parts. He said that last year when Mr. Hall took the  
11 pictures the truck filled up before all of the barrels were emptied and he thought it would not be asking too  
12 much to have the barrels staged to where they could get all the barrels. He said that he would like to have a  
13 thermostat to where the barrels are kept in a consistent temperature. He said that he thinks that the barrels are  
14 pulled out and they are picked up some time later which this is a perfect time for vermin and dogs to help  
15 themselves. Mr. Wandell said that another point that he is concerned about besides the sound are the odors.  
16 He said that he would like for that whole operation to be done in such a way to where they do not smell it.  
17 He said that the prevailing winds are out of the south and it blows right at their property. He said that over  
18 the years they had been inundated with this smell and at first it was novel but even though you are next to a  
19 perfume factory you would get sick of it after a while. He said that their house is about 190 feet from the  
20 Stites meat processing plant and these lots are very narrow and long so north/south they are about 250 to 260  
21 feet, east/west they would be 870 to 910 so it is difficult to get away especially when the neighbors property  
22 is within three and a half feet half. He said that he and his wife had spent most of his money fixing up their  
23 house and out buildings with landscaping and it is nice to set outside to listen to nature sounds and to smell  
24 sausage cooking or smoking is very disconcerting. He said that they play by the rules and he ask that their  
25 neighbors do the same.

26

27 Ms. Griest asked the Board if there were questions for Mr. Wandell.

28

29 Mr. Schroeder asked Mr. Wandell who moved in that area first.

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Mr. Wandell said that he started building his house in 2001 and believes that Mr. Stites got his permit maybe 1999.

Mr. Schroeder asked if the flooding is getting worst due to there is more trees and no drainage.

Mr. Wandell said that there are more roofs and asphalt parking lots that drain into the water shed as well as more field tiles and nobody wants water and they want to get it away.

Mr. Schroeder said that it seems that part of the problem is that the drainage district stopped cleaning the ditches and clearing the trees from the ditches that helped causes flooding.

Ms. Griest asked staff if there were any questions for Mr. Wandell.

Mr. Hall said that on page 40 of the revised draft item J was changed from the original draft Mr. Wandell reviewed earlier which states any new refrigeration units shall have condensers located inside the building and asked Mr. Wandell if that condition would be good enough so there would be nothing outside the building.

Mr. Wandell said that right now he hear a compressor going on and off all the time which he thinks may be related to his cooling unit but would this be an insulated building, is the ceiling insulated and would the windows be open or closed. Mr. Wandell said that he would be prefer that the building be sound proofed.

Ms. Griest asked if the petitioner wish to ask Mr. Wandell any questions.

Mr. Stites said no

Ms. Griest said that concluded the name on the witness register and asked if there was anyone else who wished to give testimony at that time and there was no new testimony.

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Mr. Stites asked if he could address some other issues for clarification.

Ms. Griest said that Mr. Stites could address those issues at this time.

Mr. Stites said that Mr. VanNess made mention that he had not done anything to address issues. He said that one reason was that there were so many questions about what he should do to accommodate the conditions and was advised not to do anything that involve investing money in case came up with a different plan. He said that regarding the parking issue he said that the heavy traffic that being referred to was the Monday evening after the first shotgun season and that was something because of the way they were doing business and was not open during the day. He said that now we are open on Sunday all day we don't have the high load of traffic and a couple of check in stations. He said that we are adding the additional space on the advice of Mr. Hall to accommodate any additional traffic that may come in. he said that he had talked to a deputy and he had told him that he was not concerned about one day out of a year but if that is a concern of the Board then he could extend their hours on that Monday instead of being closed. Mr. Stites said that regarding the amount of wastewater generated he said that in his shop there are two forty gallon hot water heaters and when they clean up from making sausage or when they are cutting it takes them about an hour to finish clean up and they do not run out of hot water.

Ms. Griest asked the Board if there were any questions for Mr. Stites and there were none.

Ms. Griest asked staff if there were any questions for Mr. Stites and there were none.

Ms. Griest asked if anyone who like to cross examine Mr. Stites and there was no cross examination.

Ms. Griest said that the Board may still have some outstanding issues and asked Mr. Hall if he could summarize them.

Mr. Hall said that the biggest outstanding issue at this time is the wastewater system he don't know what the Boards thoughts on that. He said that had talked to the States Attorney about what to do since it is getting close to hunting season. He said that his impression is that the Board be comfortable with the long term approval. Mr. Hall said that he drafted these conditions for the boards review with a deadline of this fall but

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1 Mr. Stites did not tell the Board that he could get all this done this fall in-fact not all of these conditions  
2 included changes Mr. Stites had discussed so he's not opposed to them completely. He said that there is a  
3 significant cost involved and a lot of work to do by November 15<sup>th</sup> but there had been permits for houses in  
4 September that had been weather proofed by the time snow hits so you can get a lot done in the fall although  
5 it would not be cheap. Mr. Hall said that he did not know if the Board needed anything else other than the  
6 wastewater but that is the greatest uncertainty. He said that the only advise that we had given the petitioner in  
7 this case is what does he need to do to address the concerns of the neighbors now and if there is some small  
8 expansion he would like to do in five years or so but the problem with expansion is that it makes the  
9 approval more difficult sometimes so the conditions that we propose is necessary for current level of activity  
10 realizing that if you double the cooler space and provide 2400 square feet for bone barrel storage is a  
11 tremendous expansion in itself. He said that you don't need 2400 square feet for bone barrel storage, the  
12 petitioner had not suggested that the was using 2400 feet for bone barrel storage but if there is no limit to the  
13 amount of square feet that could be used then it would be in-fact be 2400 square feet that he could use for  
14 bone barrel storage. He said that he does not limit the amount of space of personal storage on properties  
15 where there is a Special Use Permit, we are not authorized to limit personal storage, we are not authorized to  
16 be concerned about residential wastewater systems but we are authorized to be concerned about what is  
17 happening for the business. He said that personal storage buildings could be built because it is personal  
18 storage and is not used for the Special Use Permit so the only way to limit what can happen with at Special  
19 Use Permit is to specify. He said that he still maintains that this is permissible as a Rural Specialty Business  
20 but as with most uses scale is most the most important thing that determines compatibility and how can you  
21 conduct this thing which he believes is permissible as a Rural Specialty Business on a five acre lot  
22 surrounded by other five acre lots in a floodplain area where you don't get to know the disbursal and where  
23 most of the property is under the BFE but the real job here is to limit this use so that it will compatible so  
24 that you can find positive findings on those five conditions. He said that a certain amount of expansion has  
25 to happen in order to accommodate the use as it is currently operating.

26

27 Mr. Irle said that it sounds like the petitioner wants to know from the Board what is necessary to conform  
28 and not necessary have a major expansion. He said that he did not here any testimony regarding to expand  
29 their operation. He said that looking at it from a business standpoint they have too many bottlenecks in their

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1 operation is right now and just adding a storage building which he thought was going to be used for trucks  
2 and equipment and then the additional use was going to be use for the bone barrels to help with that problem  
3 which also would resolve a big issue with the neighbors getting those bone barrels under cover and possibly  
4 cooling them but the big issue on the front plate is we have to let him know what he needs to do to conform  
5 and the second issue is compatibility with the neighbors and to alleviate those problems and the third is any  
6 possible future expansion but him that is something down the road.

7  
8 Mr. Hall said that the storage building is 2400 square feet and the testimony is that it would be use for  
9 trucks, other things and the special use permit. He said that the site plan does not say that and unless you  
10 require a condition the whole 2400 square feet could be use for bone barrel storage.

11  
12 Mr. Irle said that he agrees with that.

13  
14 Ms. Griest said that she did not hear any objection from the petitioner that alluded that was outside the  
15 boundaries of what they thought was reasonable.

16  
17 Mr. Irle said that he was looking at the dollars and cents point but if you or I was in this position and had to  
18 spent twenty thousand dollars on odor problem and then had to spend ten or fifteen thousand on septic he  
19 would know what the boundaries are and how much he have to spend before the investment is made and  
20 borrow a lot of money and say this is what I have to get done now. He said that Mr. Stites have to order  
21 material and line up contracts he has a lot of work to get done and he needs to prioritize what he has to do  
22 and the investment he has to put out.

23  
24 Mr. Thorsland said that his concern is the wastewater issue and who are we waiting for the answer to that are  
25 we waiting for public health to tell us what to do?

26  
27 Mr. Hall said that it is the petition's responsibility to decide what do hire someone to help them figure out  
28 what they need to do, do the soil test, submit it to the Department of Public Heath and then report back to  
29 this Board on what is feasible.

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Mr. Irle said that there had been a lot of discussion on that and the petitioner need to be specific on that and if he is going to used that storage building is he is going to do the cleaning there and if he is then all these decision on the front end will have an affect on where else he has to make changes.

Mr. Hall said that this is a site issue there is the soils you can put your subsurface system on, you can do your parking or you can put up your storage building which is more important parking, storage building or effective treatment of wastewater.

Mr. Irle said that this is a classic small business model of a family operation that is on the verge of having to make larger steps. He said that they are trying to keep up with the demand but they are outgrowing there basic facilities and they have to either keep up to meet the demand or scale back to that smaller family business but the biggest problem now is meeting what they are doing now legal and compliant.

Mr. Steeves said that his concern is that if we allow the building they want to put up and we restrict the amount of square feet of the building to bone barrels how are we to know if he is using 800 or 1000 square feet.

Mr. Hall said that the only way really do that comfortably is to require a separate building of maximum size.

Mr. Bluhm said that if they are storing in there and washing in there they will need a concrete floor and a drain and to put a partition wall and it may not have a concrete floor in the rest of the building.

Mr. Hall said that would be inspected with the compliance inspection originally only.

Ms. Griest said that it would be manage like any other Special Use which is enforcement on complaints and she is sure the surrounding landowners and visitors to the site that if it wasn't in accordance with their expectations they would be raising objections.

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1 Mr. Irle said that what would happen if they would adopt all the special uses conditions before they go back  
2 and revisit this.

3  
4 Mr. Hall said that if you are very conservative on what you allow now in terms of bone barrel storage area  
5 this issue of the cooler expansion if you limit that now trying only to solve the current problem and approve  
6 this now you don't know how well this scrubber or air filter is gong to work so if you approve this now  
7 limiting these areas just to accommodate current uses and get a Special Use Permit approval with these  
8 conditions to deal with the current thing. He said then if he needs to expand the Board can review to see how  
9 well the scrubber worked, how traffic management worked and things like that. He said that this is an  
10 alternative to a Specials Use Permit that expire in a few years, the petitioner doesn't know what he is going  
11 to get for the money he is spending now you can tell him you are going to get maybe a five hundred square  
12 foot bone barrel storage you can limit the expansion but you are getting approval now and if he wants to  
13 expand in the future you have to come and get a Special Use Permit and then the Board can review how well  
14 all these things worked. He said that you as a Board won't know if the scrubber will work we know that  
15 twenty thousand dollars would be spent whereas revisiting it in three or five years you'll find out if that is  
16 working.

17  
18 Mr. Irle said that although the Board doesn't know how much storage area the Stites need for bone barrels  
19 they do have an idea based on the numbers that was presented earlier. He said that whether or not we would  
20 require the liquid smoke and air purifier they need to give him some direction on that too so Mr. Stites could  
21 be addressing those while waiting on the wastewater issue to be resolved and we could go over that tonight  
22 rather than waiting until another meeting.

23  
24 Mr. Hall asked Mr. Irle what would questions would you be asking.

25  
26 Mr. Irle said what would be the minimum area Mr. Stites need for bone barrel storage. He said as for as the  
27 twenty thousand dollar air purifier he don't know if that would be a requirement seeing that there is more  
28 pressing issue than that.

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1 Mr. Steeves said that he is not sure what the air purifier is going to do. He asked if it suppose to reduce the  
2 odor or smoke or contaminated air.

3  
4 Mr. Hall said that it is called Enviro-Pak Enviro-Klean Air Treatment System the petitioner provided  
5 information for and the new condition states that it has to be used for all cooking and smoking all processing  
6 odors should go out through that building need to go through that system. He said that in addition they  
7 provide a carbon filter option and frankly he did not think many commercial establishments around here use  
8 them so it sounds like it should work but we just don't know. He said that there is an EPA standard for air  
9 pollution and he did not think the Board wants to approve something that going to operate at the EPA for air  
10 pollution but its there if necessary.

11  
12 Mr. Bluhm said that he is concerned about the wastewater treatment and he could see that it is probably  
13 overtaxing a household system but on the other hand there is data from a peak season use. He said that the  
14 data means nothing because what could be around for the next two months won't tell us anything until you  
15 get to a peak season time frame and know what type of water usage is in those peak times.

16  
17 Mr. Thorsland said that he had not heard there was a day they stopped due to water was not draining. He said  
18 in none of the testimony he heard that they had to stop clean up because the water wasn't draining because  
19 the system was overtaxed. He said that he had not heard any testimony that their system was overtaxed even  
20 on their peak days. He said that he believe the numbers say that it should be but he had not seen anything or  
21 heard the neighbors mention of an indication of a leak in the backyard or anything.

22  
23 Mr. Hall said that you may never know that you are taxing the system from the inside the way you'll know  
24 would be from the outside or if you look inside the treatment room and if you find stuff there that should not  
25 be there but unless you overtax it for an extended period of time it will keep draining.

26  
27 Mr. Thorsland said that from what he had seen from the letters that the people are very observant neighbors  
28 and none of the neighbors mentioned anything of system being taxed in addition, the flooding season we had  
29 this year was certainly taxing but it was opposite of the processing season.

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Mr. Hall said that there was a complaint of an odor in the vicinity of the system but could not determine what that odor was.

Mr. Thorsland said that his big issue is to find out how much water in five years Mr. Stites will use, how much space he needs for bone barrels and if he thinks smoke and air purifier will do the job to keep him in good favor.

Ms. Griest said that she would take it one step further and say that substantial investment to try to address the concerns that was brought forth by the neighbors in terms of smell, noise, storage, disposal and parking. She said that she thinks they are looking at something that approaches a minimum of six figures and if that is outside the bounds of what is reasonable for this particular business then Mr. Stites might want to face that right up front and say so and a lot of this discussion is really fruitless. She said that by the time you get storage, parking, wastewater, air filters, and additional coolers as well as engineering it could easily be one hundred thousand dollars pretty quickly. She said that this could be done less expensively but if the Board is requiring a twenty thousand dollar investment in smell or smoke elimination for smokers then where does the reasonableness factor come into play for expansion to actually fund that cost to make that reasonable.

Ms. Griest said Mr. Stites you have heard some of our questions and concerns and our dilemma and the comment was made that all our cases being this difficult. She said that some are and some aren't and he had observed another case that was equally challenging. Ms. Griest asked Mr. Stites if he has any insight he would like to share concerning these issues.

Mr. Stites said that first he would need from the Board some idea if we would be able to operate because he had heard Mr. VanNess say that we can't do it no way, shape or form and that was in the back of his mind. He said that if those draft conditions and dealing with those topics and maybe they need to be adjusted a little but if we can continue to operate at least at the current level then that way he could go ahead and hire someone to do this and or that. He said regarding the wastewater the information he received from Mr. Hall in the mail in July or August where he had something about the wastewater being an issue that was the first

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1 thing that may need a change of some sort. He said that regarding how much water he is using in clean up  
2 other than gauging off of the hot water he do not have anything to go off of and the only way that we could  
3 do it to determine sizing is to take a stab at it to say that a leech field can accommodate up to a certain  
4 number of gallons per day if that level is above what is required then we could size it that way otherwise he  
5 would not know anything until he went into production. He said that he could a mock clean up with a water  
6 meter on it and get an idea on how much water that is used but that is not the same when you have a grinder  
7 with sausage built up on the sides. He said that he does not feel comfortable in doing that but at least that  
8 would be type of idea. He said that he would have to get with the health department and if the Board have an  
9 idea for a phase in period and set those priorities so that he knows what timeline or what to do in stages. Mr.  
10 Stites said that in order to make those changes he needs to continue to operate at least at the current level.

11  
12 Mr. Hall said that it comes a time when the Board makes a decision and makes no promises until that  
13 decision and any investment made before that decision is made at your own risk. Mr. Hall said that we  
14 already know that significant investment needs to be made for the current operations. Mr. Hall said that it  
15 was unclear if Mr. Stites was anticipating making improvements before he reports back to the board because  
16 the Board was thinking investigate how much all this will cost and then get back to them and at that point  
17 they will make a decision.

18  
19 Mr. Stites said that he could do that. He said that the general climate is that the Board is going to want some  
20 improvements going before this coming deer season to conform to alleviate neighbors concerns.

21  
22 Ms. Griest asked Mr. Hall while Mr. Stites is doing his investigation and deer season starts is he closed  
23 down or can he continue to operate.

24  
25 Mr. Hall said that he is not closed down that is not their standard practice but there is an area here where he  
26 is not sure what the answer is and hopes that Mr. Stites talk to public health and be sure to asked them if they  
27 find out that Mr. Stites is violating this standards for wastewater during hunting season what will the health  
28 department require of him because that is the public health department's authority not this board. He said  
29 that we don't know what they would say if they identify that in-fact his current system is not operating in the

ZBA

DRAFT SUBJECT TO APPROVAL DRAFT

8-14-2008

1 parameters.

2 Mr. Hall said that regarding the wastewater system Mr. Stites could put in a septic system and from the  
3 Boards perspective that is not expanding the use. He said that they can't authorize construction of interior  
4 space of any buildings until the Special Use Permit is approved because that would be an expansion. He said  
5 that they do not permit installation of filters so he could put on a filter and he would not need a permit from  
6 them but his advice would be if he put it on because it is eight feet tall and two feet square it going to be a  
7 big thing sitting on top of the building.

8

9 Mr. Stites said that actually sits inside next to the smokehouse

10

11 Mr. Hall said that's good so you won't even need a permit. He said the fact that he put it in does not  
12 guarantee anything but it is a sign of good faith and it is the only alternative right now for controlling odor so  
13 there is some things that could be done that do not require permits. He said that it won't guarantee approval  
14 but it helps bring him into compliance.

15

16 Mr. Stites said that although we had not gone through the conditions yet with regards to the bone barrel  
17 storage but he contacted Morton and FBI Builders to see how soon they would be able to build and they said  
18 November would be the soonest so Mr. Stites asked if he could bring in a mobile storage unit to use in the  
19 interim if their existing space would not be able to handle it.

20

21 Mr. Hall asked Mr. Stites if he was referring to a storage pod.

22

23 Mr. Stites said yes. He said that for a 2400 square foot building and each barrel takes up three square feet  
24 that would be eight hundred barrels which he said that is way out of line for what they need. He said that  
25 even with eight hundred square feet that would be approximately two hundred and seventy barrels which is  
26 still much more than what they would be doing.

27

28 Mr. Hall said that he would recommend that the Board approve a floor plan for that storage building so that  
29 they know that it will have a floor drain and water and an area for clean barrels and not just for storing

**8-14-2008**

**DRAFT SUBJECT TO APPROVAL DRAFT**

**ZBA**

1 barrels. He said that he thinks that Mr. Stites should submit a floor plan to the Board and possibly elevation  
2 so they know what it is going to look like.

3  
4 Mr. Irle said that may be good but the question is if Mr. Stites going to clean the barrels in the storage  
5 building or in the operation building.

6  
7 Ms. Griest said that the Board doesn't know that and it also depends on wastewater disposal.

8  
9 Mr. Bluhm asked Mr. Stites when they bring the deer in it gets washed down somewhere before it is put in  
10 the cooler.

11  
12 Mr. Stites said when people bring in their deer they hang it up and put it in the cooler. He said that it has the  
13 hide on, the head on we could do that because we do not have any other amenable product in their facility  
14 and they is not regulated to where they have to skin it prior to. He said that works well for them because they  
15 that way the carcass stay clean. He said that they pull it out of the cooler, skin it, rinse off the carcass and this  
16 is done in the skinning area there is a floor drain there so any rinse water from rinsing off the hair that may  
17 come off from skinning will go down the floor drain and then it goes around to be cut. He said that the way  
18 they do the skinning operation there is very little contamination during the skinning operation on the carcass  
19 so it is a quick thing because the only place where they open up the hide is right down the back leg and the  
20 rest is like taking a sock off.

21  
22 Mr. Bluhm said that he was trying to think of a way if you have the bone barrels storage building up front  
23 and if that was a lot of water usage in the back part was washing down the carcass it could be done at the  
24 front build also but that does not work out in the process.

25  
26 Mr. Stites said if they weren't close to the lot line it would make sense to have the bone barrel storage  
27 adjacent to the plant rather than a separate building. He said that they do have that lean-to right now but if  
28 the requirement is to have the bone barrels in the lean-to that would take care of the requirement of having it  
29 contained so that nothing could get to it versus having them sit on the asphalt waiting on the bone man to

**ZBA**

**DRAFT SUBJECT TO APPROVAL DRAFT**

**8-14-2008**

1 pick them up.

2

3 Ms. Griest asked Mr. Sties how many barrels he presently has.

4

5 Mr. Stites said that he did not know all the ones that was in the picture plus four or five inside.

6

7 Mr. Irle said maybe sixty at the most.

8

9 Mr. Stites said yes.

10

11 Mr. Steeves said that it looks like the largest amount of water would be used to keep the barrels clean  
12 because once they are dumped they have to be washed out and that could be the largest contaminate.

13

14 Mr. Stites said that it is not a slaughter house so you have all the bodily fluids it's bones, fat and meat scraps  
15 so there is very little left when they dump it out. He said there may be a clinger piece of meat or fat but  
16 nothing is caked on the inside of the barrel so you just rinse it, foam it with soap, brush it and rinse it out so  
17 it does not take a lot to get them clean.

18

19 Mr. Hall asked Mr. Sties how much time do he think it will take him to gather up the information assuming  
20 that he have an understanding of what he need to bring back to the Board.

21

22 Mr. Stites said that the first thing it sound like to him is to contact the County Health Department and find  
23 out from them what they feel what his options are in order for them to be comfortable in having what kind of  
24 system for his operation. He said that from there they could see what kind of area on their site they could do  
25 that and then talk to an engineer if they have to move it out front. He said that he met with Mr. Hall a week  
26 or so ago and he was told by the gentleman at the public health that he would like to see them do some type  
27 of subsurface thing rather than a surface discharge which they currently have. He said that there may be some  
28 alternatives for them. He said that he did not know until he received this last package that they had soil on  
29 their place to do a leech field because they had perc test in the back when they had put in a new septic in the

**DRAFT**

**WORKING DOCUMENT**

**8-14-2008**

**DRAFT SUBJECT TO APPROVAL DRAFT**

**ZBA**

1 eight years ago and they did not have good soil back there to do that.

2

3

4

# CASE NO. 610-S-08

SUPPLEMENTAL MEMORANDUM

October 10, 2008

Champaign  
County  
Department of

Petitioners: **Charles and Mary Ellen  
Stites**

Request: **Authorize a Major Rural  
Specialty Business in the CR District.**



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

Site Area: **approx. 5.0 acres**

Time Schedule for Development:

**Immediate**

Location: **A five acre tract in the East  
Half of the Southeast Quarter of the  
Northeast Quarter of Section 1 T.18 N.  
R 10 E. of Sidney Township and  
commonly known as River Bend Wild  
Game and Sausage Company at 1161  
CR 2400E, St. Joseph.**

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

Prepared by: **J.R. Knight**  
Associate Planner  
**John Hall**  
Zoning Administrator

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## STATUS

This is the third meeting for this case. This case was continued from the August 14, 2008, ZBA meeting. The petitioners submitted additional information on October 1, 2008. At the August 14, 2008, public hearing the Board asked for additional information from the petitioners. As of the mailing a specific proposal for a wastewater treatment system; exterior elevations for the proposed cooler expansion; and an indication on the site plan of where clean barrels would be stored have not been received.

Relevant testimony from the August 14, 2008, public hearing will be added to the Summary of Evidence by the meeting time.

The new information is summarized below.

---

### 1. Add the following as new Item 5.G. on Page 4 of 48:

- G. A letter from co-petitioner, Chuck Stites, was received on October 1, 2008, regarding additional information the ZBA asked for at the August 14, 2008, public hearing. Two pieces of information regarding the site plan were included in the letter, as follows:
- (1) A floor plan of the proposed storage building was included, as follows:
    - (a) The building will be 42 feet by 60 feet overall.
    - (b) There are three overhead doors and one regular door on what appears to be the south side of the building. However, it seems likely that the directions on the floor plan are incorrect since placing the doors on the south side of the building would not allow them to be accessed from the proposed driveway expansion.
    - (c) Inside the building there is a 10 feet by 30 feet temperature controlled storage area for full and/or clean barrels. There is also an area without dimensions indicated for clean barrel storage outside but adjacent to the temperature controlled storage area.

(d) There is a hose station indicated in the corner near the temperature controlled storage area. There are also three floor drains indicated outside the storage area and one inside the storage area. A note indicates the floor drains will be tied into a subsurface private sewage system. The Public Health Department has standards regarding what can go into floor drains, so their approval of these floor drains should be a part of the special condition for private sewage disposal.

(e) An elevation was also provided for the proposed building and seems to indicate the building will look like a typical metal building in the rural districts.

(2) Mr. Stites also indicated that the cooler expansion proposed on the May 12, 2008, site plan would alleviate congestion that occurs during their busiest times. He also states that all his refrigeration units are located inside and they have no intention of installing any future units on the exterior of the building.

**2. Add the following as new Items 8.K.(10) and 8.K.(11) on Page 18 of 48 and renumber subsequent Items as necessary:**

(10) A letter from co-petitioner, Chuck Stites, received on October 1, 2008, indicates the following:

(a) Soil testing on the subject property has been completed.

(b) Both Lester Bushue of Bushue Soil Consulting and Jeff Blackford of Champaign County Health Department have stated that given the results of the tests the soils are suitable for a traditional septic tank and subsurface leach field.

(c) The contractor will be submitting permits to the County Health Department in a few weeks.

(11) Regarding the floor plan for the proposed bone barrel storage building that was received on October 1, 2008, there are several floor drains indicated inside the building and a hose station as well. The floor drains are indicated to be connected to a subsurface private sewage system. The Public Health Department does not generally approve floor drains in garages. The petitioners will have to work with the Health Department to design a space that can be used for cleaning bone barrels without creating a problem for any proposed septic system.

**3. Add the following as new Item 8.P. on Page 25 of 48 and renumber subsequent Items as necessary:**

P. Sheila Paul, 2425A CR 1225N, St. Joe, in a letter received on August 14, 2008, indicated the following:

- (1) Her dogs bring deer body parts to the door (heads, legs, spinal cords, etc.). She couldn't figure out where they were coming from because they looked like butchering left-overs.
- (2) She was recently told about the River Bend facility.
- (3) A place like [River Bend] does not seem to belong in a rural residential neighborhood.

**ATTACHMENTS**

- A Letter from Chuck Stites received on October 1, 2008
- B Floor plan of proposed bone barrel storage building received on October 1, 2008
- C Elevation of proposed bone barrel storage building received on October 1, 2008

September 30, 2008

To: J. R. Knight

From: Chuck Stites

Re: Information for Zoning Board of Appeals

RECEIVED  
OCT 01 2008  
CHAMPAIGN CO. P & Z DEPARTMENT

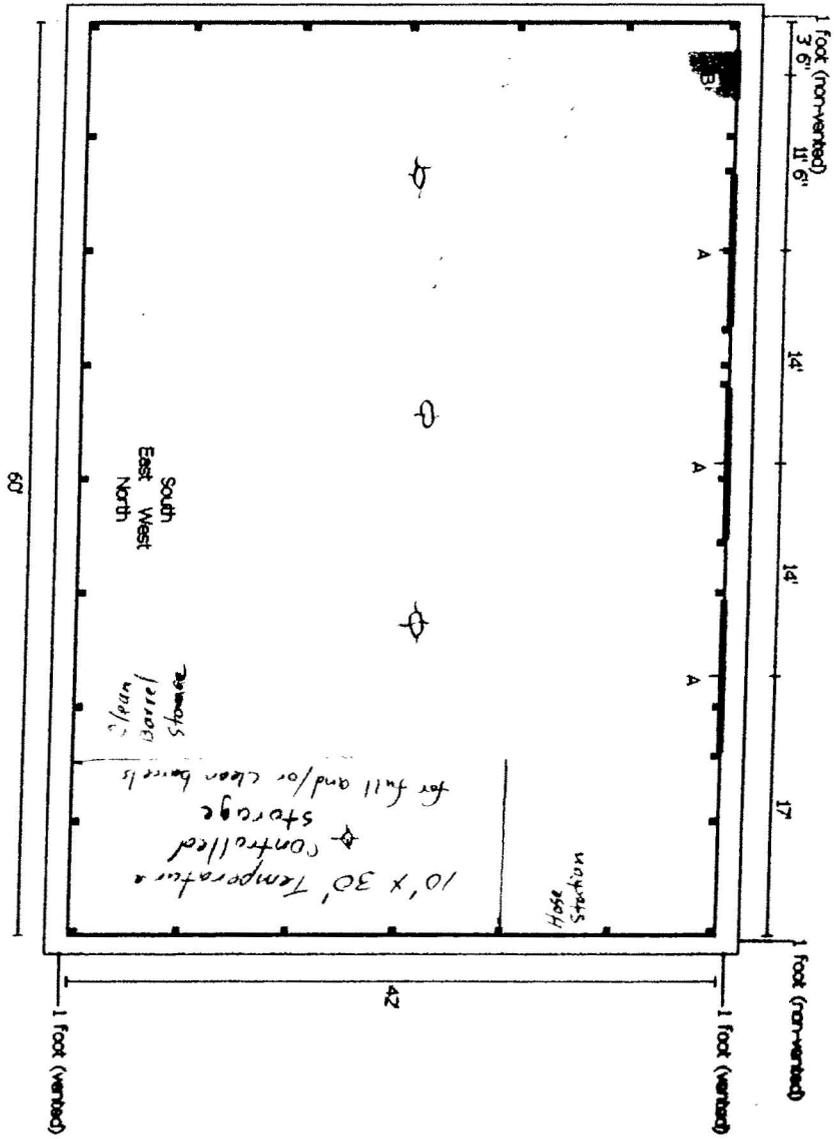
1. Regarding the wastewater treatment for the business. Soil testing has been completed. Both Lester Bushue of Bushue Soil Consulting and Jeff Blackford of Champaign County Health Department have stated that given the results of the tests, the soils are acceptable for traditional septic tank and subsurface leach field. The contractor is to come out this week to look the site over and submit the proper permits to the Health Department.
2. A floor plan of the proposed storage building is included. You will note that up to 10'x30' area may be used for full barrel storage. Empty, clean barrels may be kept in this area, or adjacent to it inside the building. A few clean barrels may be staged in the shed adjacent to the processing area, so that they are available during processing activities. Floor drains for the proposed storage building would be tied in with the subsurface discharge system for the business.
3. Cooler expansion. I was advised by the Zoning Office that I should include in the application for the Special Use Permit any possible building additions, remodels, and construction, which may be proposed within five years. Having more cooler space would lessen the congestion that we incur at our most busy times. This proposed addition of space was included on the previous site plan which you have on file. With regards to where any refrigeration condensing units are located, all of our refrigeration units are located indoors, and we have no intention of installing any future units on the exterior of the building.

RECEIVED

01/2008

CHAMPAIGN CO. P & Z DEPARTMENT

Flour drains connect  
to subsurface discharge

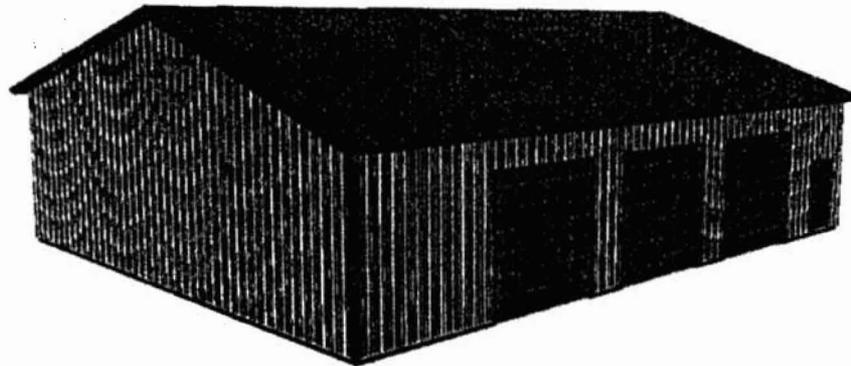


RECEIVED

OCT 01 2008

CHAMPAIGN CO. P & Z DEPARTMENT

Peak Height	20'6"
Soffit Height	12' 11.5"
Grade to Heel	12'
Roof Pitch	4/12



# CASE NO. 616-V-08

SUPPLEMENTAL MEMORANDUM

October 10, 2008

Champaign  
County  
Department of

Petitioners: **Charles and Mary Ellen  
Stites**

Request: **Authorize the reconstruction and use of a building to be used as a Major Rural Specialty Business with a side yard of four feet in lieu of the required side yard of 15 feet in the CR District.**



Site Area: **approx. 5.0 acres**

Time Schedule for Development:

**N/A**

Location: **A five acre tract in the East Half of the Southeast Quarter of the Northeast Quarter of Section 1 T.18 N. R 10 E. of Sidney Township and commonly known as River Bend Wild Game and Sausage Company at 1161 CR 2400E, St. Joseph.**

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

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

Prepared by: **J.R. Knight**  
Associate Planner  
**John Hall**  
Zoning Administrator

---

## STATUS

This is the third meeting for this case. It was continued from the August 14, 2008, public hearing along with related Zoning Case 610-S-08. New evidence is proposed to be added to the Summary of Evidence, it is included below.

Three special conditions of approval have been proposed and are also included below.

---

## NEW INFORMATION FOR SUMMARY OF EVIDENCE

### 1. Add the following as new Item 5.C. on Page 2 of 9:

- C. An expansion for the cooler that is part of the subject building was proposed as part of related Zoning Case 610-S-08. This cooler expansion is proposed to have a side yard of 10 feet, as follows:
- (1) Proposed special condition 12.A. prohibits the lean-to portion of the subject building from being rebuilt if it is ever damaged to greater than 50% of its replacement value.
  - (2) Should the lean-to need to be torn down, the cooler expansion would still require a variance.

## PROPOSED SPECIAL CONDITIONS OF APPROVAL

The following proposed special conditions of approval should be added to the Summary of Evidence under a new Item 12, but they are not formatted as they would appear in the Summary Evidence:

- A. The lean-to portion of the subject building is an illegal nonconforming structure, and while the variance would authorize its continued use, the petitioners should not be allowed to rebuild it if it is greatly damaged.

**If the lean-to portion of the River Bend Wild Game and Sausage Company business building is ever destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed.**

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

**The lean-to portion of the subject building is not rebuilt and used for business storage.**

- B. In conjunction with the previous condition the following condition makes it clear that the lean-to cannot be improved (i.e. by pouring a concrete floor if one does not exist already).

**The lean-to portion of the subject building may not be subject to any improvements, but only minor repairs that do not exceed 10% of the current replacement value of the lean-to structure in any period of 365 days.**

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

**The lean-to portion of the subject building is not improved but only subject to minor repairs to keep it a safe building.**

- C. The following condition restates a similar condition from related Zoning Case 610-S-08, which requires any new condensers be placed inside the subject building. The noise from condensers is a relevant concern in both cases and so the condition is included in both.

**Any new refrigeration units shall have all condensers located inside the building.**

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

**There is maximum noise shielding for neighboring residences.**

# CASE NO. 619-FV-08

SUPPLEMENTAL MEMORANDUM

October 10, 2008

Champaign  
County  
Department of

Petitioner: **Larry L. Peters**



Site Area: **11 acres**

Time Schedule for Development:  
**N/A**

Prepared by: **J.R. Knight**  
Associate Planner  
**John Hall**  
Zoning Administrator

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

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

Request: **Authorize as a variance from the Champaign County Special Flood Hazard Areas Ordinance the construction and occupancy of a dwelling in which the top of the garage floor is 0.83 feet below the Flood Protection Elevation of 690.3 instead of being at the Flood Protection Elevation; and the interior grade of the crawlspace is 2.3 feet below the lowest adjacent exterior grade instead of only 2.0 feet below the lowest adjacent exterior grade.**

Location: **An 11 acre tract in the West Half of the Southeast Quarter of the Northeast Quarter of Section 3 of Urbana Township and commonly known as the house at 2501 North Highcross Road, Urbana.**

---

## STATUS

This is the second meeting for this case. It was continued from the July 17, 2008, ZBA meeting. At that time the petitioner had passed away recently and there was no representative available to appear for the case.

Staff had a discussion with the deceased's widow at the time of the last hearing, and she agreed to reschedule the case until October. Two weeks ago staff had not heard back from her regarding whether she was ready to pursue the case. Since that time staff has attempted to contact Mrs. Peters, but have not been able to as yet. More information regarding the status of this case will be available at the meeting.

Included below are the background and other information usually include in the Preliminary Memorandum for a Zoning Case.

---

## BACKGROUND

Zoning Use Permit Application (ZUPA) 46-06-01FP was received on February 15, 2006, for a dwelling with an attached garage on the subject property. The dwelling and garage were proposed to comply with the *Special Flood Hazard Areas Ordinance* (SFHA). However, Berns, Clancy, and Associates completed a FEMA Elevation Certificate for the subject property and dwelling in February 2008, which indicated that the dwelling had not been constructed as proposed. The as-built elevations indicate the garage floor is lower than the flood protection elevation, and the crawlspace floor was too far below the lowest adjacent exterior grade. The living space for the dwelling was actually constructed higher than was proposed.

---

**FLOODPLAIN VARIANCE REQUIREMENTS**

As amended on February 6, 2003, the *Champaign County Special Flood Hazard Areas Ordinance (SFHA Ordinance)* requires a public hearing and recommendation by the Champaign County Zoning Board of Appeals (ZBA) for any proposed variance with the final determination by the Champaign County Board. The *SFHA Ordinance* also identifies seven conditions that must be met for any requested variance. See the Summary of Evidence. The ZBA can recommend any condition it determines necessary in order to meet the required conditions.

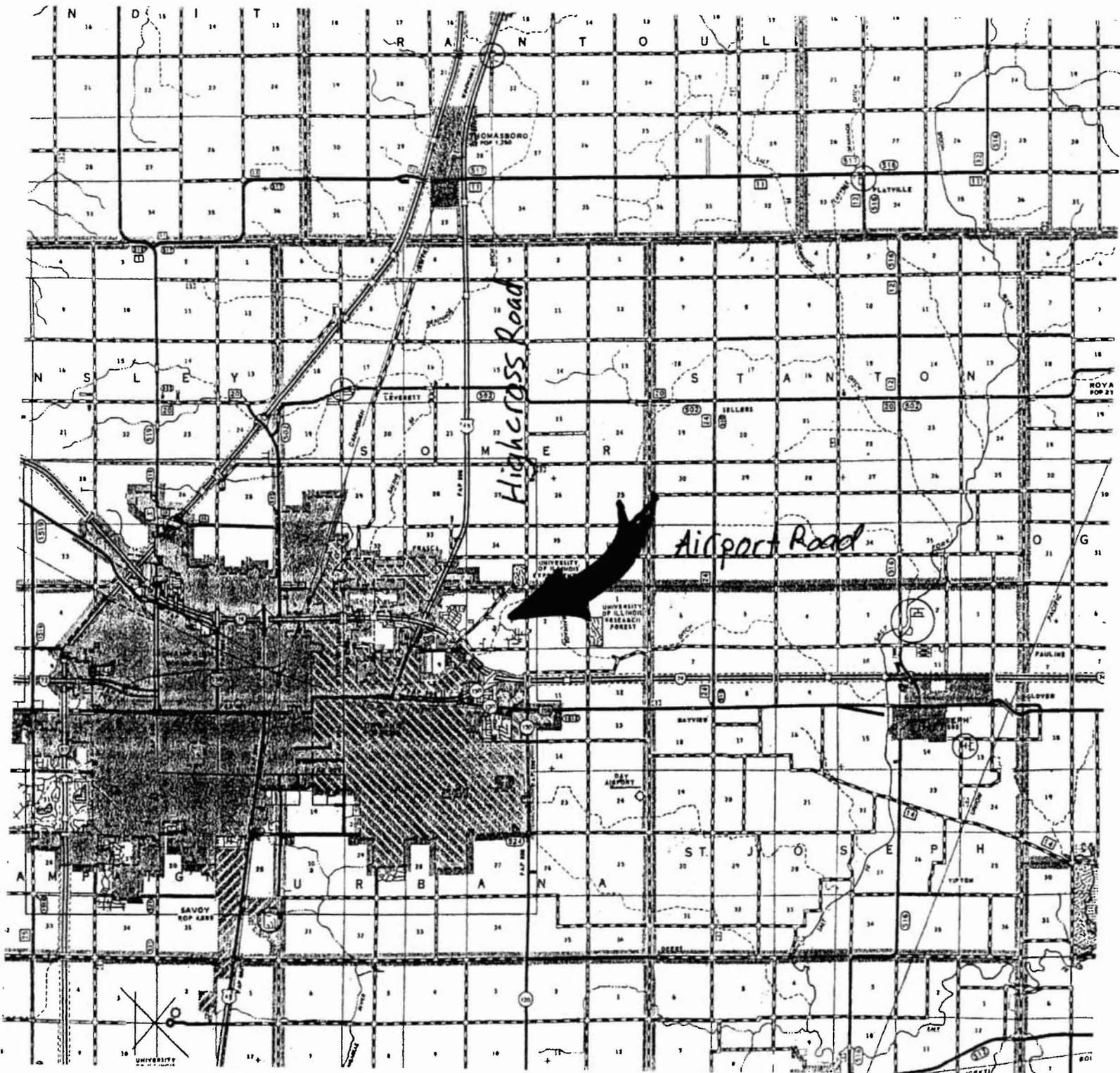
**ATTACHMENTS**

- A Zoning Case Maps for Case 619-FV-08 (Location, Land Use, and Zoning)
- B Excerpt from Flood Insurance Rate Map No. 1708940125B
- C Excerpt from proposed site plan for Zoning Use Permit 46-06-01FP
- D Photographs of crawlspace inspection on June 13, 2006
- E Elevation Certificate Letter from Ed Clancy dated February 12, 2008
- F Letter from Ken Carter received on June 9, 2008
- G Draft Finding of Fact for Case 619-FV-08

ATTACHMENT A. LOCATION MAP

Case 619-FV-08

OCTOBER 10, 2008



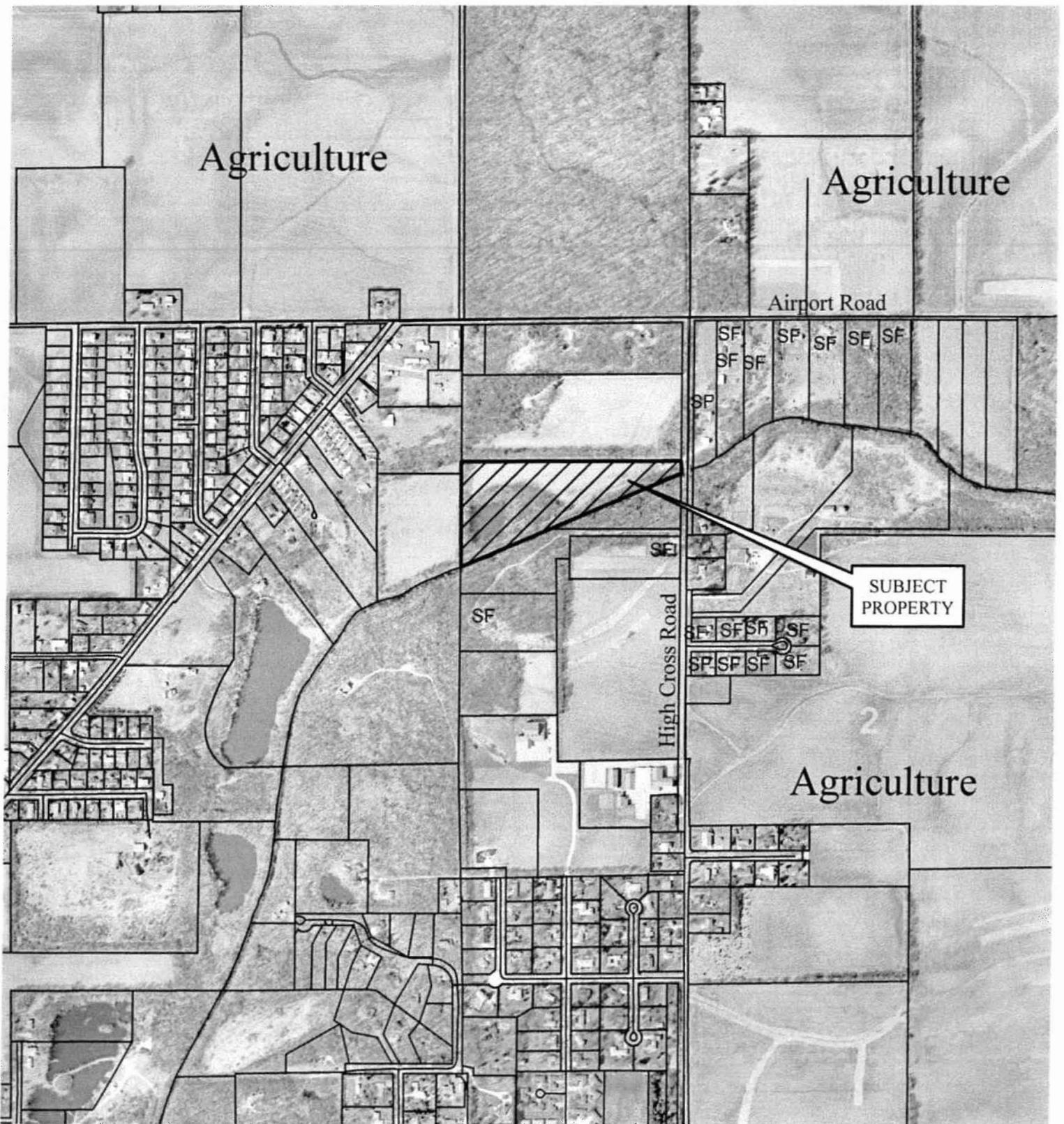
Champaign  
County  
Department of  
**PLANNING &  
ZONING**

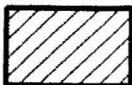
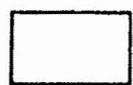
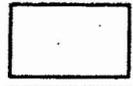


ATTACHMENT A. LAND USE MAP

Case 619-FV-08

OCTOBER 10, 2008



	<b>Area of Concern</b>	
	<b>Single Family</b>	
	<b>Farmstead</b>	



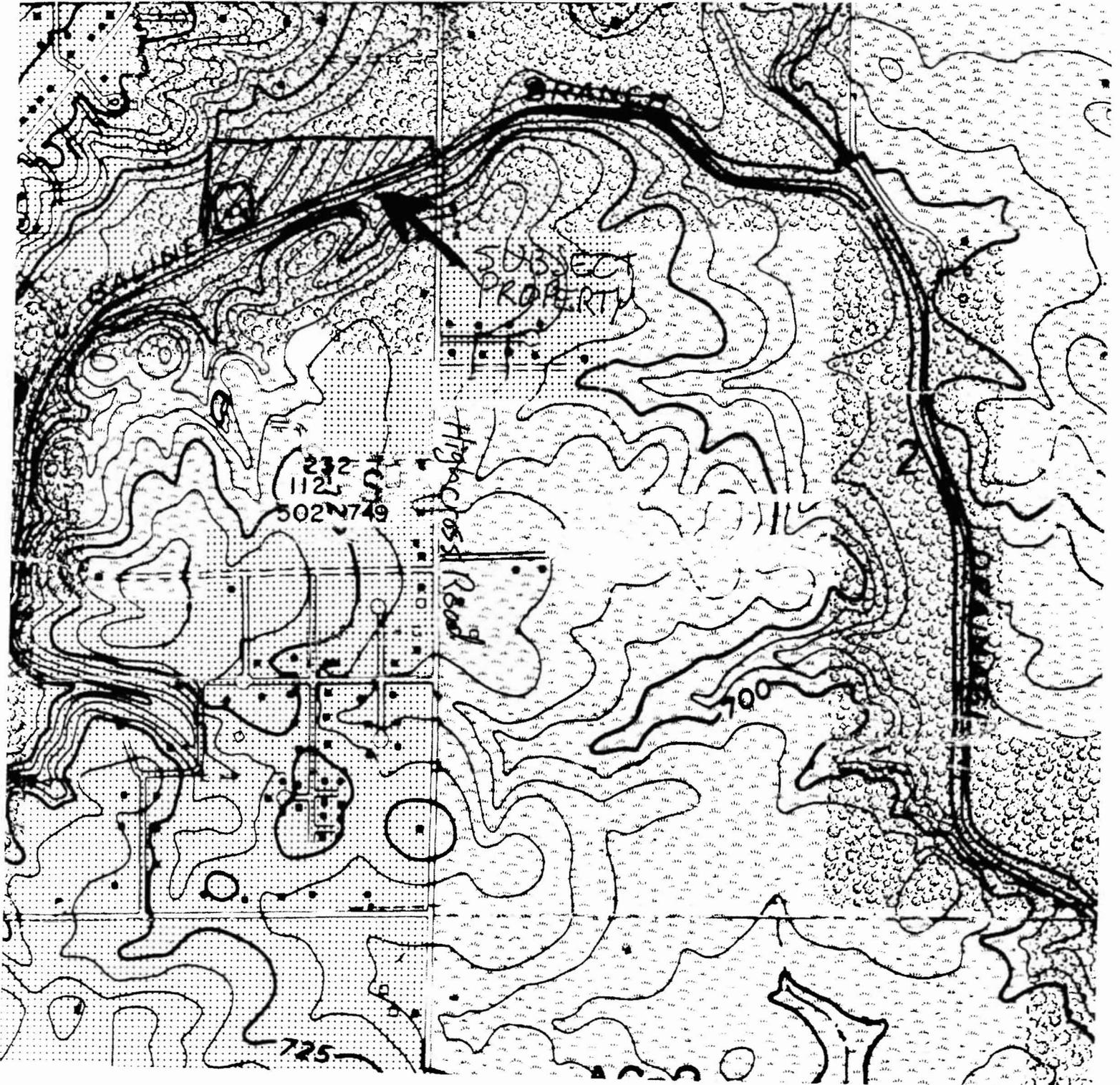
1 inch equals 800 feet

Champaign  
County  
Department of  
**PLANNING &  
ZONING**

ATTACHMENT A. ZONING MAP

Case 619-FV-08

OCTOBER 10, 2008



AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business	 NORTH Champaign County Department of <b>PLANNING &amp; ZONING</b>
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 Trade Center	B-4 General Business	I-2 Heavy Industry	

EXCERPT FROM FLOOD  
INSURANCE RATE MAPS

34

35

ZONE A

SUBJECT  
PROPERTY

ZONE C

3

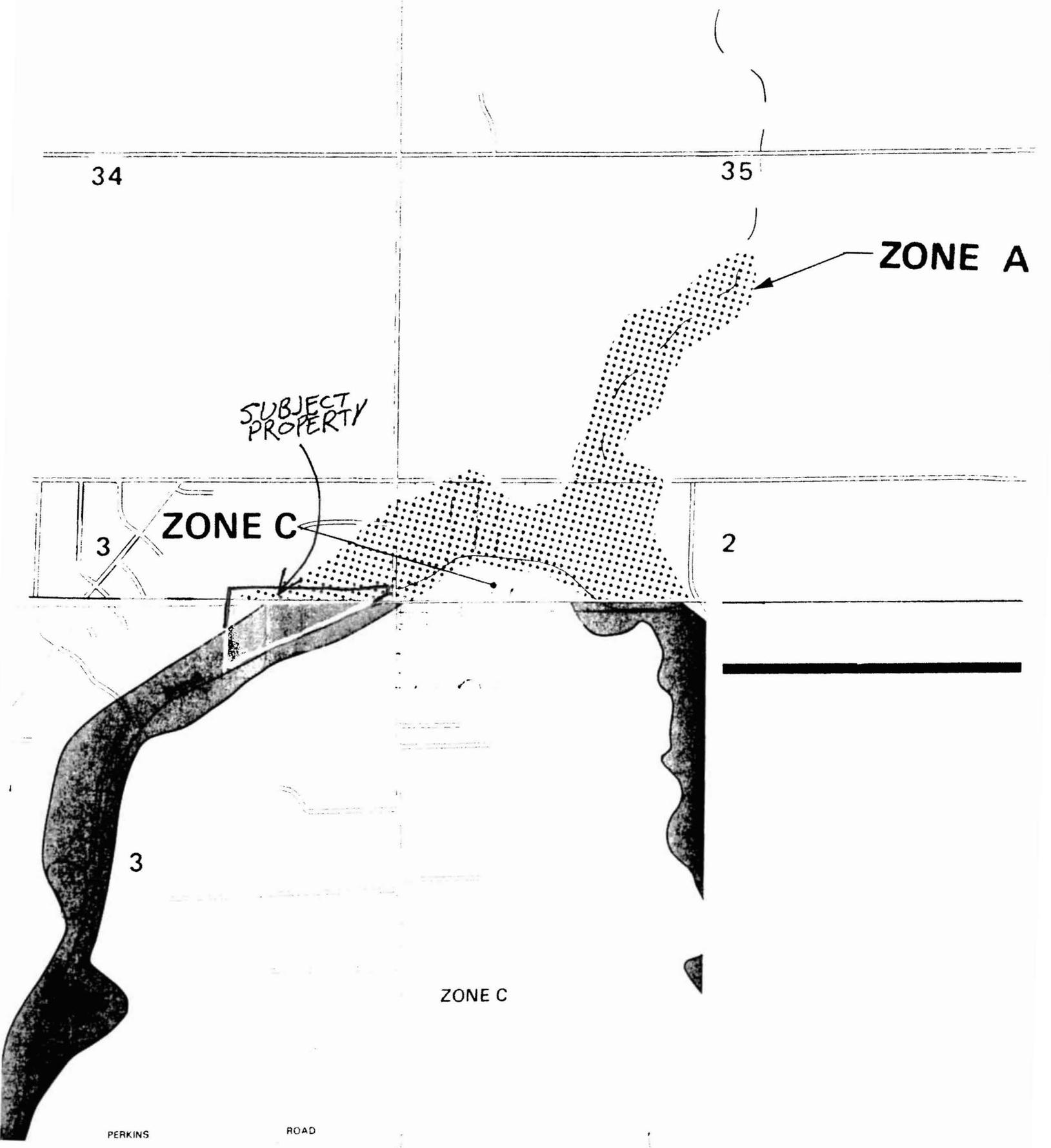
2

3

ZONE C

PERKINS

ROAD

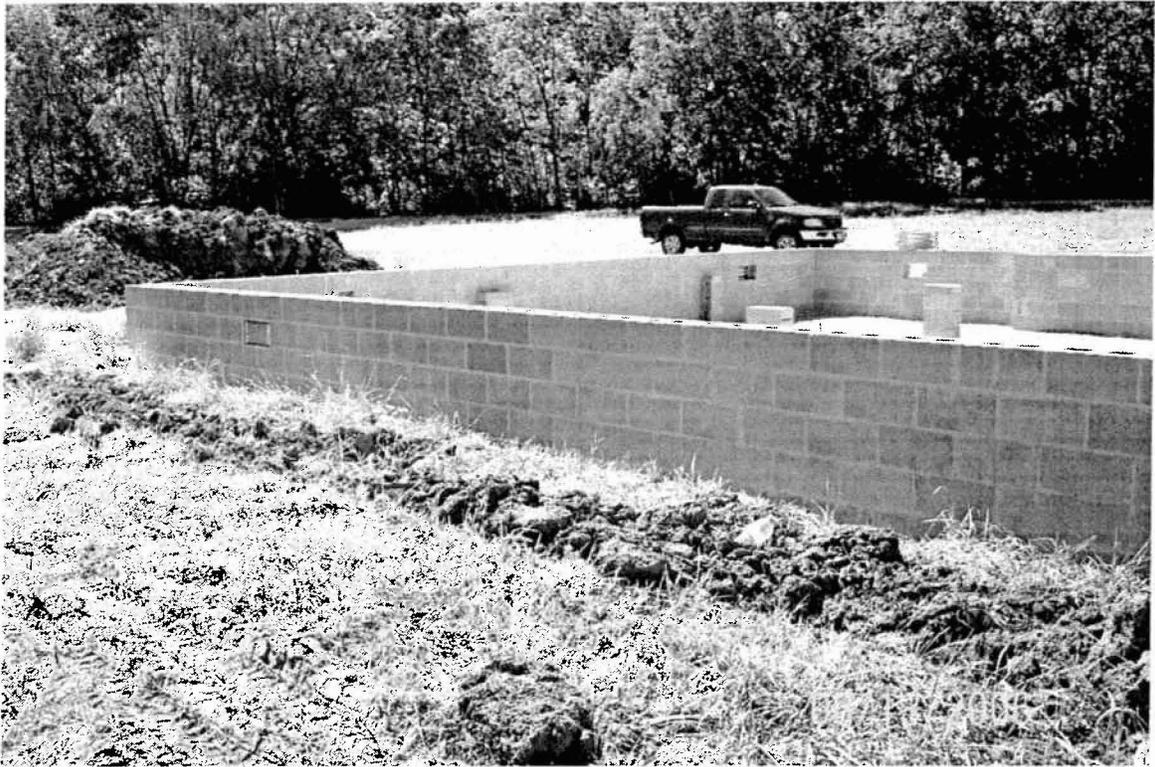


















**BERNS, CLANCY AND ASSOCIATES**

PROFESSIONAL CORPORATION

**ENGINEERS • SURVEYORS • PLANNERS**

February 12, 2008

RECEIVED

FEB 13 2008

CHAMPAIGN CO. P & Z DEPARTMENT

THOMAS BERNIS  
EDWARD CLANCY  
CHRISTOPHER BILLING  
DONALD WAUTHIER

BRIAN CHAILLE  
DENNIS CUMMINS  
DAN ROTHERMEL  
ANDREW LUETKEMEIER  
JOHN LYONS  
ROGER MEYER

MICHAEL BERNIS  
OF COUNSEL

**Mr. Larry Peters**  
**Larry Peters Realty**  
114 East University Avenue  
Champaign, Illinois 61820

**RE: FEDERAL EMERGENCY MANAGEMENT AGENCY  
NATIONAL FLOOD INSURANCE PROGRAM  
"AS-BUILT" ELEVATION CERTIFICATE FOR PART OF THE  
NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 19 NORTH,  
RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN  
URBANA TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS**

Dear **Mr. Peters**:

In response to your request, we completed a FEMA Elevation Certificate for subject site. We enclose three (3) originals for our Elevation Certificate. The Champaign County Planning and Zoning Department determined the Base Flood Elevation for subject site to be 689.5 feet (NAVD 1988 Datum) (Mean Sea Level).

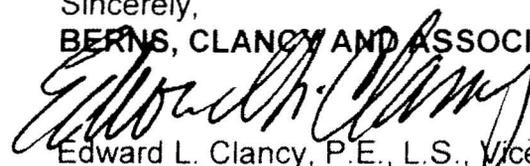
Subject site is occupied by a residence which is a one story building with a crawl space. Therefore subject site is designated as applicable to Diagram Number 4 of the Elevation Certificate. The datum utilized for this project is the North American Vertical Datum of 1988 (NAVD 1988), Mean Sea Level.

The elevation of the crawl space floor is 686.3 feet. The elevation of the top of the next higher floor of the house is 690.91 feet. We note the lowest grade adjacent to the residence (at the northeast corner of the sunroom) is 688.6 feet, or 0.9 feet below the Base Flood Elevation of 689.5 feet for this area.

The elevation of the garage floor is 689.47 feet. The elevation at the bottom of the Flood Vents is 688.27 feet.

We appreciate this opportunity to be of service to you. We are available to assist you with any other surveying and / or site / civil engineering services. Please contact us if you have any questions or comments.

Sincerely,  
**BERNS, CLANCY AND ASSOCIATES, P.C.**



Edward L. Clancy, P.E., L.S., Vice President

ELC:tt  
enclosures  
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# ELEVATION CERTIFICATE

OMB No. 1660-0008  
 Expires February 28, 2009

Important: Read the instructions on pages 1-8.

## SECTION A - PROPERTY INFORMATION

A1. Building Owner's Name <u>Larry L. Peters</u>	For Insurance Company Use: Policy Number
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. <u>2501 North Highcross Road</u> City <u>Urbana</u> State <u>IL</u> ZIP Code <u>61802</u>	Company NAIC Number

A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.)  
30-2103-226-006

A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) Residential

A5. Latitude/Longitude: Lat. 40° 08' 22.96" N Long. 088° 09' 52.52" W

Horizontal Datum:  NAD 1927  NAD 1983

A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.

A7. Building Diagram Number 4

- A8. For a building with a crawl space or enclosure(s), provide
- a) Square footage of crawl space or enclosure(s) 1,980 sq ft
  - b) No. of permanent flood openings in the crawl space or enclosure(s) walls within 1.0 foot above adjacent grade 10
  - c) Total net area of flood openings in A8.b 1,250 sq in
- A9. For a building with an attached garage, provide:
- a) Square footage of attached garage 871 sq ft
  - b) No. of permanent flood openings in the attached garage walls within 1.0 foot above adjacent grade none
  - c) Total net area of flood openings in A9.b 0 sq in

## SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1. NFIP Community Name & Community Number <u>County of Champaign 170894</u>		B2. County Name <u>Champaign</u>		B3. State <u>IL</u>	
B4. Map/Panel Number <u>125 and 185</u>	B5. Suffix <u>B</u>	B6. FIRM Index Date <u>3/01/84</u>	B7. FIRM Panel Effective/Revised Date <u>3/01/84</u>	B8. Flood Zone(s) <u>A</u>	B9. Base Flood Elevation(s) (Zone AO, use base flood depth) <u>689.5</u>

B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9.

- FIS Profile  FIRM  Community Determined  Other (Describe) \_\_\_\_\_

B11. Indicate elevation datum used for BFE in Item B9:  NGVD 1929  NAVD 1988  Other (Describe) \_\_\_\_\_

B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)?  Yes  No  
 Designation Date \_\_\_\_\_  CBRS  OPA

## SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

- C1. Building elevations are based on:  Construction Drawings\*  Building Under Construction\*  Finished Construction  
 \*A new Elevation Certificate will be required when construction of the building is complete.
- C2. Elevations – Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO. Complete Items C2.a-g below according to the building diagram specified in Item A7.  
 Benchmark Utilized BCA BM 2827 Vertical Datum NAVD 1988  
 Conversion/Comments BCA BM 2827, Elev 692.60 feet Chiseled Square on NW Wing Wall of Bridge

Check the measurement used.

- a) Top of bottom floor (including basement, crawl space, or enclosure floor) 686.3  feet  meters (Puerto Rico only)
- b) Top of the next higher floor 690.91  feet  meters (Puerto Rico only)
- c) Bottom of the lowest horizontal structural member (V Zones only) ---  feet  meters (Puerto Rico only)
- d) Attached garage (top of slab) 689.47  feet  meters (Puerto Rico only)
- e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment in Comments) 687.5  feet  meters (Puerto Rico only)
- f) Lowest adjacent (finished) grade (LAG) 688.6  feet  meters (Puerto Rico only)
- g) Highest adjacent (finished) grade (HAG) 689.1  feet  meters (Puerto Rico only)

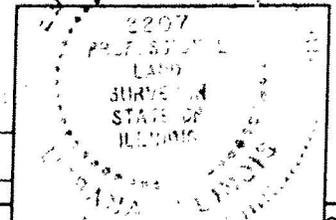
## SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

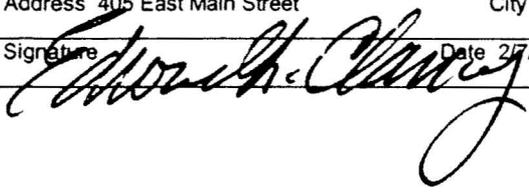
This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Check here if comments are provided on back of form.

Certifier's Name Edward L. Clancy

License Number ILS 2207



Title Vice President	Company Name Berns, Clancy and Associates		
Address 405 East Main Street	City Urbana	State IL	ZIP Code 61802
Signature 	Date 2/7/08	Telephone 217-384-1144	

<b>IMPORTANT: In these spaces, copy the corresponding information from Section A.</b>	For Insurance Company Use:
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 2501 North Highcross Road	Policy Number
City Urbana State IL ZIP Code 61802	Company NAIC Number

**SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION (CONTINUED)**

Copy both sides of this Elevation Certificate for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments BCA BM 2827 is on Highcross Road Bridge over Saline Branch, 0.1 mile south of Airport Road. Bottom of Flood Vents, Elevation 688.27 feet. Item C e: Lowest elevation of machinery is the bottom of the ductwork air mixing chamber, other machinery is above first floor (690.91 feet).

Signature	Date 2/7/08	<input type="checkbox"/> Check here if attachments
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**SECTION E - BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)**

For Zones AO and A (without BFE), complete Items E1-E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1-E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

- E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).
- a) Top of bottom floor (including basement, crawl space, or enclosure) is \_\_\_\_\_  feet  meters  above or  below the HAG.  
b) Top of bottom floor (including basement, crawl space, or enclosure) is \_\_\_\_\_  feet  meters  above or  below the LAG.
- E2. For Building Diagrams 6-8 with permanent flood openings provided in Section A Items 8 and/or 9 (see page 8 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is \_\_\_\_\_  feet  meters  above or  below the HAG.
- E3. Attached garage (top of slab) is \_\_\_\_\_  feet  meters  above or  below the HAG.
- E4. Top of platform of machinery and/or equipment servicing the building is \_\_\_\_\_  feet  meters  above or  below the HAG.
- E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance?  Yes  No  Unknown. The local official must certify this information in Section G.

**SECTION F - PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION**

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. *The statements in Sections A, B, and E are correct to the best of my knowledge.*

Property Owner's or Owner's Authorized Representative's Name Larry L. Peters			
Address 2501 North Highcross Road	City Urbana	State IL	ZIP Code 61802
Signature	Date	Telephone 217-344-4342	
Comments			

Check here if attachments

**SECTION G - COMMUNITY INFORMATION (OPTIONAL)**

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8. and G9.

- G1.  The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)
- G2.  A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.
- G3.  The following information (Items G4.-G9.) is provided for community floodplain management purposes.

G4. Permit Number	G5. Date Permit Issued	G6. Date Certificate Of Compliance/Occupancy Issued
-------------------	------------------------	---

- G7. This permit has been issued for:  New Construction  Substantial Improvement
- G8. Elevation of as-built lowest floor (including basement) of the building: \_\_\_\_\_  feet  meters (PR) Datum \_\_\_\_\_
- G9. BFE or (in Zone AO) depth of flooding at the building site: \_\_\_\_\_  feet  meters (PR) Datum \_\_\_\_\_

Local Official's Name	Title
Community Name	Telephone
Signature	Date
Comments	

Check here if attachments

# Building Photographs

See Instructions for Item A6.

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 2501 North Highcross Road	For Insurance Company Use: Policy Number
City Urbana State IL ZIP Code 61802	Company NAIC Number
If using the Elevation Certificate to obtain NFIP flood insurance, affix at least two building photographs below according to the instructions for Item A6. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." If submitting more photographs than will fit on this page, use the Continuation Page, following.	



# Building Photographs

Continuation Page

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 2501 North Highcross Road	For Insurance Company Use: Policy Number
City Urbana State IL ZIP Code 61802	Company NAIC Number
If submitting more photographs than will fit on the preceding page, affix the additional photographs below. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View."	



To Planning & Zoning

RECEIVED

JUN 09 2008

Re: LARRY PETERS

CHAMPAIGN CO. P & Z DEPARTMENT

2501 N. Highcross Road

URBANA IL 61802

To Raise Garage Floor up 10-12 inches would  
Require:

- 1) SUPPORT EXISTING GARAGE ROOF AREA
- 2) REMOVE SIDING AND DRYWALL BOTTOM 1/2
- 3) SHORTEN STUDS 12"
- 4) LAY 1 AND 1/2 COURSES CONCRETE BLOCK
- 5) SET WALLS BACK TO FOUNDATION
- 6) REMOVE GARAGE DOORS (2) AND 1 WALK DOOR
- 7) RAISE HEADERS UP 12"
- 8) REMOVE EXISTING GARAGE FLOOR
- 9) ADD FILL SAND AS NECESSARY ~~AND~~ REPOUR FLOOR
- 10) REINSTALL GARAGE DOORS, SIDING DRYWALL AND PAINT

NOTE:

~~IT~~ MUST ALSO RAISE FRONT PORCH APPX 6" ALSO  
SIDE WALKS AND GARAGE SPOOP. THIS WOULD ALSO REQUIRE  
TO RAISE CONCRETE FRONT APPROACH TO MATCH UP TO  
NEW GARAGE FLOOR. BRING ADDITIONAL BLACK DIRT FOR  
NEW GRADE.

ESTIMATED COST: \$ 23,500 TO \$ 28,000 MATERIAL: LASER

*PRELIMINARY DRAFT*

619-FV-08

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

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

Date: October 16, 2008

Petitioner: Larry L. Peters

Request: Authorize as a variance from the Champaign County Special Flood Hazard Areas Ordinance the construction and occupancy of a dwelling in which the top of the garage floor is 0.83 feet below the Flood Protection Elevation of 690.3 instead of being at the Flood Protection Elevation; and the interior grade of the crawlspace is 2.3 feet below the lowest adjacent exterior grade instead of only 2.0 feet below the lowest adjacent exterior grade.

---

**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 17, 2008, and October 16, 2008**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner, Larry L. Peters, owns the subject property.
2. The subject property is an 11 acre tract in the West Half of the Southeast Quarter of the Northeast Quarter of Section 3 of Urbana Township and commonly known as the house at 2501 North Highcross Road, Urbana.
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 a single family dwelling.
  - B. Land to the north, east, west, and south of the subject property is zoned CR Conservation-Recreation, and is in use as single family dwellings.

**GENERALLY REGARDING THE PROPOSED SITE PLAN**

5. The proposed site plan consists of the proposed site plan for related Floodplain Development Permit (FDP) 46-06-01FP and a letter from Edward Clancy, P.E., L.S., dated February 12, 2008, that describes the as-built elevations of the various parts of the subject dwelling, as follows:
  - A. The proposed site plan for FDP 46-06-01FP indicates the following regarding the construction of the subject dwelling:
    - (1) It was proposed to be located 425 feet from the east property line, approximately 160 feet from the south property line, and 35 feet from the north property line.
    - (2) The top of the first floor was proposed to be constructed at an elevation of 690.5 feet.
    - (3) The top of the slab that is the garage floor was proposed to be constructed at 690.5 feet.
  - B. The letter from Ed Clancy, P.E., L.S., dated February 12, 2008, describes the as-built elevations for various parts of the subject dwelling, as follows:
    - (1) The elevation of the crawlspace floor is 686.3 feet.
    - (2) The elevation of the top of the next highest floor of the dwelling is 690.91.
    - (3) The lowest grade adjacent to the dwelling (at the northeast corner of the sunroom) is 688.6 feet.
    - (4) The elevation of the garage floor is 689.47 feet.
  - C. Detached shed built in ZUPA 121-04-01 is located 90 feet from the south property line; approximately 200 feet from the north property line; and approximately 640 feet from the west property line.

**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.
  - (6) “IDNR/OWR” is the Illinois Department of Natural Resources/Office of Water Resources.
- B. Paragraph 7A. requires that the construction or placement of a new building valued at more than \$1,000 or 70 square feet 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.
- D. Paragraph 7G allows buildings to be constructed with crawlspaces provided the following:
- (1) The building must be designed to resist floatation, collapse, and lateral movement resulting from hydrodynamic and hydrostatic loads.
  - (2) Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures.
  - (3) The interior grade of the crawlspace below the flood protection elevation must not be more than 2.0 feet below the lowest adjacent exterior grade.

**PRELIMINARY DRAFT**

- (4) The interior height of the crawlspace measured from the interior grade to the top of the foundation wall must not exceed four feet.
  - (5) An adequate drainage system must be installed to remove flood waters.
  - (6) Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage.
  - (7) Utility systems within the crawlspace must be elevated above the flood protection elevation.
- E. 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**

8. 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, **"Whole lot in floodplain."**
  - B. An excerpt of Flood Insurance Rate Map 1708940180 was attached to the Preliminary Memorandum and the subject property has been drawn at the proper scale. Only a small portion of the lot appears to be outside the SFHA.

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

9. 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, “**Would have to modify whole 3 car garage – very expensive.**”
- B. The subject dwelling was proposed to be constructed in compliance with the SFHA Ordinance, but was not actually constructed as proposed.
- C. Regarding the possible modification of the subject dwelling to comply with the *Special Flood Hazard Areas Ordinance*, Ken Carter, contractor for the petitioner, in a letter received on June 9, 2008, indicated that to raise the garage floor 10 to 12 inches would require the following:
  - (1) Supporting the existing garage roof area.
  - (2) Removing the siding and drywall from the bottom half of the walls.
  - (3) Shortening the studs 12 inches.
  - (4) Laying one and one-half courses of concrete block.
  - (5) Setting the walls back to the foundation.
  - (6) Removing both garage doors and the walk door.
  - (7) Raising the headers up 12 inches.
  - (8) Removing the existing garage floor.
  - (9) Adding fill sand as necessary and then pouring a new garage floor.
  - (10) Reinstalling garage doors, siding, drywall, and paint.
  - (11) Raising the garage would also necessitate raising the front porch, sidewalks, and garage stoop.
  - (12) The approximate cost for these modifications is \$23,500 to \$28,000 for all materials and labor.
- D. The interior grade of the crawlspace would also require modifications that would raise the crawlspace floor four to five inches.

***GENERALLY REGARDING WHETHER THE RELIEF REQUESTED IS THE MINIMUM NECESSARY***

- 10. Generally regarding the SFHA Ordinance requirement that the relief requested is the minimum necessary:
  - A. The Petitioner has testified on the application that, “**Already built structure – can’t be any higher than already is.**”

*PRELIMINARY DRAFT*

- B. Regarding the subject dwelling; this is the minimum variance possible as any change to the amount of variance requested would require raising the garage and crawlspace floors.
- C. The crawlspace was inspected by Zoning Officer, Jamie Hitt on June 13, 2006. The inspection verified that the flood vents and interior drain system had been installed and that the crawlspace would not be over four feet high. The final grading was not complete. Photographs from the inspection indicate that the garage floor was being poured on that day.

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

- 11. 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, **“Just a garage, not living space.”**
  - B. Neither the garage nor crawlspace are habitable space.

*GENERALLY REGARDING WHETHER THERE WILL BE ADDITIONAL PUBLIC EXPENSE*

- 12. 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, **“Just a garage, not living space.”**
  - B. The garage floor being lower than the Flood Protection Elevation will not increase public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities, although flood damage could occur to the garage walls or items stored on the garage floor.

*GENERALLY REGARDING WHETHER THE CIRCUMSTANCES ARE UNIQUE*

- 13. 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 seventeenth 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.

*GENERALLY REGARDING WHETHER ALL OTHER REQUIRED PERMITS HAVE BEEN OBTAINED*

- 14. Regarding whether all other required state and federal permits have been obtained:
  - A. The petitioner has had a licensed engineer complete a FEMA Elevation Certificate for the subject property.

**DOCUMENTS OF RECORD**

1. Floodplain Variance Application from Larry Peters submitted on April 29, 2008
2. Preliminary Memorandum for Case 619-FV-08
3. Supplemental Memorandum for Case 619-FV-08 dated October 10, 2008, with attachments:
  - A Zoning Case Maps for Case 619-FV-08 (Location, Land Use, and Zoning)
  - B Excerpt from Flood Insurance Rate Map No. 1708940125B
  - C Excerpt from proposed site plan for Zoning Use Permit 46-06-01FP
  - D Photographs of crawlspace inspection on June 13, 2006
  - E Elevation Certificate Letter from Ed Clancy dated February 12, 2008
  - F Letter from Ken Carter received on June 9, 2008
  - G Draft Finding of Fact for Case 619-FV-08

**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **619-FV-08** held on **July 17, 2008 and October 16, 2008**, the Zoning Board of Appeals of Champaign County finds that:

1. The development activity *{CAN / CAN NOT}* be located outside the floodplain because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. An exceptional hardship *{WOULD / WOULD NOT}* result if the floodplain variance were not granted because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. The relief requested *{IS / IS NOT}* the minimum necessary because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. The requested floodplain variance *{WILL / WILL NOT}* result in any additional threat to public health and safety or creation of a nuisance because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. The requested floodplain variance *{WILL / 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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. The applicant's circumstances *{ARE / ARE NOT}* unique and *{DO / DO NOT}* establish a pattern inconsistent with the National Flood Insurance Program because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. All other required state and federal permits *{HAVE / HAVE NOT}* been obtained.

**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/ HAVE NOT}** been met, and determines that:

The Floodplain Variances requested in Case 527-FV-05 is hereby **{GRANTED / GRANTED WITH CONDITIONS / DENIED}** to the petitioner, **Larry L. Peters**, to authorize as a variance from the Champaign County Special Flood Hazard Areas Ordinance the construction and occupancy of a dwelling in which the top of the garage floor is 0.83 feet below the Flood Protection Elevation of 690.3 instead of being at the Flood Protection Elevation; and the interior grade of the crawlspace is 2.3 feet below the lowest adjacent exterior grade instead of only 2.0 feet below the lowest adjacent exterior grade.

**{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS}**

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

# CASE NO. 628-V-08

SUPPLEMENTAL MEMORANDUM

October 10, 2008

Champaign  
County  
Department of

Petitioners: **Virgil and Susie Roderick**



Site Area: **approx. 6,600 square feet**

Time Schedule for Development:  
**Immediate**

Prepared by: **J.R. Knight**  
Associate Planner  
**John Hall**  
Zoning Administrator

Request: **Authorize the following in the I-1 Light Industry District:**

- A. **The construction and use of an industrial building with two side yards that are each five feet in width in lieu of the required 10 feet.**
- B. **No loading berth in lieu of the requirement for one loading berth.**
- C. **The use of a parking space with a front yard of zero feet in lieu of the required front yard of 10 feet.**
- D. **The use of a parking space with a front yard of five feet in lieu of the required front yard of 10 feet.**

Location: **Lots 109, 110, 131, and 132 in Wilbur Heights Subdivision in Section 31 of Somer Township and commonly known as the house at 311 Paul Avenue and the vacant lot at 312 Wilbur Avenue in Champaign.**

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## *STATUS*

This is the second meeting for this case. This case was continued from the September 25, 2008, ZBA meeting. The Petitioners submitted a revised site plan on September 26, 2008, and the case has been readvertised to reflect the changes in the site plan.

The Summary of Evidence has also been revised throughout to reflect the changes from the original proposed site plan to the revised site plan.

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## **ATTACHMENTS**

- A Revised site plan received on September 26, 2008
- B Revised Draft Summary of Evidence for Zoning Case 628-V-08



*PRELIMINARY DRAFT*

628-V-08

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

---

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

Date: October 16, 2008

Petitioners: Virgil and Susie Roderick

Request: Authorize the following in the I-1 Light Industry District:

- A. The construction and use of an industrial building with two side yards that are each ~~one foot~~ five feet in width in lieu of the required 10 feet.
- B. ~~The use of a loading berth with a side yard of one foot in lieu of the required side yard of 5 feet~~ No loading berth in lieu of the requirement for one loading berth.
- C. The use of a parking space with a front yard of zero feet in lieu of the required front yard of 10 feet ~~and a side yard of one foot in lieu of the required side yard of five feet.~~
- D. The use of a parking space with a front yard of five feet in lieu of the required front yard of 10 feet ~~and a side yard of one foot in lieu of the required side yard of five feet.~~

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**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted **September 25, 2008 and October 16, 2008**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioners, Virgil and Susie Roderick, own the subject property.
2. The subject property is Lots 109, 110, 131, and 132 in Wilbur Heights Subdivision in Section 31 of Somer Township and commonly known as the house at 311 Paul Avenue and the vacant lot at 312 Wilbur Avenue in Champaign.
3. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Champaign. Municipalities do not have protest rights in 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 and all the property surrounding it is zoned I-1 Light Industry.
  - B. The subject property is currently vacant.
  - C. Land to the east of the subject property is in use as a single family dwelling and a vacant manufactured home.
  - D. Land to the west of the subject property is in use as a single family dwelling and a delivery business.
  - E. Land to the south of the subject property is in use as a warehouse.

**GENERALLY REGARDING THE PROPOSED SITE PLAN**

5. Generally regarding the revised ~~proposed~~ site plan received on September 26, 2008, the subject property is currently vacant. The petitioner proposes to construct a new building, as follows:
  - A. The proposed building will be ~~2,592~~60 square feet in area. It will be ~~408~~ feet wide ~~in the rear and 36 feet wide in the front with a 12 feet wide loading dock on the east side of the building.~~ The building will be entirely open inside, as follows:
    - (1) A note on the site plan indicates there will be no office or restroom inside the building. However, the Illinois Plumbing Code requires at least one restroom be provided inside every place of employment.
    - (2) Section 905.20 "General Requirements" of the Private Sewage Disposal Code requires that a non-residential property with a sewage flow of less than 1500 gallons per day must connect to a public sanitary sewer system if it is within 200 feet of the property.
    - (3) As indicated on the Sanitary Sewer Map (Attachment E of the Preliminary Memorandum) the subject property is approximately 250 feet from the closest available public sanitary sewer system. Thus the subject property could use a private sewage disposal system if available.
    - (4) In a phone conversation on September 18, 2008, co-petitioner Susie Roderick told J.R. Knight, Associate Planner, that there was an existing septic system on the subject property that was located just north of the proposed building.
  - B. The building will have a side yard of ~~one foot~~ five feet on the east and west sides of the building.
  - C. There will be an accessible parking space in front of the proposed building, as follows:
    - (1) On the proposed site plan the accessible parking space is proposed to be ~~20~~ 16 feet by ~~24~~ 25 feet; giving it a front yard of ~~one foot~~ zero feet.

ITEM 5.C. CONTINUED

- (2) ~~Although the accessible parking space is indicated on the site plan as being 20 feet by 24 feet, the Zoning Administrator has determined that the proper dimensions for the space are 16 feet by 25 feet, which would give the space a front yard of zero feet and the legal advertisement reflects this change.~~
- D. ~~Another parking space will be located on the east side of the front of the building and drive leading to the loading berth;~~ it will have a front yard of five feet and a side yard of ~~one foot~~ eight feet.
- E. There is no exterior loading berth.
- F. The petitioners own all Lots 109, 110, 131, and 132, and use them as follows:
- (1) In the Comments for Review of Site Plan that were submitted with the Site Plan received on September 5, 2008, the petitioners indicate that they use the rear of Lots 109 and 110 as part of the rear yard for their house, which is located on Lots 131 and 132.
  - (2) The petitioners also indicate that if access to the rear yard of Lots 109 and 110 is needed for some reason associated with the proposed building they will grant access.
  - (3) Rear yard access is also indicated to be possible with the permission of property owners on the east side of Lots 109 and 110.
- G. The petitioners indicate there will be no outdoor storage or operations on the subject property.

**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES**

6. Regarding specific *Zoning Ordinance* requirements relevant to this case:
- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested variance (capitalized words are defined in the Ordinance):
- (1) "BUILDING, MAIN or PRINCIPAL" is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
  - (2) "BUILDING RESTRICTION LINE" is a line usually parallel to the FRONT, side, or REAR LOT LINE set so as to provide the required YARDS for a BUILDING or STRUCTURE.
  - (3) "ESTABLISHMENT" is a business, retail, office, or commercial USE. When used in the singular this term shall be construed to mean a single USE, BUILDING, STRUCTURE, or PREMISES of one of the types here noted.
  - (4) "LOT" is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
  - (5) "LOT LINES" are the lines bounding a LOT.

ITEM 6.A. CONTINUED

- (6) "LOT LINE, FRONT" is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.
  - (7) "LOT LINE, REAR" is any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE or to a tangent to the midpoint of the FRONT LOT LINE. In the case of a triangular or gore shaped LOT or where the LOT comes to a point opposite the FRONT LOT LINE it shall mean a line within the LOT 10 feet long and parallel to and at the maximum distance from the FRONT LOT LINE or said tangent.
  - (8) "VARIANCE" is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or the Zoning Board of Appeals are permitted to grant.
  - (9) "YARD" is an OPEN SPACE, other than a COURT, of uniform depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.
  - (10) "YARD, FRONT" is a YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each abut a STREET RIGHT-OF-WAY both such YARDS shall be classified as FRONT YARDS.
  - (11) "YARD, SIDE" is a YARD situated between a side LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT and extending from the rear line of the required FRONT YARD to the front line of the required REAR YARD.
- B. Section 5.3 specifies the required minimum side yards for main or principal buildings or structures in the I-1 District is 10 feet.
- C. Subparagraph 7.4.1.A.3. specifies the location requirements for parking spaces, as follows:
- (1) No parking space shall be located less than 10 feet from any FRONT LOT LINE.
  - (2) No parking space shall be located less than five feet from any side or REAR LOT LINE.
- D. Subparagraph 7.4.2.A.4. specifies that no loading berth shall be located less than five feet from any side or REAR LOT LINE.
- E. The Department of Planning and Zoning measures yards and setbacks to the nearest wall line of a building or structure and the nearest wall line is interpreted to include overhanging balconies, projecting window and fireplace bulkheads, and similar irregularities in the building footprint. A roof overhang is only considered if it overhangs a property line.

ITEM 6. CONTINUED

- F. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
    - (a) That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
    - (b) That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
    - (c) That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
    - (d) That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
    - (e) That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
  - (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9D.2.
- G. Paragraph 9.1.9.E. of the *Zoning Ordinance* authorizes the ZBA to prescribe appropriate conditions and safeguards in granting a variance.

**GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT**

7. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
- A. The Petitioners have testified on the application that, **“The property is too narrow to build on without the variance.”**
  - B. The subject property is nonconforming with regard to average lot width and lot area because it was created before the adoption of the *Zoning Ordinance* on October 10, 1973.
  - C. The building would have to be no more than 30 feet wide to conform to the requirements of Section 5.3 and avoid the need for a variance.

ITEM 7. CONTINUED

- D. There is an existing septic system located just north of the proposed building's location.

**GENERALLY REGARDING ANY PRACTICAL DIFFICULTIES OR HARDSHIPS RELATED TO CARRYING OUT THE STRICT LETTER OF THE ORDINANCE**

8. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
- A. The Petitioners have testified on the application that, **“Without the variance, a usable building could not be built on the parcel.”**
- B. The subject property is a nonconforming lot that is 50 feet narrower than is required for the I-1 District. However, Wilbur Heights is an old residential neighborhood, but even if the subject property were zoned in the R-2 District the subject property would still be 15 feet narrower than is required in the *Zoning Ordinance*.
- C. In regard to the side yard variances, purchase of additional land that would make the subject property conforming does not appear feasible at this time because of the following:
- (1) There are structures on both neighboring properties.
- (2) At the September 25, 2008, ZBA meeting Larry Roderick, son of the petitioners, testified that his grandmother owned the lot to the east, and would be unwilling to sell that lot.
- D. In regard to the front yard variances for the parking spaces, the proposed building's location is necessary to make use of the existing septic system on the subject property.
- E. In regard to the front yard variance for the accessible parking space, the subject property is required to have one accessible parking space, and due to the size of the property the pad for the space must be 16 feet by 25 feet, necessitating a zero foot front yard.
- F. A site plan received on September 5, 2008, indicated a building that was 2,592 square feet in area and averaged 40.5 feet wide. That site plan included an exterior 12 feet by 40 feet loading berth on the east side of the building. That building required a variance for one foot side yards on each side. In regard to the side yard variance for the accessible parking space, locating this space next to the front door reduces the amount of pavement necessary on the subject property.

**GENERALLY PERTAINING TO WHETHER OR NOT THE PRACTICAL DIFFICULTIES OR HARDSHIPS RESULT FROM THE ACTIONS OF THE APPLICANT**

9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
- A. The Petitioners have testified on the application that, **“No.”**
- B. Wilbur Heights Subdivision was platted before the adoption of the *Zoning Ordinance* on October 10, 1973.

ITEM 9. CONTINUED

- C. The existing septic system was originally constructed to serve a single family dwelling on the subject property that has since been torn down.

**GENERALLY PERTAINING TO WHETHER OR NOT THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE**

10. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
- A. The Petitioners have testified on the application that, **“The neighboring property owners do not object to this variance.”**
- B. Larry Roderick, son of the co-petitioners, provided a signed statement that indicated he would be operating a business out of the proposed building and that there would be no outdoor operations or storage on the subject property.
- C. The Zoning Ordinance does not clearly state the considerations that underlay the side and rear yard requirements. In general, the side and rear yards are presumably intended to ensure the following:
- (1) Adequate light and air: The closest neighboring structure on the west has a greater than required side yard which would make up for the smaller side yard on the subject property. However, the closest structure on the east has a nonconforming side yard and the proposed structure would be much closer to that structure than is normally allowed.
  - (2) Separation of structures to prevent conflagration: Structures in the rural zoning districts are generally located farther from fire protection stations than structures in the urban districts and the level of fire protection service is generally somewhat lower given the slower response time. The subject property is within the Eastern Prairie Fire Protection District and the station is approximately 1,000 feet east of the subject property.
  - (3) Adequate area for property development and maintenance. The proposed five foot side yards should provide adequate space for erection of the building and for future property maintenance.
  - (4) Aesthetics may also play a part in minimum yard requirements.
  - (5) Septic systems are usually located in the rear yard. There is no indication on the proposed site plan of the location of the septic system. In a phone conversation with J.R. Knight, Associate Planner, on September 19, 2008, Susie Roderick, co-petitioner, indicated that there is an existing septic system located just north of the proposed building’s location on the site plan.
- D. Off-street loading berths are presumably required to minimize congestion in the street when deliveries are made. Larry Roderick, testified at the September 25, 2008, public hearing that there would be no on-street loading.

ITEM 10. CONTINUED

- E. The subject property requires the following amounts of variance:
- (1) The proposed building side yards of ~~one foot~~ five feet are ~~±50%~~ of the required 10 feet for a variance of 950%.
  - (2) ~~The loading berth side yard of one foot is 20% of the required five feet for a variance of 80%. The variance from the requirement for one loading berth is not a numerical variance, but is effectively a 100% variance.~~
  - (3) The parking space front yard of zero feet is 0% of the required 10 feet for a variance of 100% ~~and the side yard of one foot is 20% of the required 5 feet for a variance of 80%.~~
  - (4) The parking space front yard of five feet is 50% of the required 10 feet for a variance of 50% ~~and the side yard of one foot is 20% of the required 10 for a variance of 80%.~~
- E. The subject property meets all other requirements of the *Zoning Ordinance*.
- F. The requested variance is not prohibited by the *Zoning Ordinance*.

**GENERALLY PERTAINING TO THE EFFECTS OF THE REQUESTED VARIANCE ON THE NEIGHBORHOOD AND THE PUBLIC HEALTH, SAFETY, AND WELFARE**

11. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
- A. The Petitioners have testified on the application that, **“The planned construction would enhance the neighborhood.”**
  - B. A letter was received on September 4, 2008, from neighbors Loretta Marlowe and Beulah Roderick that indicated that they had no objection to the proposed variances.
  - C. A letter was received on September 5, 2008, from a neighbor to the subject property, however, it is unclear which property the neighbor owns and where they are located with regard to the subject property.
  - D. Beulah Roderick provided a signed statement that if emergency or necessary vehicular access were required to the rear yard of the subject property it could be obtained by going around the east side of the vacant manufactured home on her property.
  - E. The Fire Protection District has received notice of this variance, and in a phone conversation on September 12, 2008, Mike Kobel, chief of Eastern Prairie Fire Protection District, told J.R. Knight, Associate Planner, that he had no concerns regarding access to the subject property.
  - F. ~~The proposed side yards of one foot will not allow construction activities to take place entirely on the subject property, requiring a certain amount of trespassing to take place. The petitioners~~

~~have obtained a signed statement from one neighbor that authorizes “emergency or necessary vehicular access” onto that property, but a similar statement has not been received from the owners of the property on the other side of the subject property.~~

- G. The Township Highway Commissioner has also received notice of this variance, but no comments have been received.
12. Elsewhere on the application the petitioner has testified, **“The planned construction is consistent with the neighborhood.”**

**DOCUMENTS OF RECORD**

1. Variance application from Virgil and Susie Roderick, received on June 30, 2008, with attachments:
  - A Site plan
2. Letter from Loretta Marlowe and Beulah Roderick received on September 4, 2008
3. Revised site plan with comments received on September 5, 2008
4. Letter from neighbor received on September 5, 2008
5. Signed statements from Loretta Marlowe and Beulah Roderick; and Larry Roderick
6. Preliminary Memorandum for Case 628-V-08, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Site Plan received on September 5, 2008
  - C Comments for Review of Site Plan received on September 5, 2008
  - D Excerpt of Section 905.20 of the Illinois Private Sewage Disposal Code
  - E Sanitary Sewer Map
  - F Letter from Loretta Marlowe and Beulah Roderick received on September 4, 2008
  - G Letter from neighbor received on September 5, 2008
  - H Signed statement from Loretta Marlowe and Beulah Roderick received on September 5, 2008
  - I Signed statement from Larry Roderick received on September 5, 2008
  - J Preliminary Draft Summary of Evidence for Zoning Case 628-V-08
7. Supplemental Memorandum dated September 25, 2008, with attachment:
  - A Section 5.3 of the Zoning Ordinance
8. Revised Site Plan received on September 26, 2008
9. Supplemental Memorandum dated October 10, 2008, with attachment:
  - A Revised site plan received on September 26, 2008
  - B Revised Draft Summary of Evidence for Zoning Case 628-V-08

**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **628-V-08** held on **September 25, 2008, and October 16, 2008**, the Zoning Board of Appeals of Champaign County finds that:

1. Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* in harmony with the general purpose and intent of the *Ordinance* because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{WILL / WILL NOT}* be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***

**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 9.1.9.C *{HAVE/HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Variance requested in Case 628-V-08 is hereby *{GRANTED/GRANTED WITH CONDITIONS/DENIED}* to the petitioners, **Virgil and Susie Roderick**, to authorize the following in the I-1 Light Industry District:

- A. **The construction and use of an industrial building with two side yards that are each five feet one foot in width in lieu of the required 10 feet.**
- B. **~~The use of a loading berth with a side yard of one foot in lieu of the required side yard of 5 feet. No loading berth in lieu of the requirement for one loading berth.~~**
- C. **The use of a parking space with a front yard of zero feet in lieu of the required front yard of 10 feet ~~and a side yard of one foot in lieu of the required side yard of five feet.~~**
- D. **The use of a parking space with a front yard of five feet in lieu of the required front yard of 10 feet ~~and a side yard of one foot in lieu of the required side yard of five feet.~~**

*{SUBJECT TO THE FOLLOWING CONDITION(S):}*

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