

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

NOTICE OF REGULAR MEETING

Date: **May 30, 2013**
Time: **7:00 P.M.**
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
5. Continued Public Hearings

**Note: The full ZBA packet is now available
on-line at: www.co.champaign.il.us.**

Case 685-AT-11 Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance by revising Section 6.1 by adding standard conditions required for any County Board approved special use permit for a Rural Residential Development in the Rural Residential Overlay district as follows:

- (1) Require that each proposed residential lot shall have an area equal to the minimum required lot area in the zoning district that is not in the Special Flood Hazard Area;
- (2) Require a new public street to serve the proposed lots in any proposed RRO with more than two proposed lots that are each less than five acres in area or any RRO that does not comply with the standard condition for minimum driveway separation;
- (3) Require a minimum driveway separation between driveways in the same development;
- (4) Require minimum driveway standards for any residential lot on which a dwelling may be more than 140 feet from a public street;
- (5) Require for any proposed residential lot not served by a public water supply system and that is located in an area of limited groundwater availability or over a shallow sand and gravel aquifer other than the Mahomet Aquifer, that the petitioner shall conduct groundwater investigations and contract the services of the Illinois State Water Survey (ISWS) to conduct or provide a review of the results;
- (6) Require for any proposed RRO in a high probability area as defined in the Illinois State Historic Preservation Agency (ISHPA) about the proposed RRO development undertaking and provide a copy of the ISHPA response;
- (7) Require that for any proposed RRO that the petitioner shall contact the Endangered Species Program of the Illinois Department of Natural Resources and provide a copy of the agency response.

6. New Public Hearings

***Case 748-V-13 Petitioner: L.A Gourmet Catering, with owners Annie and Lauren Murray and landowner Jack Murray**

Request: Authorize 5 employees to be present on the subject property in lieu of the maximum of 2 for a Rural Home Occupation on a lot larger than five acres in the AG-1 District.

Location: An 11.7 acre tract located in the Southeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 22 of Condit Township and commonly known as the farmhouse and buildings at 2607 CR 1000E, Champaign.

7. Staff Report

8. Other Business

- A. Review of the Docket
- B. March 2013 Monthly Report

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

10. Adjournment

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

CASE NO. 748-V-13

PRELIMINARY MEMORANDUM

May 23, 2013

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708

Petitioner: **L.A. Gourmet Catering, LLC**

Site Area: **11.7 acres**

Time Schedule for Development: **Existing**

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

Request: Authorize 5 employees to be present on the subject property in lieu of the maximum of 2 for a Rural Home Occupation on a lot larger than five acres in the AG-1 District.

Location: An 11.7 acre tract located in the Southeast Corner of the Southeast Quarter of the Southeast Quarter of Section 22 of Condit Township and commonly known as the farmhouse and buildings at 2607 CR 1000E, Champaign.

BACKGROUND

L.A. Gourmet Catering, LLC, requests a variance from the maximum number of employees who perform work onsite at the Rural Home Occupation (RHO) located at 2607 CR 1000E, Champaign. The RHO for the catering kitchen was authorized by ZUPA No. 35-04-01 RHO, and the building it operates out of was authorized by ZUPA No. 204-90-02. Currently, the petitioner has 5 non-resident employees who perform work at their kitchen located at 2607 CR 1000E, Champaign, which exceeds the maximum allowed non-resident employee limit of 2 employees. There are no new employees who will report to the subject property and there is no proposed expansion of the building. Most of the current employees perform work onsite and offsite. The days and hours onsite and offsite vary for each employee, but all are present at certain times.

The five non-resident employees include Annie Murray and Lauren Murray-Miller who both resided on the premises when the RHO was established, but neither of whom resides on the premises today. Currently the *Zoning Ordinance* does not exempt family members who lived on the premises when the RHO was established from being counted as a non-resident employee. Case 732-AT-12 is a pending text amendment that proposes to exempt family members who lived on the premises when the RHO was established from being counted as a non-resident employee. If Case 732-AT-12 is adopted as currently proposed, neither Annie nor Lauren would be included in the number of non-resident employees reporting to the RHO. The total number would be 3 employees which would exceed the limit by 1 employee. A list of employees is attached (Attachment B).

EXTRATERRITORIAL JURISDICTION

The subject property is not within the one and one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning.

EXISTING LAND USE AND ZONING**Table 1. Land Use and Zoning in the Vicinity**

Direction	Land Use	Zoning
Onsite	Agriculture/Residential	AG-1 Agriculture
North	Agriculture	AG-1 Agriculture
East	Agriculture/Residential	AG-1 Agriculture
West	Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

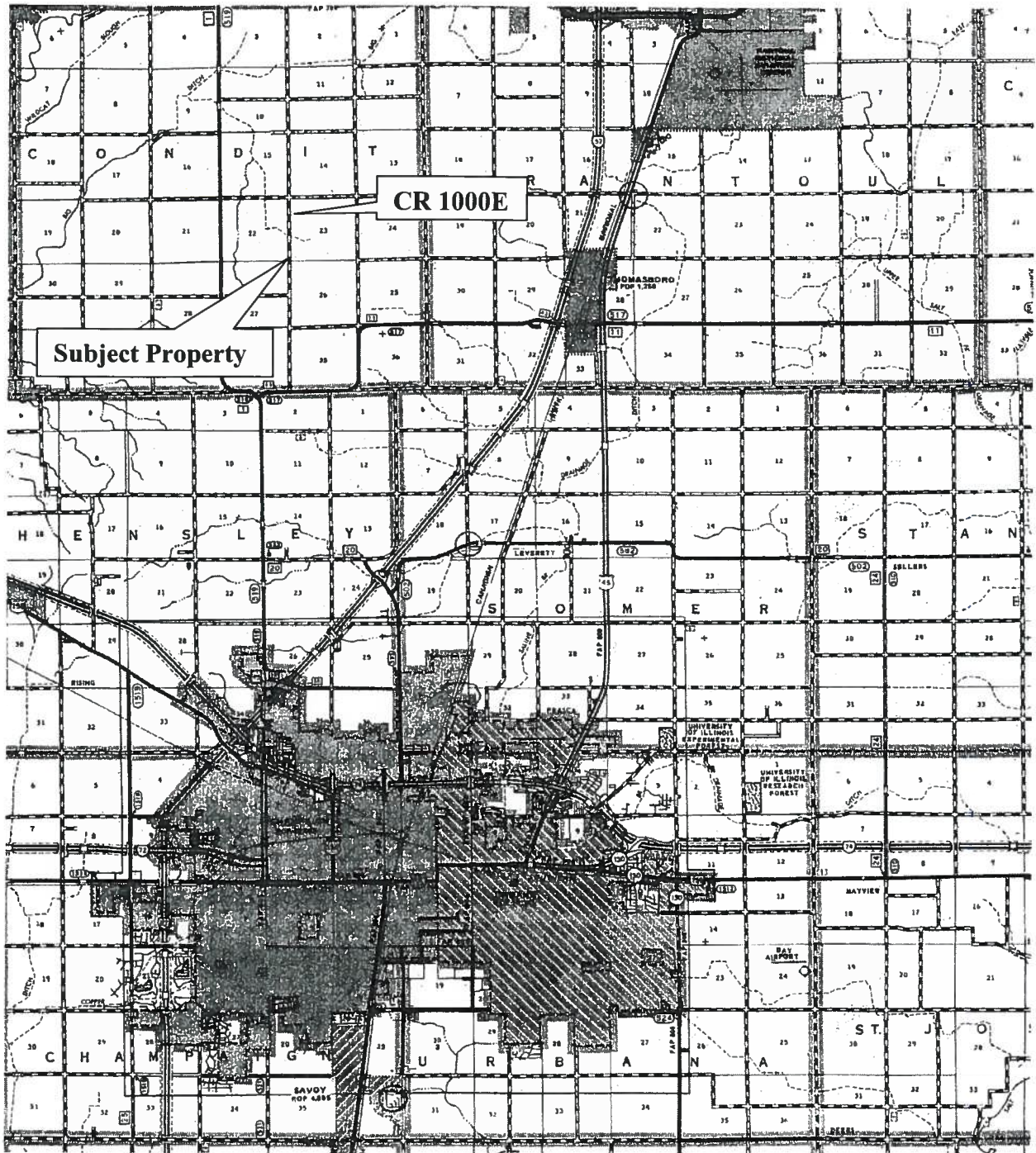
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B List of Employees received May 3, 2013
- C Site Plan received May 3, 2013
- D Draft Summary of Evidence, Finding of Fact, and Final Determination (attached separately)

ATTACHMENT A. LOCATION MAP

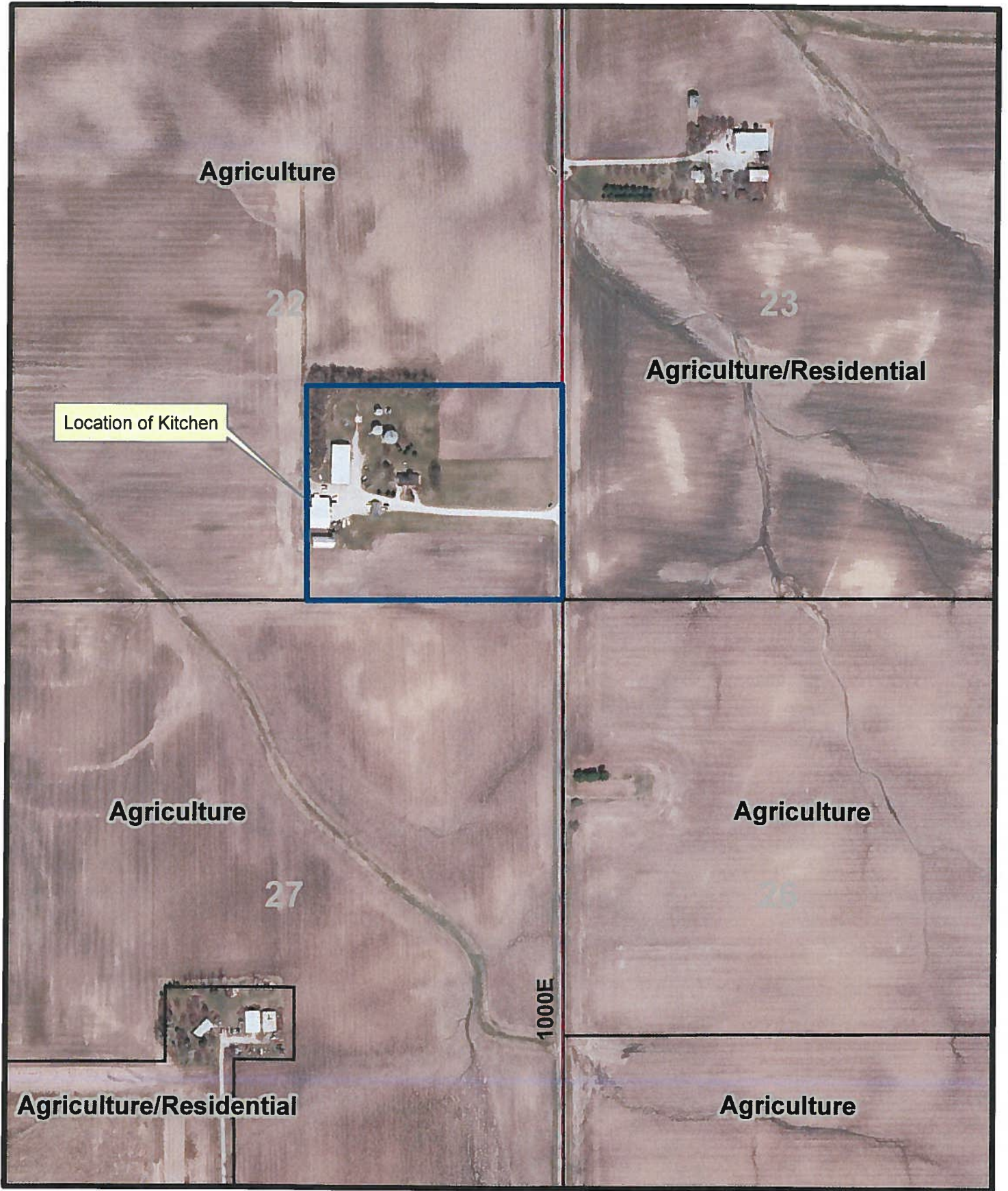
Case 748-V-13

May 23, 2013



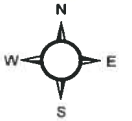
Champaign
County
Department of
**PLANNING &
ZONING**

Attachment A: Land Use Map
Case 748-V-13
May 23, 2013



 Subject Property

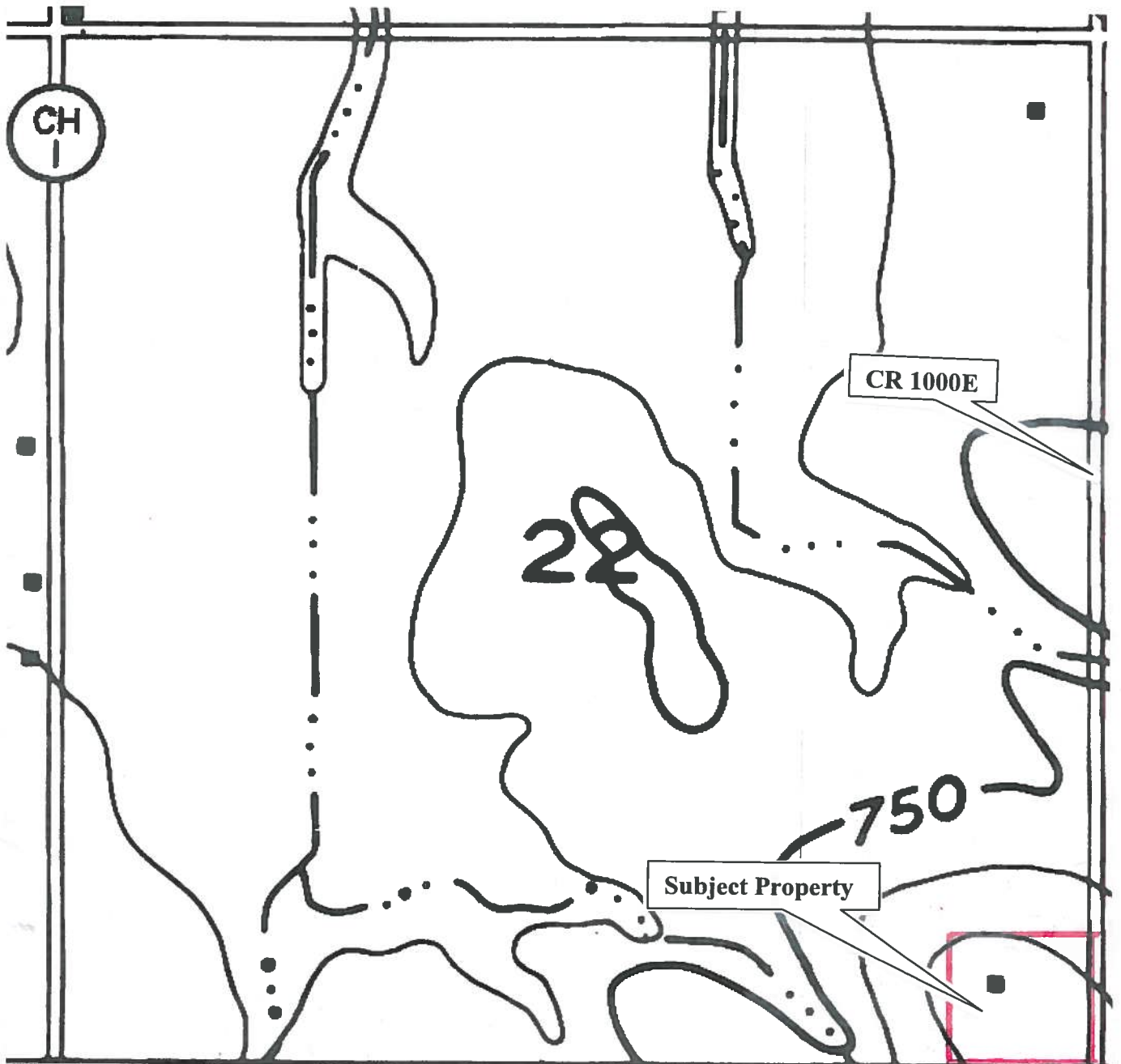
1 inch = 400 feet



ATTACHMENT A. ZONING MAP

Case: 748-V-13

May 23, 2013



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 PLANNING & ZONING
AG-2 Agriculture	R-2 Single Family Residence	R-5 Mobile Home Park	B-3 Highway Business	I-1 Light Industry	
CR Conservation- Recreation	R-3 Two-family Residence	B-1 Rural Trade Center	B-4 General Business	I-2 Heavy Industry	

RECEIVED

MAY 03 2013

L.A. Gourmet
Catering

CHAMPAIGN CO. P & Z DEPARTMENT

Fax

Planning & Zoning -
To: Andy KASS
From: Anne Murray
Fax: 817-819-4021
Pages:
Phone:
Date:
Re: LAGC.
cc:

Urgent For Review Please Comment Please Reply Please Recycle

• Comments:

Full Time Employees:

- Annie Murray - M-S - 6am - 3pm
- Lauren Murray - Fri+Sat - 8am - 3pm
- Sarah Kelkems - Murray seed + LAGC
Office Manager
M-F 8am - 4pm
- Mel Doll - LAGC - @Kitchen M-T 7-3
- @events / W-S 12-8
- Paige Kirby - @events 25-35 hrs/week
@Kitchen 5hrs

Part-time Employees - 19 Part-time Event Staff.
Always off premise

RECEIVED

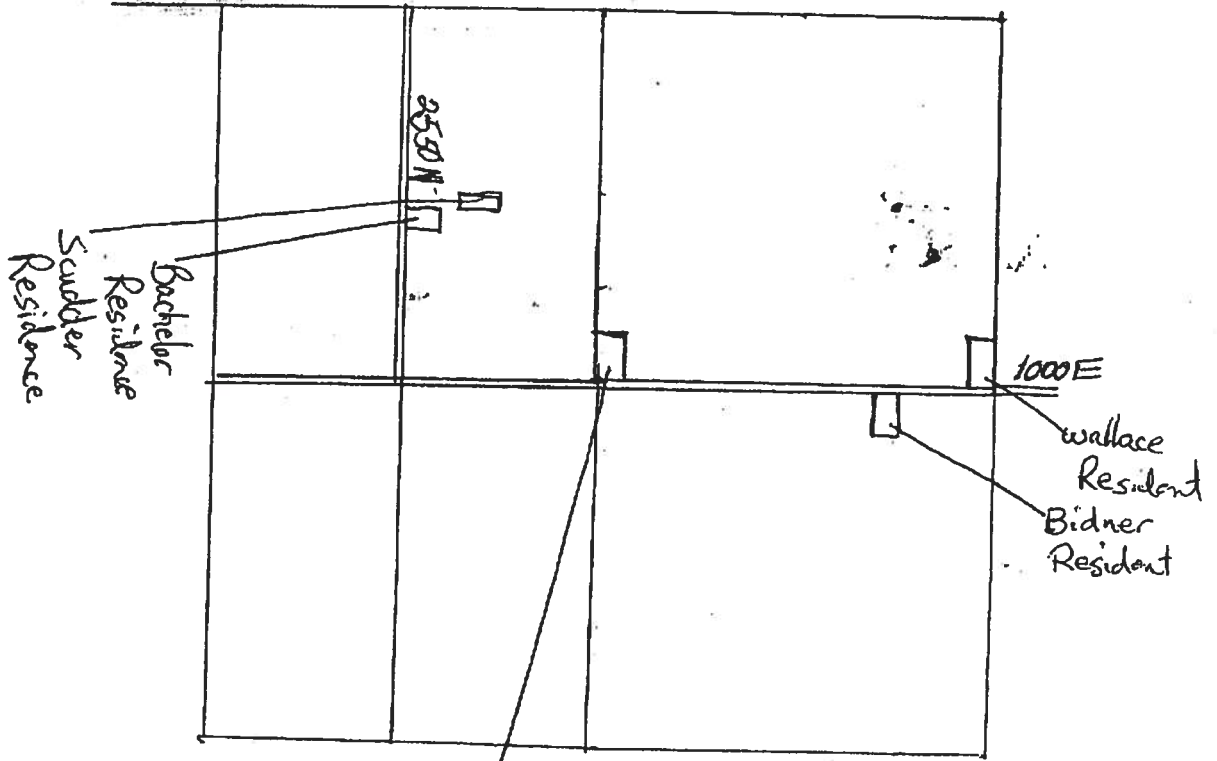
MAY 03 2013

CHAMPAIGN CO. P. & Z DEPARTMENT

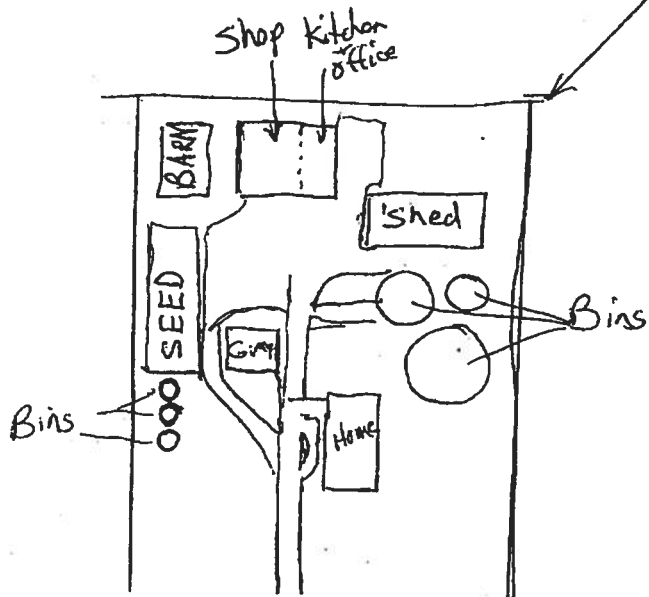
eat well. entertain often. impress always

Annie Murray
Lauren Murray

2607 County Rd 1000E
Champaign, IL 61822
Office 217-643-7205
Fax 217-643-3701
lagourmetcatering@gmail.com
www.lagourmetcatering.com



Subject Property
Jack Murray Residence



P. 2

MAY 03 13 05:58p

PRELIMINARY DRAFT

748-V-13

**SUMMARY OF EVIDENCE, FINDING OF FACT,
AND FINAL DETERMINATION**

**of
Champaign County Zoning Board of Appeals**

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

Date: **May 30, 2013**

Petitioners: **L.A. Gourmet Catering, LLC**

Request: Authorize 5 employees to be present on the subject property in lieu of the maximum of 2 for a Rural Home Occupation on a lot larger than five acres in the AG-1 District.

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **May 30, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioners Anne Murray and Lauren Murray-Miller own L.A. Gourmet Catering, LLC and Jack Murray owns the subject property.
2. The subject property consists of an 11.7 acre tract located in the Southeast Corner of the Southeast Quarter of the Southeast Quarter of Section 22 of Condit Township and commonly known as the farmhouse and buildings at 2607 CR 1000E, Champaign.
3. The subject property is not within the one and one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning.

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 AG-1 Agriculture, and is in residential and agricultural use.
 - B. Land to the north is zoned AG-1 Agriculture, and is in agricultural use.
 - C. Land to the east is zoned AG-1 Agriculture, and is in residential and agricultural use.
 - D. Land to the west is zoned AG-1 Agriculture, and is in agricultural use.
 - E. Land to the south is zoned AG-1 Agriculture, and is in agricultural use.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan of the subject site:
 - A. The subject property is 11.7 acres in total.
 - B. The Site Plan received May 3, 2013, indicates the following:
 - (1) An existing home and detach garage.
 - (2) Six grain bins.
 - (3) A machine shed.
 - (4) A barn.
 - (5) A seed shed. This shed was authorized by ZUPA No. 178-08-04 as an agricultural building.
-

- (6) The location of the L.A. Gourmet Kitchen/Office and shop. This building was authorized by ZUPA No. 204-90-02 as an agricultural building. According to the permit this building is 3,840 square feet in area. This building is served by a septic system that was permitted by the Champaign County Health Department by Permit # 05-001-19 in 2006.

- C. The existing RURAL HOME OCCUPATION on the subject property was authorized by ZUPA No. 35-04-01 RHO for the establishment of the L.A. Gourmet Catering kitchen.

- D. According to a list provided by the petitioner that was received on May 3, 2013, there are 5 non-resident full-time employees who work at the kitchen. The list indicates that most of the employees are not at the kitchen at the same time. The list also indicates that there are 19 part-time employees who do not report to the kitchen site for work.

- E. The requested variance is to authorize 5 non-resident employees to be present on the subject property in lieu of the maximum of 2 for a Rural Home Occupation on a lot larger than five acres in the AG-1 District.

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 variances (capitalized words are defined in the Ordinance):
 - (1) “ACCESSORY USE” is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.

 - (2) “AREA, LOT” is the total area within the LOT LINES.

 - (3) “BUILDING, MAIN or PRINCIPAL” is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.

 - (4) “DWELLING” is a BUILDING or MANUFACTURED HOME designated for non-transient residential living purposes and containing one or more DWELLING UNITS and/or LODGING UNITS.

 - (5) “DWELLING UNIT” is one or more rooms constituting all or part of a DWELLING which are used exclusively as living quarters for one FAMILY, and which contains a bathroom and kitchen.

 - (6) “DWELLING, SINGLE FAMILY” is a DWELLING containing one DWELLING UNIT.

PRELIMINARY DRAFT

- (7) "HOME OCCUPATION, RURAL" is any activity conducted for gain or support by a member or members of the immediate FAMILY, residing on the premises, as an ACCESSORY USE on the same LOT as the resident's DWELLING UNIT.
 - (8) "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.
 - (9) "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.
 - (10) "LOT LINE, REAR" is any LOT LINE which is generally opposite and parallel to 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 a maximum distance from the FRONT LOT LINE or said tangent.
 - (11) "LOT LINES" are the lines bounding a LOT.
 - (12) "STRUCTURE, MAIN or PRINCIPAL" is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.
 - (13) "USE" is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted USE" or its equivalent shall not be deemed to include any NONCONFORMING USE.
 - (14) "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.
- H. 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 9.1.9 C. 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.
- I. Section 5.3 of the *Zoning Ordinance* establishes the minimum LOT AREA in the CR Zoning District as 1 acre and the minimum AVERAGE LOT WIDTH of 200 feet.
 - J. Paragraph 8.1.2 of the *Zoning Ordinance* establishes that once two or more contiguous LOTS or combination of LOTS and portions of LOTS which individually do not meet any dimensional, geometric, LOT ACCESS or other standards are brought into common ownership the LOTS involved shall be considered to be a single LOT for the purpose of this ordinance. No portion of said LOT shall be used separately or conveyed to another owner which does not meet all of the dimensional, geometric, LOT ACCESS and other standards established by this ordinance unless a VARIANCE is granted by the BOARD in accordance with Section 9.1.9.
 - K. 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 Petitioner has testified on the application, **“Expansion of business is going to require ten new employees. Annie and Lauren have moved from residence into their own homes.”**
 - B. The petitioners are not proposing to add any new employees to the subject property. All employees who report to the subject property are existing employees. Any new full-time or

part-time employee will report to the proposed event center that was approved in Case 700-S-11.

- C. The list of non-resident employees provided by the petitioner and received on May 3, 2013, provides the names and hours of each employee who reports to the subject property as follows:
- (1) Annie Murray, Monday – Saturday, 6 a.m. – 3 p.m. onsite.
 - (2) Lauren Murray, Friday and Saturday, 8 a.m. – 3 p.m. onsite.
 - (3) Sarah Kellems, Monday – Friday, 8 a.m. – 4 p.m. onsite.
 - (4) Mel Doll, Monday and Tuesday 7 a.m. – 3 p.m. onsite. Wednesday – Saturday 12 p.m. – 8 p.m. at events offsite.
 - (5) Paige Kirby, at events 25 – 35 hours per week and onsite 5 hours per week.
- D. Pending text amendment Case 732-AT-12 proposes to exempt family members from being counted as a non-resident employee if they resided on the property when the RHO was established. If this amendment is adopted Annie Murray and Lauren Murray-Miller would no longer be counted in the number of non-resident employees. The new number of non-resident employees would then be 3, which is 1 more than the maximum allowed of 2.

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 Petitioner has testified on the application, **“Kitchen is already established onsite.”**
 - B. Without the proposed Variance the petitioner would presumably have to move existing employees to an offsite location, but at the present time this is the petitioner’s only kitchen location.

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 Petitioner has testified on the application, **“We have built a state of the art kitchen being able to use an existing building on our farm.”**
 - B. The petitioners are not proposing to add any new employees to the subject property. All employees who report to the subject property are existing employees. Any new full-time or
-

part-time employee will report to the proposed event center that was approved in Case 700-S-11.

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 Petitioner has testified on the application, **“Special Use Permit was granted years ago, no building changes are required to meet the new variance.”**
 - B. Presumably the Petitioner means “Rural Home Occupation” instead of “Special Use Permit” in the response above. Rural Home Occupations are approved by the Department of Planning and Zoning and Special Use Permits are approved by the ZBA.
 - C. Regarding the Variance percentage:
 - (1) The proposed 5 employees are 250% of the maximum of 2 employees an RHO on property 5 acres or larger for a variance of 150%.
 - (2) Pending text amendment Case 732-AT-12 proposes to exempt family members from being counted as a non-resident employee if they resided on the property when the RHO was established. If this amendment is adopted Annie Murray and Lauren Murray-Miller would no longer be counted in the number of non-resident employees. The new number of non-resident employees would then be 3, which is 1 more than the maximum allowed of 2, and a 50% variance.
 - D. 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 Petitioner has testified on the application: **“Nothing will change with the size of building, the neighbors like having us near them and we have worked together for seven years.”**
 - B. The Township Road Commissioner has received notice of this variance but no comments have been received.
 - C. The Fire Protection District has been notified of this variance but no comments have been received.
-

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. Regarding proposed special conditions of approval:

No Special Conditions of Approval are proposed at this time.

DOCUMENTS OF RECORD

1. Variance Application received on March 5, 2013
 2. List of Employees received via fax on May 3, 2013
 3. Site Plan received via fax on May 3, 2013
 4. ZUPA No. 204-90-02 file
 5. ZUPA No. 35-04-01 RHO file
 6. ZUPA No. 178-08-04 file
 7. Preliminary Memorandum dated May 23, 2013 with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B List of Employees received May 3, 2013
 - C Site Plan received May 3, 2013
 - D Draft Summary of Evidence, Finding of Fact, and Final Determination
-

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 748-V-13 held on **May 30, 2013**, 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 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 for approval in 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 748-V-13 is hereby *{GRANTED / GRANTED WITH CONDITIONS/ DENIED}* to the petitioners **L.A. Gourmet Catering, LLC** to authorize **5 employees to be present on the subject property in lieu of the maximum of 2 for a Rural Home Occupation on a lot larger than five acres in the AG-1 District.**

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals
Date
