

**MINUTES OF REGULAR MEETING**  
**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**  
**1776 E. Washington Street**  
**Urbana, IL 61802**

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**DATE:** September 26, 2013                      **PLACE:** Lyle Shields Meeting Room  
1776 East Washington Street  
**TIME:** 7:00 p.m.                                      **Urbana, IL 61802**

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**MEMBERS PRESENT:** Catherine Capel, Paul Palmgren, Brad Passalacqua, Jim Randol, Eric Thorsland

**MEMBERS ABSENT :** Roger Miller

**STAFF PRESENT :** Connie Berry, John Hall, Andrew Kass

**OTHERS PRESENT :** None

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**1. Call to Order**

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

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

The roll was called and a quorum declared present with one member absent and one vacant Board seat.

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

**3. Correspondence**

None

**4. Approval of Minutes (July 11, 2013 and July 25, 2013)**

Mr. Thorsland entertained a motion to approve the July 11, 2013 and July 25, 2013, minutes as submitted.

**Mr. Passalacqua moved, seconded by Mr. Palmgren to approve the July 11, 2013 and July 25, 2013, minutes as submitted.**

Mr. Thorsland asked the Board if there were any additions or corrections required for the submitted minutes and there were none.

**The motion carried by voice vote.**

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**5. Continued Public Hearing**

**Case 685-AT-11 Petitioner: Champaign County Zoning Administrator. Request to 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.**

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

Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of his request.

Mr. John Hall, Zoning Administrator, stated that staff has not had any time to work on this case because he has been drafting another ordinance for the County and it has been taking a lot of time and he has also been focusing on Case 732-AT-12. He stated that the Board could continue this case to their October 17<sup>th</sup> or November 14<sup>th</sup> meeting. He said that he will not have the case ready for final action on October 17<sup>th</sup> and since he is working on this other project he may not have much done at all.

Mr. Thorsland asked Mr. Hall if there is a possibility that the case would be ready for final action at the November 14<sup>th</sup> meeting.

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1 Mr. Hall stated that there is a very good chance that the case would be ready for final action at the November  
2 14<sup>th</sup> meeting.

3  
4 Mr. Thorsland entertained a motion to continue Case 685-AT-11 to November 14, 2013.

5  
6 **Ms. Capel moved, seconded by Mr. Palmgren to continue Case 685-AT-11 to the November 14, 2013,**  
7 **meeting. The motion carried by voice vote.**

8  
9 **Case 732-AT-12 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**  
10 **Ordinance as follows: Part A. Revise paragraph 7.1.2B. as follows: (1) Strike “non-family” and**  
11 **replace with “non-resident”; and (2) Revise subparagraph 7.1.2B.i. to strike “five acres” and replace**  
12 **with “two acres in area”; and renumber the subparagraph to 7.1.2B.(1); and (3) Revise**  
13 **subparagraph 7.1.2B.ii to strike “five acres” and replace with “that are two acres in area”; add the**  
14 **phrase “and provided that”; and renumber the subparagraph to 7.1.2B.(2); and (4) Add new**  
15 **subparagraph 7.1.2B.(3) to authorized that all employees may be present and working on the**  
16 **premises for no more than 5 days with any 30 day period due to inclement weather or as necessitated**  
17 **by other business considerations; and (5) Add new subparagraph 7.1.sB.(4) to authorize that family**  
18 **members who are residents of the property when the HOME OCCUPATION is operating but whom**  
19 **subsequently move from the premises may remain active in the HOME OCCUPATION and shall not**  
20 **be counted as a non-resident employee as long as their participation in the HOME OCCUPATION**  
21 **continues. Part B. Revise paragraph 7.1.2E. as follows: (1) Strike “Second Division vehicle as**  
22 **defined by the Illinois Vehicle Code” and replace with “MOTOR VEHICLES”; and add the phrase**  
23 **“and parked at”. (2) Add new subparagraph 7.1.2E(1) to require that the number of MOTOR**  
24 **VEHICLES and licensed trailers displaying the name of the RURAL HOME OCCUPATION or used**  
25 **in any way for the RURAL HOME OCCUPATION shall be within the limits established. (3)**  
26 **Renumber subparagraph 7.1.2E.i.to be 7.1.2E.(2) and strike “vehicles over 8,000 gross weight” and**  
27 **replace with “MOTOR VEHICLES that are either a truck tractor and/or a MOTOR VEHICLE with**  
28 **tandem axles, both as defined by the Illinois Vehicle Code (625 ILCS 5/1 et seq)”; and add the phrase**  
29 **“and all MOTOR VEHICLE loads and weights shall conform to the Illinois Vehicle Code (625 ILCS**  
30 **5/15-111)”. (4) Renumber subparagraph 7.1.2E.ii. to be 7.1.2E.(3) and strike “vehicles” and replace**  
31 **with “MOTOR VEHICLES”; and strike “vehicles under 8,000 lbs. gross vehicle weight”; and insert**  
32 **“licensed”; and strike “and off-road vehicles”; and insert the phrase “or owner”. (5) Renumber**  
33 **subparagraph 7.1.2E.(4)(a) to require that no more than 1 motor vehicle may be parked outdoors less**  
34 **than five feet from a side or rear property line or less than 10 feet from a front property line; and (b)**  
35 **Add subparagraph 7.1.2E(4)(b) to require that outdoor parking for more than one motor vehicle shall**  
36 **be no less than 50 feet from any lot line and no less than 100 feet from any offsite dwelling; and (c)**  
37 **Add subparagraph 7.1.2E.(4)(c) to require that outdoor parking for more than one motor vehicle that**  
38 **does not meet certain requirements shall be at least 10 feet from any lot line and be screened. (6) Add**

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1 **subparagraph 7.1.2E.(5) to require that paragraphs 7.1.2E. and 7.1.2F. apply to all new RURAL**  
2 **HOME OCCUPATION and to any expansion of a RURAL HOME OCCUPATION that is filed after**  
3 **September 1, 2012. (7) Add subparagraph 7.1.2E.(6)(a) and (b) to require the following: (a) Any**  
4 **MOTOR VEHICLE or licensed trailer or piece of equipment that was included on an application for**  
5 **a RURAL HOME OCCUPATION that was received before September 1, 2012, may continue to be**  
6 **used provided that the total number of vehicles are not more than 10 and no more than 3 may be**  
7 **truck tractors or MOTOR VEHICLES with tandem axles as defined by the Illinois Vehicle Code; (b)**  
8 **Any RURAL HOME OCCUPATION that complies with 7.1.2E.(6) shall be authorized to have the**  
9 **same number of motor vehicles or licensed trailers or pieces of equipment as long as it continues in**  
10 **business at that location and any MOTOR VEHICLE or licensed trailer or piece of equipment may**  
11 **be replaced with a similar motor vehicle or licensed trailer or piece of equipment. Part C. Add new**  
12 **paragraph 7.1.2F. as follows: (1) Limit the number of motorized or non-motorized complete pieces of**  
13 **non-farm equipment in outdoor storage to 10 complete pieces, provided that the number of pieces of**  
14 **equipment that may be in outdoor storage shall be reduced by the number of MOTOR VEHICLES**  
15 **and licensed trailers that are also parked outdoors; and (2) Require that equipment in outdoor**  
16 **storage meet the same separations required for MOTOR VEHICLES in 7.1.2E.(4)(b) and**  
17 **7.1.2E.(4)(c). Part D. Revise paragraph 7.1.2H. to require that more than four vehicles for patrons**  
18 **and onsite employees shall be screened; and also provide that loading berths are not required for**  
19 **RURAL HOME OCCUPATIONS. Part E. Revise paragraph 7.1.2K. as follows: (1) Add the phrase**  
20 **“for other than equipment used in any RURAL HOME OCCUPATION”; and strike the phrase**  
21 **“screened as provided by Section 7.6, and replace with the phrase “shall be provided as follows:” (2)**  
22 **Add subparagraph 7.1.2K.(1) to require that no outdoor storage be located in any required off street**  
23 **parking spaces; and (3) Add subparagraph 7.1.2K.(2) to require screening if outdoor storage occurs**  
24 **in any yard within 1,000 feet of certain specified uses of surrounding property.**

25  
26 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must  
27 sign the witness register for that public hearing. He reminded the audience that when they sign the  
28 witness register they are signing an oath.

29  
30 Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of his request.

31  
32 Mr. John Hall, Zoning Administrator, stated that this was continued from the last Board meeting so that staff  
33 could do a complete mailing of all parts of this case to all interested parties. He said that a complete mailing  
34 for this case includes the revised handout with example site plans, the revised application, and a new  
35 comparison table. He said that since the mailing last week Mr. Kass has added the relevant notes to example  
36 site plans “C” and “D”. Mr. Hall said that the ELUC agenda was sent out for next Thursday and the agenda  
37 had this case included and ELUC members were made aware that the ZBA had not taken final action on this  
38 case but final action is anticipated at tonight’s meeting. He said that if something comes up at tonight’s

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1 meeting the Board does not have to take final action on this case but if nothing does come up he would  
2 appreciate final action. He said that he cannot imagine that there is anything else to do on this case but  
3 maybe something has come up since the last meeting.

4

5 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

6

7 Mr. Thorsland stated that the Summary Finding of Fact is indicated on pages 13-15 of the Revised Draft  
8 Finding of Fact and Final Determination dated September 26, 2013. He said that the Documents of Record  
9 have been revised.

10

11 Mr. Thorsland asked the Board if there were any questions for Mr. Hall.

12

13 Mr. Passalacqua asked Mr. Hall if this is the case the Mr. Dillard was so passionate about.

14

15 Mr. Hall stated yes. He said that John Collins, Co-Chair of the Hensley Township Plan Commission, spoke  
16 at the last meeting as a citizen of the County and he indicated that he was concerned that these rules might be  
17 applied to individuals like him because in Mr. Collins' mind he was not running a business. Mr. Hall stated  
18 that staff printed 2011 aerial photographs of Mr. Collins' property and he found no issues or violations but it  
19 is conceivable that if a complaint is received the things that Mr. Collins described would require some  
20 screening.

21

22 Mr. Passalacqua stated that Mr. Collins indicated that he and his father had the potential in the future to have  
23 more tractors and trucks and he was concerned that this amendment may affect him at that time. Mr.  
24 Passalacqua stated that in listening to Mr. Collins it sounded like the property was already sufficiently  
25 screened.

26

27 Mr. Hall stated that Mr. Collins' father's property is an agricultural property to begin with so even though it  
28 does not change the rules pieces of extra farm equipment are not a problem.

29

30 Mr. Passalacqua asked Mr. Hall which subdivision is near Mr. Collins' property.

31

32 Mr. Hall stated that the subdivision is so old that it does not have a name but it is one of the larger R-1  
33 District subdivisions in the County and there are at least 40 homes in the subdivision.

34

35 Mr. Passalacqua asked Mr. Hall where the subdivision is located.

36

37 Mr. Hall stated that the subdivision is located north of the Hensley Township building.

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1 Mr. Hall stated that he assumes that a mailing packet was sent to Mr. Collins.

2

3 Mr. Kass stated that a mailing packet was sent to Mr. Collins.

4

5 Mr. Thorsland asked the Board if there were any questions for Mr. Hall.

6

7 Ms. Capel stated that she has a few edits to the Finding of Fact. She said that item #7.1.2.E.4.c.(2) of  
8 Attachment B: Revised Draft Amendment (Annotated) to Sec. 7.1.2 Rural Home Occupations, on page B-2  
9 of the Supplemental Memorandum dated September 19, 2013, should be revised as follows: The  
10 requirements of Section 7.4 notwithstanding, all off-street parking and outside storage of motor vehicles  
11 and/or any licensed semitrailer and/or any licensed pole trailer that is visible from and located within 100  
12 feet of either a residential district or the building restriction line of a lot containing a dwelling conforming to  
13 use, shall be subject to the following screen requirements. She said that item #7.1.2.F.4.b on page B-5.  
14 should be revised as follows: When there is no more than two complete pieces of equipment (each weighing  
15 less than 15,000 pounds gross weight), no screen is required unless the total number of motor vehicles (each  
16 weighing less than 15,000 pounds gross vehicle weight) and equipment is more than four, in which case the  
17 required screen shall be required by 7.1.2 E.4.c. She said that item #7.1.2.B.iv. should be revised as follows:  
18 family members who are resident on the property while the home occupation is operating but who  
19 subsequently move from the premises may remain active in the home occupation and shall not be counted as  
20 a non-resident employee as long as their participation in the home occupation continues.

21

22 Mr. Hall stated that grammar challenges are difficult when writing these ordinances.

23

24 Mr. Thorsland stated that the Board will now review the Summary Finding of Fact and if there are no  
25 changes he would entertain a motion to approve the Summary Finding of Fact.

26

27 Mr. Hall asked that the Board take the time to review #3 of the Summary Finding of Fact to ensure that the  
28 Board is comfortable with all of the positive comments which are included. He said that the comments are  
29 meant to be nothing more than objective statements about what this amendment will do but sometimes when  
30 you are so close to the gears you do not appreciate where everything is heading. He said that he would like  
31 to make sure that the Board agrees with everything included in #3.

32

33 Ms. Capel stated that she believes that something positive should have been mentioned about land values.

34

35 Mr. Kass stated that he believes that Ms. Capel is referring to the purpose statements of the Ordinance and  
36 not the LRMP policies.

37

38 Ms. Capel stated that Mr. Kass is correct.

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2 Mr. Hall stated that Ms. Capel’s concern is included in item #16.B. of the Finding of Fact and staff indicated  
3 that the proposed amendment is not directly related to this purpose. He said that if the Board feels  
4 differently the Board could insert the following beginning comments included in item 16.K: The proposed  
5 amendment is directly related to this purpose because.  
6 Mr. Thorsland stated that the Board could indicate that the following for item #16.B: The proposed  
7 amendment is related to this purpose.  
8  
9 Mr. Hall stated that the comment in item #16.L. could be inserted under item #16.B. as follows: The  
10 proposed amendment is directly related to this purpose and because the amendment is intended to ensure that  
11 Rural Home Occupations maintain compatibility with the Zoning Districts in which they are located.  
12  
13 Mr. Thorsland asked the Board if they agreed to the revision to item #16.B. and the Board agreed.  
14  
15 Mr. Passalacqua stated that he could see Mr. Dillard disagreeing with the comments regarding protection of  
16 the neighbors.  
17  
18 Mr. Hall stated that he believes that this disagreement will always be there.  
19  
20 Mr. Passalacqua agreed.  
21  
22 Mr. Kass stated that Purpose B will be added to item #2 in the Summary Finding of Fact.  
23  
24 Ms. Capel stated that item #9.A.(1)(a) should be revised to read as follows: While an RHO is not a  
25 discretionary development, the proposed amendment is intended to mitigate impacts an RHO will have on  
26 existing infrastructure through weight limits and limiting the number of vehicles to ensure that undue public  
27 expense does not occur. She said that the first sentence in item #17.A. (4)(a) should be revised as follows:  
28 The current requirement that all Second Division vehicles parked outdoors must be 50 feet from any lot line  
29 and 100 feet from any off-site dwelling conforming to use is eliminated and replaced with a requirement that  
30 vehicles must be only 10 feet from a lot line except that one vehicle is allowed to be only five feet from a  
31 property line as authorized for a Neighborhood Home Occupation and the vehicle parking requirements from  
32 the Neighborhood Home Occupation (paragraph 7.1.2K.) are incorporated by reference. She said that the  
33 last sentence in item #17.A.(5)(b) should be revised as follows: This change may benefit some start-up  
34 RHOs for forestalling the expense of screening in the beginning years of the business.  
35  
36 Mr. Thorsland stated that the only revision to the Summary Finding of Fact is that Purpose B will become  
37 item #2.A. and all other items will be renumbered.  
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1 Mr. Hall stated that a new item #12 should be added to the Documents of Record indicating the following:  
 2 12. A. Example RHO Site Plan C. RHO on one acre lot with accessory building and outdoor storage and B.  
 3 Example RHO Site Plan D. Small RHO on one acre lot with no accessory building.

4  
 5 **Summary Finding of Fact for Case 732-AT-12:**  
 6

7 From the documents of record and the testimony and exhibits received at the public hearing conducted  
 8 on, **January 31, 2013; February 14, 2013; February 28, 2013; April 11, 2013; June 13, 2013;**  
 9 **August 15, 2013; and September 26, 2013,** the Zoning Board of Appeals of Champaign County finds  
 10 that:  
 11

- 12 1. Regarding the effect of the proposed amendment on the Land Resource Management Plan (LRMP):
- 13 A. **Regarding Goal 4:**
- 14 ● It **WILL HELP ACHIEVE** Objective **4.3 requiring any discretionary development to**  
 15 **be on a suitable site** because it **WILL HELP ACHIEVE** the following:
  - 16 ● Policy **4.3.4 requiring existing public infrastructure be adequate to support the**  
 17 **proposed development effectively and safely without undue public expense (see**  
 18 **Item 14.C.(3)).**
  - 19 ● It will either not impede or is not relevant to the other Objectives and Policies under this  
 20 goal.
  - 21 ● Based on achievement of the above Objectives and Policies, the proposed map  
 22 amendment **WILL HELP ACHIEVE Goal 4 Agriculture.**
- 23 B. **Regarding Goal 7:**
- 24 ● Objective **7.1 consider traffic impact in land use decisions** because it **WILL HELP**  
 25 **ACHIEVE** Objective 7.1.
  - 26 ● It will either not impede or is not relevant to the other Objectives and Policies under this  
 27 goal.
  - 28 ● Based on achievement of the above Objectives and Policies and because it will either not  
 29 impede or is not relevant to the other Objectives and Policies under this goal, the  
 30 proposed map amendment **WILL HELP ACHIEVE Goal 7 Transportation (see Item**  
 31 **17.A.(1)).**
- 32 C. The proposed text amendment will **NOT IMPEDE** the following LRMP goal(s):
- 33 ● **Goal 1 Planning and Public Involvement**
  - 34 ● **Goal 2 Governmental Coordination**
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- 1                   ● **Goal 3 Prosperity**
- 2                   ● **Goal 6 Public Health and Public Safety**
- 3                   ● **Goal 8 Natural Resources**
- 4                   ● **Goal 9 Energy Conservation**
- 5
- 6           D.       The proposed text amendment is **NOT RELEVANT** to the following LRMP goal(s):
- 7                   ● **Goal 5 Urban Land Uses**
- 8                   ● **Goal 10 Cultural Amenities**
- 9
- 10           E. Overall, the proposed text amendment **WILL HELP ACHIEVE** the Land Resource
- 11                   Management Plan.
- 12
- 13   2.       The proposed amendment **HELPS ACHIEVE the purpose of the Zoning Ordinance** as follows:
- 14           A. Conserves the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY
- 15                   (Purpose 2.0 (b); see Item 16.B).
- 16
- 17           B. Lessens and avoids congestion in the public streets (Purpose 2.0 (c); see Item 16.C.).
- 18
- 19           C. Regulates and limits the intensity of the use of lot areas, and regulating and determining the area
- 20                   of open spaces within and surrounding buildings and structure (Purpose 2.0 (h); see Item 16.H.).
- 21
- 22           D. Classifies, regulates, and restricts the location of a specific trade (Purpose 2.0 (i); see Item 16.I.).
- 23
- 24           E. Ensures compatibility in the Zoning Districts in which RHOs are authorized (Purpose 2.0 (l);
- 25                   see Item 16.L.).
- 26
- 27   3.       The proposed text amendment **WILL IMPROVE** the Zoning Ordinance in the following ways:
- 28           A. In regards to the proposed limits on the number of vehicles and equipment permissible at an
- 29                   RHO (see Item 17.A.(3)):
- 30                   (1) **it makes the Ordinance easier to understand** in regards to the limits on vehicles and
- 31                           equipment permissible at an RHO;
- 32
- 33                   (2) **it helps protect rural roads** by making the weight limits on vehicles consistent
- 34                           with the Illinois Vehicle Code;
- 35
- 36                   (3) **it helps protect neighbors by retaining current limits** for the total number of vehicles
- 37                           that are permissible at an RHO; and the current limit on the number of very large
- 38                           vehicles (such as semi-trucks and tandem axle vehicles); and the current limit on the
- 39                           amount of equipment that may be stored outdoors;
- 40
- 41                   (4) **it helps RHO owners by eliminating current overly restrictive requirements** of the

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1 current 8,000 pound vehicle weight limit for RHOs; and by eliminating the need for  
2 screening of equipment if there is no more than two complete pieces of equipment; and  
3 including new rules that allow greater flexibility in the numbers of equipment stored  
4 outdoors if the equipment is on a trailer and also if the trailer is connected to a motor  
5 vehicle; and it actually increases the total amount of equipment permissible at an RHO  
6 because it does not limit the amount of equipment that may be stored indoors;

- 7 (5) **it protects current RHO owners** by adding specific rules regarding nonconformity of  
8 vehicles and equipment at RHOs that existed prior to September 1, 2012.  
9

10 B. In regards to the proposed parking requirements for vehicles at an RHO and the outdoor  
11 storage requirements for equipment at an RHO (see Items 17.A.(4) and (5)):

- 12 (1) **it makes the screening requirements easier to understand** in regards to an  
13 RHO;  
14

- 15 (2) **it helps RHO owners by eliminating current overly restrictive requirements** for  
16 separation of parking from the property line and any off-site dwelling; and the 8,000  
17 pound vehicle weight threshold for screening; and the requirement for a loading berth;  
18 and eliminates the requirement for paving of parking areas.  
19

- 20 (3) **it ensures adequate protection for neighbors by retaining current screening**  
21 **requirements** even though the vehicle weight threshold is increased from 8,000 pound  
22 to 15,000 pounds; and prohibiting parking in the street.  
23

24 C. In regards to the proposed changes regarding the regulation of employees at an RHO (see  
25 Item 17.C.):

- 26 (1) **it helps some RHO owners by increasing the number of employees allowed** on  
27 properties two acres and larger.  
28

- 29 (2) **it helps all RHO owners by adding flexibility** to allow all workers to be  
30 onsite for short periods and for family members who move from the property.  
31

32 D. The Zoning Board of Appeals has reviewed an updated RHO handout with new examples of  
33 RHO site plan requirements and an updated RHO application form and found that these  
34 materials are ready to be used upon adoption of the proposed amendment. The handout and  
35 application form can be updated later without a text amendment as the need arises.  
36

37 Mr. Thorsland entertained a motion to adopt the Finding of Fact, Documents of Record, and Summary  
38 Finding of Fact as amended.  
39

40 **Ms. Capel moved, seconded Mr. Palmgren to adopt the Finding of Fact, Documents of Record,**

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1 **and Summary Finding of Fact as amended. The motion carried by voice vote.**

2

3 Mr. Thorsland entertained a motion to move to a final determination.

4

5 **Mr. Passalacqua moved, seconded by Mr. Palmgren to move to a final determination. The motion**  
6 **carried by voice vote.**

7

8 Mr. Thorsland informed the petitioner that one Board member is absent and one Board seat is vacant  
9 therefore it is at his discretion to either continue Case 732-AT-12 until a full Board is present or request that  
10 the present Board move forward to the Final Determination. He informed the petitioner that four affirmative  
11 votes are required for approval.

12

13 Mr. Hall requested that the present Board move to the final determination for Case 732-AT-12.

14

15 **Final Determination for Case 732-AT-12:**

16

17 **Ms. Capel moved, seconded by Mr. Passalacqua that pursuant to the authority granted by Section 9.2**  
18 **of the Champaign county Zoning Ordinance, the Zoning Board of Appeals of Champaign County**  
19 **determines that the Zoning Ordinance Amendment requested in Case 732-AT-12 should BE**  
20 **ENACTED by the County Board in the form attached hereto.**

21

22 Mr. Thorsland requested a roll call vote.

23

24 The roll was called as follows:

25

26	<b>Capel-yes</b>	<b>Miller-absent</b>	<b>Palmgren-yes</b>
27	<b>Passalacqua-yes</b>	<b>Randol-yes</b>	<b>Thorsland-yes</b>

28

29 Mr. Thorsland stated that the Board will now hear Case 756-AT-13.

30

31 **Case 756-AT-13 Petitioner: Champaign County Zoning Administrator Request to amend the**  
32 **Champaign County Zoning Ordinance as follows: Amend paragraph 7.1.2L to add a requirement**  
33 **that any new RURAL HOME OCCUPATION with any new exterior lighting for an outdoor storage**  
34 **area, and/or outdoor operations area, and/or parking area, and/or new building with exterior lighting**  
35 **or any wholly new outdoor storage area that is lighted or wholly new outdoor operations area that is**  
36 **lighted or parking area that is lighted, and/or new building with exterior lighting, that is added to any**  
37 **existing RURAL HOME OCCUPATION, shall have exterior lighting that is full-cutoff type lighting**  
38 **fixtures with limited light output and other relevant restrictions.**

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

Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of his request.

Mr. John Hall, Zoning Administrator, stated that any RHO existing with any outdoor storage area and any buildings isn't required to meet this requirement even when the lighting fixtures are replaced and it is only when they have a wholly new outdoor storage area or wholly new building with outdoor lighting or a wholly new parking area. He said that he wants to make sure that the Board is comfortable with this amendment. He said that technically they don't have to come to us to add new parking areas so it is conceivable that there could be new parking areas added without knowledge that they have lighting that is full-cutoff type but if they add a new outdoor storage area or building they are to contact staff. He said that generally RHOs do not expand that much but it is possible.

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

Mr. Thorsland stated that the Board will now review the Summary Finding of Fact for Case 756-AT-13.

Mr. Hall stated that item #1.B. indicates the following: Overall, the proposed text amendment WILL HELP ACHIEVE the Land Resource Management Plan. He said that his impression is that if the proposed amendment is not impeding any goal but also is not helping achieve any goal then perhaps item #1.B. should say that the proposed text amendment will not impede the LRMP.

The Board agreed.

Ms. Capel stated that perhaps it will help achieve natural resources.

Mr. Thorsland stated that there is a wattage limit.

Mr. Hall stated that the most recent rezoning case was revised to indicate that it would help with Goal 3: Prosperity. He said that he would suppose that even though we don't have any objectives under Goal 8 which specifically deal with dark sky.

Mr. Kass stated that Goal 6 has a policy that refers directly to light trespass and that was originally proposed as a will help achieve but we revised it to will not impede.

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1 Mr. Hall stated that all we really need is an earlier version of that Finding of Fact.

2  
3 Mr. Kass stated that Policy 6.1.3. states the following: The County will prevent nuisances created by light  
4 and glare and will endeavor to limit excessive night lighting and to preserve clear views of the night sky  
5 throughout as much of the County as possible.  
6

7 Mr. Thorsland proposed that the proposed text amendment will NOT IMPEDE Goals 1 thru 10 excluding  
8 Goal 6 and that it will HELP ACHIEVE Goal 6.  
9

10 Mr. Hall stated that the wording was in the Draft Preliminary Finding of Fact.  
11

12 Mr. Kass stated that staff will revise the Summary Finding of Fact as follows: 1.A. will refer to Goal 6; and  
13 1.B. will refer to Goals 1-10 excluding Goal 6; and 1.C. will refer to the overall. He said that the  
14 achievement of Goal 6 will be reflected in the body of the Finding of Fact.  
15

16 **Summary Finding of Fact for Case 756-AT-13:**  
17

18 From the documents of record and the testimony and exhibits received at the public hearing conducted  
19 on, **June 13, 2013, August 15, 2013, and September 26, 2013**, the Zoning Board of Appeals of  
20 Champaign County finds that:  
21

- 22 1. Regarding the effect of the proposed amendment on the Land Resource Management Plan  
23 (LRMP):  
24 A. **Regarding Goal 6:**
  - 25 ● It **WILL HELP ACHIEVE** Objective **6.1 ensuring that rural development does not**  
26 **endanger public health or safety** because it **WILL HELP ACHIEVE** the following:  
27 ● **Policy 6.1.3 preventing nuisances created by light and glare (see Item 11.A.(1)).**  
28
  - 29 ● It will either not impede or is not relevant to the other Objectives and Policies under this  
30 goal.  
31
  - 32 ● Based on achievement of the above Objectives and Policies, the proposed map  
33 amendment **WILL HELP ACHIEVE Goal 6 Public Health and Public Safety.**  
34
- 35 B. The proposed text amendment **WILL NOT IMPEDE** the following LRMP goal(s):  
36 ● **Goal 1 Planning and Public Involvement**  
37 ● **Goal 2 Governmental Coordination**  
38 ● **Goal 3 Prosperity**  
39 ● **Goal 4 Agriculture**

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- 1                   ●     **Goal 5 Urban Land Use**
- 2                   ●     **Goal 7 Transportation**
- 3                   ●     **Goal 8 Natural Resources**
- 4                   ●     **Goal 9 Energy Conservation**
- 5                   ●     **Goal 10 Cultural Amenities**

7           C.   Overall, the proposed text amendment **WILL HELP ACHIEVE** the Land Resource  
 8           Management Plan.

10   2.   The proposed Zoning Ordinance text amendment **WILL HELP ACHIEVE the purpose of the**  
 11   **Zoning Ordinance** as follows:

- 12           ●   Promote public health, safety, and welfare (Purpose 2.0 (e) see Item 16.E.).
- 13
- 14           ●   Regulates and limits the intensity of the use of lot areas, and regulating and determining  
 15           the area of open spaces within and surrounding buildings and structure (Purpose 2.0 (h)  
 16           see Item 16.H.).
- 17
- 18           ●   Classifies, regulates, and restricts the location of a specific trade (Purpose 2.0 (i) see Item  
 19           16.I.).
- 20
- 21           ●   Fixes regulations and standards to which buildings, structures, or uses therein shall  
 22           conform (Purpose 2.0 (k) see Item 16.K.).
- 23
- 24           ●   Ensures compatibility in the Zoning Districts that an RHO is authorized in (Purpose 2.0  
 25           (l) see Item 16.L.).
- 26

27   Mr. Thorsland entertained a motion to adopt the Summary Finding of Fact as amended.

28

29   **Mr. Passalacqua moved, seconded by Mr. Randol to adopt the Summary Finding of Fact as amended.**  
 30   **The motion carried by voice vote.**

31

32   Mr. Thorsland stated that there are no new Documents of Record. He entertained a motion to adopt the  
 33   Finding of Fact, Documents of Record and Summary Finding of Fact as amended.

34

35   **Mr. Palmgren moved, seconded by Mr. Passalacqua to adopt the Finding of Fact, Documents of**  
 36   **Record and Summary Finding of Fact as amended. The motion carried by voice vote.**

37

38   Mr. Thorsland entertained a motion to move to a final determination for Case 756-AT-13.

39

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1 **Ms. Capel moved, seconded by Mr. Palmgren to move to a final determination for Case 756-AT-13.**  
2 **The motion carried by voice vote.**

3  
4 Mr. Thorsland informed the petitioner that one Board member is absent and one Board seat is vacant  
5 therefore it is at his discretion to either continue Case 756-AT-13 until a full Board is present or request that  
6 the present Board move forward to the Final Determination. He informed the petitioner that four affirmative  
7 votes are required for approval.

8  
9 Mr. Hall requested that the present Board move to the final determination for Case 756-AT-13.

10  
11 **Final Determination for Case 756-AT-13:**

12  
13 **Mr. Randol moved, seconded by Ms. Capel that pursuant to the authority granted by Section 9.2 of**  
14 **the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**  
15 **determines that the Zoning Ordinance Amendment requested in Case 756-AT-13 should BE**  
16 **ENACTED by the County Board in the form attached hereto.**

17  
18 Mr. Thorsland requested a roll call vote.

19  
20 The roll was called as follows:

21			
22	<b>Capel-yes</b>	<b>Miller-absent</b>	<b>Palmgren-yes</b>
23	<b>Palmgren-yes</b>	<b>Passalacqua-yes</b>	<b>Thorsland-yes</b>
24			

25 Mr. Hall stated that Cases 732-AT-12 and 756-AT-13 are on the ELUC agenda for next Thursday night's  
26 meeting.

27  
28  
29 **6. New Public Hearings**

30  
31 None

32  
33 **7. Staff Report**

34  
35 Mr. Hall stated that with the drop off in cases Mr. Kass has started to assist the Zoning Officer with  
36 enforcement cases.  
37  
38

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1 Mr. Kass stated that two enforcement cases were resolved today.

2

3 Mr. Hall stated that the County Board will expect to see a pickup in enforcement cases so with the drop off  
4 in cases before the ZBA staff will have the opportunity to work on other things.

5

6 **8. Other Business**

7

8 **A. Review of docket**

9

10 Mr. Hall stated that the one new case that staff has received is scheduled for the October 17<sup>th</sup> meeting. He  
11 said that during these times when zoning cases become scarce staff likes to concentrate cases so that we can  
12 do more for the Board's per diem but Mr. Busboom has been waiting on his case so it will remain on the  
13 docket for October 17<sup>th</sup>.

14

15 Mr. Kass stated that he has been waiting for a couple of cases to be submitted although he has been waiting  
16 for several months and staff has not received any documentation.

17

18 Ms. Capel asked Mr. Hall if there is another wind farm permit on the horizon.

19

20 Mr. Hall stated not at this point and it is his understanding that a new wind farm permit is not in the near  
21 future.

22

23 Ms. Capel stated that she had heard rumors of another wind farm.

24

25 Mr. Passalacqua asked Mr. Hall if staff has received any complaints regarding California Ridge.

26

27 Mr. Hall stated no.

28

29 Mr. Passalacqua asked staff if there is an update on the Denny Anderson property.

30

31 Mr. Hall stated no.

32

33 Mr. Kass reminded the Board about the Citizen Planner Workshop which will be held on Thursday, October  
34 10, 2013. He said that if any Board member desires to attend it is requested that they RSVP by October 1<sup>st</sup>.  
35 He said that the Board received a handout regarding the workshop.

36

37 Mr. Thorsland stated that he attended the Green Infrastructure Conference and it was very informative.

38



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

2

3 None

4

5 **10. Adjournment**

6

7 Mr. Thorsland entertained a motion to adjourn the meeting.

8

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

10

11 The meeting adjourned at 7:52 p.m.

12

13

14

15 Respectfully submitted

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20 Secretary of Zoning Board of Appeals

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*DRAFT    SUBJECT TO APPROVAL    DRAFT            ZBA    //*

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