

AS APPROVED OCTOBER 15, 2015

1
2
3 **MINUTES OF REGULAR MEETING**

5 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

6 1776 E. Washington Street

7 Urbana, IL 61802

8
9 **DATE:** August 27, 2015

PLACE: Lyle Shield's Meeting Room

1776 East Washington Street

Urbana, IL 61802

10
11 **TIME:** 7:00 p.m.

13 **MEMBERS PRESENT:** Catherine Capel, Debra Griest, Marilyn Lee, Brad Passalacqua, Jim Randol,
14 Eric Thorsland

15
16 **MEMBERS ABSENT :** None

17
18 **STAFF PRESENT :** Connie Berry, Susan Chavarria, John Hall

19
20 **OTHERS PRESENT :** Casey Hug, Jean Fisher, Scott Kunkel, Stan Harper

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

24
25 The meeting was called to order at 7:00 p.m.

26
27 **2. Roll Call and Declaration of Quorum**

28
29 The roll was called and a quorum declared present with one vacant seat.

30
31 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign
32 the witness register for that public hearing. He reminded the audience that when they sign the witness
33 register they are signing an oath.

34
35 **3. Correspondence**

36
37 None

38
39 **4. Approval of Minutes (June 25, 2015 and July 30, 2015)**

40
41 Mr. Thorsland entertained a motion to approve the June 25, 2015 and July 30, 2015, minutes as submitted.

42
43 **Ms. Griest moved, seconded by Mr. Randol to approve the June 25, 2015, and July 30, 2015, minutes**
44 **as submitted. The motion carried by voice vote.**

45
46 **5. Continued Public Hearing**

47
48 **Case 685-AT-11 Petitioner: Champaign County Zoning Administrator. Request to amend the**

1 **Champaign County Zoning Ordinance by revising Section 6.1 by adding standard conditions required**
 2 **for any County Board approved special use permit for a Rural Residential Development in the Rural**
 3 **Residential Overlay district as follows: (1) require that each proposed residential lot shall have an**
 4 **area equal to the minimum required lot area in the zoning district that is not in the Special Flood**
 5 **Hazard Area; (2) require a new public street to serve the proposed lots in any proposed RRO with**
 6 **more than two proposed lots that are each less than five acres in area or any RRO that does not**
 7 **comply with the standard condition for minimum driveway separation; (3) require a minimum**
 8 **driveway separation between driveways in the same development; (4) require minimum driveway**
 9 **standards for any residential lot on which a dwelling may be more than 140 feet from a public street;**
 10 **(5) require for any proposed residential lot not served by a public water supply system and that is**
 11 **located in an area of limited groundwater availability or over a shallow sand and gravel aquifer other**
 12 **than the Mahomet Aquifer, that the petitioner shall conduct groundwater investigations and contract**
 13 **the services of the Illinois State Water Survey (ISWS) to conduct or provide a review of the results; (6)**
 14 **require for any proposed RRO in a high probability area as defined in the Illinois State Historic**
 15 **Preservation Agency (ISHPA) about the proposed RRO development undertaking and provide a copy**
 16 **of the ISHPA response; (7) require that for any proposed RRO that the petitioner shall contact the**
 17 **Endangered Species Program of the Illinois Department of Natural Resources and provide a copy of**
 18 **the agency response.**

19
 20 Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of his request.

21
 22 Mr. Hall requested that Case 685-AT-11 be continued to the November 12th meeting.

23
 24 Mr. Thorsland entertained a motion to continue Case 685-AT-11 to the November 12th meeting.

25
 26 **Ms. Capel moved, seconded by Mr. Passalacqua that Case 685-AT-11 be continued to the November**
 27 **12th meeting. The motion carried by voice vote.**

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

31
 32 **Case 811-S-15 Petitioner: Casey Hug d.b.a. Rub ‘n Chug, LLC. Request to authorize a catering**
 33 **kitchen as a Contractor’s Facility with or without outdoor storage and/or outdoor operations in the**
 34 **AG-1, Agriculture Zoning District. Location: A 1.2 acre tract in the Southeast Quarter of the**
 35 **Southwest Quarter of the Northeast Quarter of Section 2 of Township 19 North, Range 10 East of the**
 36 **Third Principal Meridian in St. Joseph Township located at 1757 CR 2275 East, St. Joseph, Illinois.**

37
 38 Mr. Thorsland informed the audience that this is an Administrative Case and as such the County allows
 39 anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show
 40 of hands for those who would like to cross examine and each person will be called upon. He requested that
 41 anyone called to cross examine go to the cross examination microphone to ask any questions. He said that

1 those who desire to cross examine are not required to sign the witness register but are requested to clearly
2 state their name before asking any questions. He noted that no new testimony is to be given during the cross
3 examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt
4 from cross examination.

5
6 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign
7 the witness register for that public hearing. He reminded the audience that when they sign the witness
8 register they are signing an oath. He asked the audience if anyone desired to sign the witness register at this
9 time.

10
11 Mr. Thorsland asked the petitioner if he would like to make a brief statement regarding the request.

12
13 Mr. Casey Hug, who resides at 1757 CR 2275E, St. Joseph, stated that he would like to have a catering
14 kitchen in his shed which is located beside his home. He said that the main issue is that to satisfy the
15 Champaign County Health Department he needs to install a separate septic tank.

16
17 Mr. John Hall, Zoning Administrator, stated that there are no new memorandums for this case. He said that
18 this is the first catering kitchen that has been requested in the rural area and it appears to fit nicely under the
19 Contractor's Facility category. He said that from a staff perspective, having an accessory building with a
20 bathroom and a kitchen means that the accessory building could become a dwelling in the future. He said
21 that obviously a catering kitchen is much more or as valuable as most dwellings but as long as there is a
22 demand for a catering kitchen then that is how this proposed structure will be used. Mr. Hall said that in the
23 long term when Mr. Hug decides to move away from the property or sell the property, the question arises
24 whether there should be any special condition about this at that point. He said that the catering kitchen could
25 be used under another business if the Board doesn't see fit to impose a condition and again a catering kitchen
26 is such a large investment that he does not know that there needs to be a special condition. He said that
27 using the building for anything other than a catering kitchen, such as a second dwelling, would be a clear
28 violation of the Zoning Ordinance therefore no condition is required for that but at a staff level the situation
29 has been discussed and given the value that is inherent for a catering kitchen there is a 99% chance that this
30 will always be just a catering kitchen. He asked the Board if they had any concerns regarding his comments.

31
32 Mr. Passalacqua stated that with the Zoning Ordinance in place prohibiting the building from becoming a
33 second dwelling detours the need for a special condition.

34
35 Mr. Thorsland stated that he agrees with Mr. Passalacqua because the catering kitchen's value is a lot more
36 than a typical dwelling kitchen. He said that a second dwelling on the property is not allowed to begin with
37 and inevitably someone would discover its existence.

38
39 Mr. Thorsland asked Mr. Hug if he has a ten or fifteen year plan regarding relocating the facility closer to
40 town and if so, what will he do with the building which is equipped with a catering kitchen.

41

1 Mr. Hug stated that the catering business is a second job for him and at this point there is no plan for the
2 business to get any larger than what the shed would provide.
3
4 Mr. Thorsland asked Mr. Hug if it is his intent that the catering business which is located inside of the shed
5 will remain for a very long time.
6
7 Mr. Hug stated yes.
8
9 Ms. Lee stated that the memorandum indicates that Mr. Hug acquired the catering business from someone
10 else. She asked Mr. Hug where the previous business had its catering kitchen.
11
12 Mr. Hug stated that the memorandum is incorrect. He said that he started the business and he is not sure
13 where the information for the memorandum came from.
14
15 Ms. Chavarria stated that when staff looked up the business on the State of Illinois website it indicated an
16 agent that Mr. Hug used to establish the business.
17
18 Mr. Hug stated that when he applied for the LLC he did have an agent. He clarified that he started the
19 business from scratch and did not purchase the business from anyone else.
20
21 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Hug.
22
23 Mr. Hall asked Mr. Hug if he foresees any issues with his neighbors regarding the outdoor smoking of the
24 meat for the catering business. He asked Mr. Hug if he has spoken with his neighbors regarding the catering
25 kitchen or does he feel that it may take a while for the neighbors to become accustomed to the smoking and
26 odors that may occur.
27
28 Mr. Hug stated that he has spoken with his neighbors and they are more excited about the leftovers than the
29 smoking of the meat. He said that his neighbors do not appear to be concerned about the outdoor smoking or
30 the catering kitchen in the shed. He said that there is a shed located directly to the south of his property
31 which would block odors from the neighbors to the south.
32
33 Mr. Thorsland asked Mr. Hug to indicate the typical clientele for the business.
34
35 Mr. Hug stated that typically he would cater to weddings and other events.
36
37 Mr. Thorsland asked Mr. Hug if his culinary skills came from family history, training, or desire.
38
39 Mr. Hug stated that his culinary skills came from television and a lot of practice but no formal training.
40
41 Mr. Thorsland asked Mr. Hug if he does some catering now from a different location.

1
2 Mr. Hug stated that he has catered to some very small parties.
3
4 Mr. Thorsland asked Mr. Hug if he is just now trying to establish a catering business.
5
6 Mr. Hug stated yes.
7
8 Mr. Randol asked Mr. Hug if he has received any information from the Capital Development Board
9 regarding accessibility requirements.
10
11 Mr. Hug stated that he contacted Mr. Gamble but he has not heard anything back. Mr. Hug said that when
12 he does speak with Mr. Gamble he will inform Mr. Gamble that he does have a 30' x 40' opening in the
13 shed, which is not part of the catering kitchen, that has a concrete surface and would be available for
14 accessibility requirements.
15
16 Mr. Thorsland stated that the use as a contractor's facility requires a loading berth unless the Board waives
17 the requirement.
18
19 Mr. Hall stated that every use requires a loading berth and normally the loading berth is allowed to be
20 wherever it can be located and does not have a paved surface but with this being a catering business common
21 sense would tell the Board that there will be an area where food will be loaded for delivery.
22
23 Mr. Thorsland stated that the drawings indicate that there is enough space inside of the building to designate
24 a 10' x 40' loading area. He said that until Mr. Hug has the opportunity to talk to Mr. Gamble it is unknown
25 what to do about the handicap spot.
26
27 Mr. Randol asked Mr. Hug if he is planning on any on-site serving of the food.
28
29 Mr. Hug stated no.
30
31 Mr. Hall stated that staff spoke with Mr. Hug about garbage pickup. He said that past uses, not catering
32 facilities but food preparation facilities, were in the CR Conservation-Recreation Zoning District which the
33 subject property is also near and there are a lot of coyotes in that district. He said that during previous uses
34 staff received complaints that coyotes were getting into the trash and spreading it onto adjacent properties.
35 He asked Mr. Hug to describe his plans for the waste created by the use.
36
37 Mr. Hug stated that he spoke with the garbage service that services his home once per week and the service
38 indicated that for an additional \$15, on a special order basis, they would come and pick up the waste from
39 the catering kitchen. He said that he does not cook on a weekly basis therefore he does not need to set up
40 collection for the catering kitchen's waste on a weekly basis. He said that he just needs to call them and they
41 will pick up the waste the next day.

1
2 Mr. Thorsland asked Mr. Hug if there is a high level of waste could he store it inside the building during the
3 night and place it outside the morning of the scheduled pick up.
4
5 Mr. Hug stated that he can work that out with the service.
6
7 Mr. Thorsland stated that sometimes staff does receive complaints about trash being scattered by animals but
8 in Mr. Hug's case he has plenty of room inside of the shed to store the waste from the catering kitchen until
9 the garbage service arrives for pick up and disposal.
10
11 Ms. Lee asked Mr. Hall to indicate the percentage of the property which is located in the CR Conservation-
12 Recreation Zoning District.
13
14 Mr. Hall stated that item #4 on page 2 of the Summary of Evidence indicates that the northern 45 feet of the
15 subject property is zoned CR Conservation-Recreation. He said that staff measured off of the zoning map
16 that hangs in the office lobby and only the northern 45 feet of the subject property is zoned CR and the south
17 155' is zoned AG-1 Agriculture so roughly a little more than one acre is zoned AG-1 and the remainder is
18 zoned CR. He said that the zoning map illustration that is attached to the memorandum appears to be the
19 reverse of the official zoning map and staff cannot explain this occurrence. He said that staff has measured
20 the paper maps that are located in the office lobby multiple times and those paper maps are the official
21 zoning maps for Champaign County.
22
23 Mr. Thorsland asked Mr. Hall to refresh the Board as to what a Type D Screen is.
24
25 Mr. Hall stated that a Type D Screen is an eight foot tall screen that is intended to block visibility and can
26 consist of wood, brick, chain-link with plastic inserts or evergreen vegetation.
27
28 Mr. Randol stated that if vegetation is planted there is a time frame regarding their growth.
29
30 Mr. Thorsland asked Mr. Hug if he has a plan for the required screening.
31
32 Mr. Hug stated that he would probably construct a wood fence as the screening.
33
34 Mr. Thorsland asked Mr. Hug if he reviewed the special condition regarding full cut-off lighting and if so
35 does he also have a plan for this requirement as well.
36
37 Mr. Hug stated that he will install whatever is required by the Board.
38
39 Mr. Hall stated that if there were recess lights or can lights in the roof they would count as full cut-off but
40 wall sconces, unless designed to be full cut-off, would not be allowed. He said that it should not be hard to
41 achieve the required lighting and staff should approve the type of lighting that Mr. Hug intends to install to

1 assure that it meets the standard.

2

3 Mr. Thorsland stated that should the Board approve this request tonight Mr. Hug can contact staff regarding
4 the type of lighting that he intends to install and that it meets the standard.

5

6 Ms. Lee asked Mr. Hug if he anticipates having events on the subject property in the future.

7

8 Mr. Hug stated no.

9

10 Mr. Thorsland asked the Board and staff if there were any further questions for Mr. Hug and there were
11 none.

12

13 Mr. Thorsland stated that the Board will now review the proposed special conditions.

14

15 Mr. Thorsland read proposed Special Condition A. as follows:

16

17 **A. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the**
18 **proposed Contractors Facility with or without Outdoor Storage and/or Operations**
19 **until the Petitioner has demonstrated that the proposed Special Use complies with the**
20 **Illinois Accessibility Code.**

21

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

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

24

25 Mr. Thorsland asked Mr. Hug if he agreed with Special Condition A.

26

27 Mr. Hug stated that he agreed with Special Condition A.

28

29 Mr. Thorsland read proposed Special Condition B as follows:

30

31 **B. The Zoning Administrator shall not issue a Zoning Compliance Certificate until the**
32 **Petitioner has submitted a copy of the approved permit from the Champaign Urbana**
33 **Public Health Department for construction of the second septic system for the catering**
34 **business and the Zoning Administrator has verified that the septic system was built as**
35 **shown in the permit application.**

36

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

38 **To ensure that the private sewage disposal systems are adequate for the uses on the**
39 **subject property.**

40

41 Mr. Hug stated that as soon as he receives all of the necessary approvals his plumber is ready to go.

1
2 Mr. Thorsland asked Mr. Hug if he agreed with Special Condition B.

3
4 Mr. Hug stated that he agreed with Special Condition B.

5
6 Mr. Thorsland read proposed Special Condition C. as follows:

7
8 **C. The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue**
9 **a Zoning Compliance Certificate on the subject property until the lighting**
10 **specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

11
12 The special condition stated above is required to ensure the following:
13 **That exterior lighting for the proposed Special Use meets the requirements established**
14 **for Special Uses in the Zoning Ordinance.**

15
16 Mr. Thorsland asked Mr. Hug if he agreed with Special Condition C.

17
18 Mr. Hug stated that he agreed with Special Condition C.

19
20 **D. A Type D screen for the outdoor operations area of the catering business must be**
21 **installed, or a variance must be applied for and approved by the Zoning Board of**
22 **Appeals within 90 days of approval of the Special Use Permit.**

23
24 The special condition stated above is required to ensure the following:
25 **That the proposed contractor’s facility conforms to the requirements of the Zoning**
26 **Ordinance.**

27
28 Mr. Thorsland asked Mr. Hug if he agreed with Special Condition D.

29
30 Mr. Hug stated that he agreed with Special Condition D.

31
32 **E. This Special Use Permit authorizes a “catering kitchen” as a contractor’s facility and**
33 **does not authorize any actual dining services on the subject property.**

34
35 The special condition stated above is required to ensure the following:
36 **That the proposed Special Use Permit is very clear regarding what is authorized and**
37 **what is not authorized.**

38
39 Mr. Thorsland asked Mr. Hug if he agreed with Special Condition E.

40
41 Mr. Hug stated that he agreed with Special Condition E.

1
2 Mr. Hall stated that a special condition should have been included regarding trash pickup. He said that the
3 discussion earlier indicating that Mr. Hug is willing to bring the trash inside if necessary to prevent animal
4 scavenging or high wind distribution. He said that something is not enforceable if it is not a specific
5 condition of approval.

6
7 Mr. Thorsland asked the Board for input.

8
9 Ms. Capel stated that after listening to the River Bend situation it appears that a special condition regarding
10 trash pickup would be a good idea. She said that the special condition should specify trash pickup within 24
11 to 48 hours so that the trash does not become a problem.

12
13 Mr. Hall stated that a special condition would need to do nothing more than what Mr. Hug indicates as his
14 plan for the trash pickup. He said that the nature of a Special Use Permit is that this could be sold to
15 someone else in the future who may not be as meticulous as Mr. Hug regarding trash pickup.

16
17 Ms. Capel stated that there is no remedy if there is no special condition.

18
19 Mr. Thorsland asked Mr. Hall if a 48 hour time period is sufficient for pickup.

20
21 Mr. Hall stated that a bare minimum condition so that staff would have the right to require improvements in
22 management would be necessary.

23
24 Mr. Hall read proposed Special Condition F. as follows:

25
26 **F. Trash pickup for the special Use Permit shall be as needed to minimize nuisance**
27 **problems for animal scavenging and/or weather conditions and if necessary,**
28 **trash shall be stored inside.**

29
30 The special condition stated above is required to ensure the following:
31 **That the trash is managed so as not to be a nuisance and is enforceable.**

32
33 Mr. Thorsland asked Mr. Hug if he agreed to Special Condition F.

34
35 Mr. Hug stated that he agreed to Special Condition F. He said that his wife's requirements would be more
36 restrictive than what are included in the special condition.

37
38 Mr. Passalacqua asked Mr. Hug how often the Health Department conducts inspections.

39
40 Mr. Hug stated that they perform an initial inspection and then random inspections thereafter.

41

1 Mr. Thorsland stated that it would be in Mr. Hug’s best interest to stay compliant.

2

3 Mr. Hug agreed.

4

5 Mr. Thorsland stated that a special condition indicating that the structure cannot be converted into a dwelling
6 is necessary.

7

8 Ms. Capel stated that the structure is not supposed to be converted into a dwelling and that is enforceable
9 without a special condition.

10

11 Mr. Thorsland entertained a motion to approve Special Conditions A-F.

12

13 **Mr. Randol moved, seconded by Ms. Griest to approve Special Conditions A-F. The motion carried**
14 **by voice vote.**

15

16 Mr. Thorsland stated that there are no new Documents of Record.

17

18 **Finding of Fact for Case 811-S-15:**

19

20 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
21 811-S-15 held on August 27, 2015, the Zoning Board of Appeals of Champaign County finds that:

22

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

25

26 Ms. Griest stated that the requested Special Use Permit IS necessary for the public convenience at this
27 location because the site is located one mile north of the Village of St. Joseph and 1.75 miles from the I-74
28 interchange.

29

30 Mr. Thorsland stated that the petitioner has indicated that the area is underserved for this type of business.

31

32 Ms. Capel stated that the petitioner can work on the property on which he resides.

33

- 34 **2. The requested Special Use Permit, subject to the special conditions imposed herein, is**
- 35 **so designed, located, and proposed to be operated so that it WILL NOT be injurious to**
- 36 **the district in which it shall be located or otherwise detrimental to the public health,**
- 37 **safety, and welfare because:**

- 38 **a. The street has ADEQUATE traffic capacity and the entrance location has**
- 39 **ADEQUATE visibility.**

40

41 Ms. Capel stated that the street has ADEQUATE traffic capacity and the entrance location has ADEQUATE

1 visibility.

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

3
4 Mr. Randol stated that emergency services availability is ADEQUATE and no comments have been received
5 from the Fire Protection District.

6
7 **c. The Special Use WILL be compatible with adjacent uses.**

8
9 Ms. Lee stated that the Special Use WILL NOT be compatible with adjacent uses because it is a residential
10 area. She said that considering the amount of complaints received during the River Bend case is the reason
11 why she does not feel that the use is compatible with the three other residences surrounding the subject
12 property.

13
14 Mr. Thorsland stated that the Board has imposed a special condition which requires that the Petitioner works
15 indoors, provides a loading berth and meets all of the requirements of the area.

16
17 Ms. Lee stated that the smoking of the meat is done outdoors and not indoors.

18
19 Ms. Capel stated that the smoking of the meat will be located in a screened area and a shed separates the
20 smoking from the other residences. She said that the smoking of the meat is not a daily or weekly activity
21 and is intermittent.

22
23 Mr. Passalacqua stated that testimony has been received that there are no concerns received from adjacent
24 neighbors.

25
26 Mr. Passalacqua stated that in lieu of the testimony and the special conditions the use has been made to be
27 compatible with adjacent residences.

28
29 Ms. Griest stated that she understands why Ms. Lee indicated that the Special Use WILL NOT be compatible
30 but by adding the special conditions the Board has crafted the use and protected the neighboring residents so
31 that the Board can effectively indicate that the use will be compatible with existing uses.

32
33 Mr. Thorsland stated that from the River Bend case the smoking issue was before the Board again and is
34 under a regular review basis for compliance. He said that the first time that the smoking of the meat
35 becomes a problem for a resident they will call staff to file a complaint. He said that Mr. Hug is before the
36 Board before he begins his business at his residence rather than afterwards which is a rare occurrence for the
37 Board.

38
39 Mr. Hall stated that it should be noted that during the River Bend case it was a type of industrial smoking
40 that Mr. Hug is not going to be doing.

41

1 Mr. Thorsland stated that the real problem with the River Bend case was not so much the smoking of the
2 sausage as the fact that it was a daily, very busy business with a lot of left over carcass that was being moved
3 around until the Board made the petitioner store the carcasses inside. He said that the adjacent neighbor and
4 the petitioner appeared to clash in personalities and the Board restricted the use very hard and staff has not
5 received any recent complaints.
6

7 Ms. Griest stated that the River Bend smoking operation was closer to the adjacent neighbor's property line
8 than Mr. Hug's smoking operation will be as Mr. Hug's operation has a substantial separation from the
9 adjacent neighbor.
10

11 Mr. Thorsland stated that the prevailing winds are from the west and the house to the east is far away.
12

13 Ms. Lee stated that she may receive disagreement but she stands by her determination of WILL NOT.
14

15 Mr. Thorsland stated that the Board can take a voice vote on item 1.C or the Board could indicate that the
16 special use WILL be compatible with adjacent uses with one opposing vote.
17

18 Ms. Lee stated that the indication that one opposing vote would suffice.
19
20

21 **d. Surface and subsurface drainage will be ADEQUATE.**
22

23 Mr. Thorsland stated that surface and subsurface drainage will be ADEQUATE.
24

25 **e. Public safety will be ADEQUATE.**
26

27 Ms. Capel stated that public safety will be ADEQUATE. She added that no comment was received from
28 emergency services.
29

30 **f. The provisions for parking will be ADEQUATE.**
31

32 Mr. Thorsland stated that the provisions for parking will be ADEQUATE. He noted that accessible parking
33 will be determined by the Illinois Capital Development Board and will be enforced.
34

35 **g. The property IS WELL SUITED OVERALL for the proposed improvements.**
36

37 Mr. Passalacqua stated that the property IS WELL SUITED OVERALL for the proposed improvements.
38

39 **h. Existing public services ARE available to support the proposed Special Use
40 without undue public expense.**
41

Ms. Griest stated that existing public services ARE available to support the proposed Special Use without

1 undue public expense.

2

3 **i. Existing public infrastructure together with the proposed development IS**
4 **adequate to support the proposed development effectively and safely without**
5 **undue public expense.**

6

7 Ms. Capel stated that the existing public infrastructure together with the proposed development IS adequate
8 to support the proposed development effectively and safely without undue public expense.

9

10 Mr. Thorsland stated that the requested Special Use Permit, subject to the special conditions imposed herein,
11 is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in
12 which it shall be located or otherwise detrimental to the public health, safety, and welfare.

13

14

15 **3a. The requested Special Use Permit, subject to the special conditions imposed herein,**
16 **DOES conform to the applicable regulations and standards of the DISTRICT in which**
17 **it is located.**

18

19 Ms. Griest stated that the requested Special Use Permit, subject to the special conditions imposed herein,
20 DOES conform to the applicable regulations and standards of the DISTRICT in which it is located.

21

22 **3b. The requested Special Use Permit, subject to the special conditions imposed herein,**
23 **DOES preserve the essential character of the DISTRICT in which it is located because:**
24 **a. The Special Use will be designed to CONFORM to all relevant County**
25 **ordinances and codes.**

26

27 Ms. Griest stated that the Special Use will be designed to CONFORM to all relevant County ordinances and
28 codes.

29

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

31

32 Ms. Griest stated that the Special Use WILL be compatible with adjacent uses.

33

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

35

36 Ms. Griest stated that public safety will be ADEQUATE.

37

38 Ms. Griest stated that the requested Special Use Permit, subject to the special conditions imposed herein,
39 DOES preserve the essential character of the DISTRICT in which it is located.

40

41 **4. The requested Special Use Permit, subject to the special conditions imposed herein, IS**

1 in harmony with the general purpose and intent of the Ordinance because:

2 a. The Special Use is authorized in the District.

3 b. The requested Special Use Permit IS necessary for the public convenience at this
4 location.

5
6 Ms. Capel stated that the requested Special Use Permit IS necessary for the public convenience at this
7 location.

8
9 c. The requested Special Use Permit, subject to the special conditions imposed
10 herein, is so designed, located, and proposed to be operated so that it WILL
11 NOT be injurious to the district in which it shall be located or otherwise
12 detrimental to the public health, safety, and welfare.

13
14 Mr. Randol stated that the requested Special Use Permit, subject to the special conditions imposed herein, is
15 so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in which
16 it shall be located or otherwise detrimental to the public health, safety, and welfare.

17
18 d. The requested Special Use Permit, subject to the Special Conditions imposed
19 herein, DOES preserve the essential character of the DISTRICT in which it is
20 located.

21
22 Mr. Randol stated that the requested Special Use Permit, subject to the Special Conditions imposed herein,
23 DOES preserve the essential character of the DISTRICT in which it is located.

24
25 Mr. Thorsland stated that the requested Special Use Permit, subject to the special conditions imposed
26 herein, IS in harmony with the general intent of the Ordinance.

27
28 5. The requested Special Use IS NOT an existing nonconforming use.

29
30 Mr. Thorsland stated that the requested Special Use IS NOT an existing nonconforming use.

31
32 6. The special conditions imposed herein are required to ensure compliance with the
33 criteria for special use permits for the particular purpose described below:

34
35 A. The Zoning Administrator shall not issue a Zoning Compliance Certificate for
36 the proposed Contractors Facility with or without Outdoor Storage and/or
37 Operations until the Petitioner has demonstrated that the proposed Special Use
38 complies with the Illinois Accessibility Code.

39
40 The special condition stated above is necessary to ensure the following:

41 That the proposed Special Use meets applicable state requirements for

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accessibility.

- B. The Zoning Administrator shall not issue a Zoning Compliance Certificate until the Petitioner has submitted a copy of the approved permit from the Champaign Urbana Public Health Department for construction of the second septic system for the catering business and the Zoning Administrator has verified that the septic system was built as shown in the permit application.**

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

To ensure that the private sewage disposal systems are adequate for the uses on the subject property.

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

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

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

- D. A Type D screen for the outdoor operations area of the catering business must be installed, or a variance must be applied for and approved by the Zoning Board of Appeals within 90 days of approval of the Special Use Permit.**

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

That the proposed contractor’s facility conforms to the requirements of the Zoning Ordinance.

- E. This Special Use Permit authorizes a “catering kitchen” as a contractor’s facility and does not authorize any actual dining services on the subject property.**

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

That the proposed Special Use Permit is very clear regarding what is authorized and what is not authorized.

- F. Trash pickup for the Special Use Permit shall be as needed to minimize nuisance problems for animal scavenging and/or weather conditions and if necessary, trash shall be stored inside.**

1 The special condition stated above is required to ensure the following:
 2 **That the trash is managed so as not to be a nuisance and is enforceable.**
 3

4 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings
 5 of Fact as amended.
 6

7 **Mr. Randol moved, seconded by Ms. Griest to adopt the Summary of Evidence, Documents of Record
 8 and Findings of Fact as amended. The motion carried by voice vote with one opposing vote.**
 9

10 Mr. Thorsland entertained a motion to move to the Final Determination for Case 811-S-15.
 11

12 **Ms. Griest moved, seconded by Ms. Capel to move to the Final Determination for Case 811-S-15. The
 13 motion carried by voice vote.**
 14

15 **Final Determination for Case 811-S-15:**
 16

17 **Ms. Griest moved, seconded by Ms. Capel that the Champaign County Zoning Board of Appeals finds
 18 that, based upon the application, testimony, and other evidence received in this case, the requirements
 19 of Section 9.1.11.B. for approval HAVE been met, and pursuant to the authority granted by Section
 20 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:**
 21

22 **The Special Use requested in Case 811-S-15 is hereby GRANTED WITH SPECIAL
 23 CONDITIONS to the applicant Casey Hug, d.b.a. Rub ‘n’ Chug LLC, to authorize the
 24 following as a Special Use on land in the AG-1 Zoning District:**
 25

26 **Authorize a catering business as a Contractor’s Facility with or without outdoor storage
 27 and/or outdoor operations.**
 28

29 **SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:**
 30

- 31 **A. The Zoning Administrator shall not issue a Zoning Compliance Certificate for**
- 32 **the proposed Contractors Facility with or without Outdoor Storage and/or**
- 33 **Operations until the Petitioner has demonstrated that the proposed Special Use**
- 34 **complies with the Illinois Accessibility Code.**
 35

36 The special condition stated above is necessary to ensure the following:
 37 **That the proposed Special Use meets applicable state requirements for**
 38 **accessibility.**
 39

- 40 **B. The Zoning Administrator shall not issue a Zoning Compliance Certificate until**
- 41 **the Petitioner has submitted a copy of the approved permit from the Champaign**

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Urbana Public Health Department for construction of the second septic system for the catering business and the Zoning Administrator has verified that the septic system was built as shown in the permit application.

The special condition stated above is required to ensure the following:
To ensure that the private sewage disposal systems are adequate for the uses on the subject property.

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

The special condition stated above is required to ensure the following:
That exterior lighting for the proposed Special Use meets the requirements established for Special Uses in the Zoning Ordinance.

- D. A Type D screen for the outdoor operations area of the catering business must be installed, or a variance must be applied for and approved by the Zoning Board of Appeals within 90 days of approval of the Special Use Permit.**

The special condition stated above is required to ensure the following:
That the proposed contractor’s facility conforms to the requirements of the Zoning Ordinance.

- E. This Special Use Permit authorizes a “catering kitchen” as a contractor’s facility and does not authorize any actual dining services on the subject property.**

The special condition stated above is required to ensure the following:
That the proposed Special Use Permit is very clear regarding what is authorized and what is not authorized.

- F. Trash pickup for the special Use Permit shall be as needed to minimize nuisance problems for animal scavenging and/or weather conditions and if necessary, trash shall be stored inside.**

The special condition stated above is required to ensure the following:
That the trash is managed so as not to be a nuisance and is enforceable.

Mr. Thorsland requested a roll call vote.

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The roll was called as follows:

Lee - no	Passalacqua - yes	Randol - yes
Capel – yes	Griest – yes	Thorsland – yes

Mr. Hall informed Mr. Hug that he has received an approval for his request and staff will mail out the appropriate paperwork as soon as possible. He said that staff will require a Change of Use Permit to document that the shed will have the catering kitchen.

Ms. Capel asked if the Final Determination should indicate a catering kitchen as a Contractor’s Facility and not a catering business as a Contractor’s Facility.

Mr. Hall stated that Mr. Hug will be conducting the entire business from the subject property therefore the Final Determination is correct in stating a catering business as a Contractor’s Facility.

Case 812-V-15 Petitioner: Windsor Road Christian Church. Request to authorize the following in the AG-2 Agriculture Zoning District: Part A. A Private Traffic Direction Sign that is 24 square feet in area in lieu of the required maximum of 5 square feet in area; and Part B. A Private Traffic Direction Sign that is 20 square feet in area and 80 inches in height in lieu of the required maximum of 5 square feet in area and 5 feet (60 inches) in height; and Part C. Four Private Traffic Direction Signs that are 80 inches in height in lieu of the required maximum height of 5 feet (60 inches); and Part D. Three Private Traffic Direction Signs that are 6.25 square feet in area and 72 inches in height in lieu of the required maximum of 5 square feet in area and 5 feet (60 inches) in height. Location: A ten acre tract of land in the Northeast Quarter of the Northeast Quarter of the Northwest Quarter of Section 27 of Champaign Township and commonly known as the Windsor Road Christian Church located at 2501 West Windsor Road, Champaign.

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. He asked the audience if anyone desired to sign the witness register at this time.

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

1 from cross examination.
2
3 Mr. Thorsland asked the petitioner if he would like to make a brief statement regarding the request.
4
5 Mr. Scott Kunkel, who resides at 2711 Windward Boulevard, Champaign, stated that what facilitated the
6 request is the Windsor Road Christian Church's desire to install a sign at the main entrance of the facility.
7 He said that the original plan for the expansion construction indicated that the entrance location would be
8 relocated to the far west end of the site off of Windsor Road. He said that the entrance is now complete and
9 a sign is required to denote the new location of the entrance. He said subsequent to the new sign Mr. Hall
10 requested that the Windsor Road Christian Church clean up issues with some other signs already installed on
11 the site.
12
13 Mr. Thorsland asked the Board if there were any questions for Mr. Kunkel.
14
15 Ms. Lee asked Mr. Kunkel why the sign needs to be so big.
16
17 Mr. Kunkel stated that the entrance sign will deal with vehicles traveling on Windsor Road and the desire is
18 to make it clear for people to see the sign well in advance so that they can make a gradual turn rather than
19 making an abrupt turn off of Windsor Road.
20
21 Mr. Thorsland asked Mr. Hall why the Zoning Ordinance allows such a small sign in the first place.
22
23 Mr. Hall stated that he can only assume that it is small because it is meant to be directional onsite. He said
24 that the biggest sign 8' x 3' is technically not for onsite traffic and is a traffic directional sign so it needs the
25 variance. He said that in this case we are not dealing with traffic onsite and vehicles traveling on Windsor
26 Road needs to know where to turn in a timely and safe manner and by the terms of the Ordinance a variance
27 is required.
28
29 Mr. Passalacqua stated that he travels Windsor Road and the entrance sign needs to be that size because the
30 entrance into Cherry Hills is dangerous. He said that people travel the road from the west very fast during
31 the late evening and the more forewarning that people have regarding the church's entrance, the better. He
32 said that he turned onto the subject property the other day and the entrance is better than any highway project
33 that the State of Illinois has done so far.
34
35 Ms. Lee stated that the reason why she asked Mr. Kunkel why the sign needed to be so large was because she
36 wanted the answer to be part of the testimony.
37
38 Mr. Randol asked if the sign will be illuminated.
39
40 Mr. Kunkel stated no, but there are street lights along Windsor Road.
41

1 Mr. Thorsland stated that the movement of the entrance was somewhat dictated by the City of Champaign.
2
3 Mr. Kunkel stated that the entrance to the church was originally much further east on Windsor Road than
4 where it is currently located. He said that when the subdivision across the street to the north was approved,
5 Scottsdale Drive intersected Windsor Road at an offset relative to the church's drive thus causing a traffic
6 conflict. He said that part of the reason for relocation of the entrance was to create as much offset as
7 possible from the intersection of Scottsdale Drive.
8
9 Ms. Griest asked Mr. Kunkel if he is aware of the speed limit in that area.
10
11 Mr. Kunkel stated that the posted speed limit on Windsor is 35 MPH but very few people travel that speed.
12 He said that it is 35MPH to Duncan Road and perhaps on past a little bit.
13
14 Mr. Thorsland asked Mr. Randol if he would like a special condition regarding illumination of the sign.
15
16 Mr. Randol stated no. He said that he was just curious if the sign was illuminated at night to assist with
17 night time identification of the entrance but if there are enough street lights to fill that need then he is fine
18 with it.
19
20 Mr. Kunkel stated that there is enough ambient light from the public street lights to clearly view the sign.
21
22 Mr. Hall stated that the other on-site signs were authorized to be installed without a variance. He said that
23 even though the on-site signs would have required small variances they all exceeded the amount of a minor
24 variance. He said that one of the signs provides four different directions and is 20 square feet in area and
25 could be argued that it is within the spirit of the Ordinance. He said that the stop signs are the size and
26 height that they are so that they conform to the Manual on Uniform Traffic Control Devices and the
27 accessible sign meets the accessibility requirements. He agreed that they could be constructed without taking
28 the time to seek a variance because it seemed to make sense. He said that he does not understand why the
29 *Zoning Ordinance* limits the size of traffic direction signs on the property itself but he did not make an issue
30 of it.
31
32 Mr. Thorsland stated that in order to meet the traffic code it needs to be a variance with the County.
33
34 Mr. Hall stated that the petitioner has been discussing the need for the large sign at the entrance from the
35 beginning because they knew they needed it and hoped that traffic could learn where the entrance was
36 relocated. He said that when the petitioner decided to finally seek the variance is when staff added the other
37 signs.
38
39 Mr. Thorsland stated that the only real concern that this Board would have with the large sign is if it was
40 located in the visibility triangle, which it is not.
41

1 Ms. Griest asked Mr. Hall if this issue is something that the Board could request to have the *Zoning*
2 *Ordinance* updated quickly and easily. She said that staff could add the requirement except when it
3 complies with traffic regulations or accessibility.
4

5 Mr. Hall stated that it would be a quick fix but this issue does not come up that often and in terms of the
6 scale of problems related to signage in the Ordinance there are much larger problems in the *Zoning*
7 *Ordinance* that need to be addressed. He said that he will leave it up to the Board and if they would like to
8 see this as a future text amendment then staff could include it in a work plan so that it would eventually get
9 done in a year but this is the first time that he has heard of an instance like this.
10

11 Ms. Griest stated that during her time on the ZBA she has not heard of anything like this but regulations on
12 signage for accessibility have changed over that time period and it seems redundant that the *Zoning*
13 *Ordinance* would restrict it to begin with to a point that it wouldn't be in compliance with the requirements
14 that are recognized state wide and nationally. She said that she understands that there are bigger fish to fry
15 but we certainly could knock some of the little minnows out of the pond.
16

17 Mr. Hall stated that this is certainly something to note and it is one of those common sense things and do it
18 as soon as possible so that the public will benefit.
19

20 Mr. Thorsland stated that there are no special conditions.
21

22 **Findings of Fact for Case 812-V-15:**
23

24 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
25 812-V-15 held on August 27, 2015, the Zoning Board of Appeals of Champaign County finds that:
26

- 27 **1. Special conditions and circumstances DO exist which are peculiar to the land or**
28 **structure involved, which are not applicable to other similarly situated land and**
29 **structures elsewhere in the same district.**
30

31 Ms. Capel stated that special conditions and circumstances DO exist which are peculiar to the land or
32 structure involved, which are not applicable to other similarly situated land and structures elsewhere in the
33 same district because the City of Champaign approved a subdivision across the street that created an unsafe
34 traffic situation at the former entrance of the church.
35

- 36 **2. Practical difficulties or hardships created by carrying out the strict letter of the**
37 **regulations sought to be varied WILL prevent reasonable or otherwise permitted use of**
38 **the land or structure or construction.**
39

40 Mr. Thorsland stated that practical difficulties or hardships created by carrying out the strict letter of the
41 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure

1 or construction because by granting this variance we allow signs to improve safety and also allow signs that
2 meet state regulations to be installed on the property.

3
4 **3. The special conditions, circumstances, hardships, or practical difficulties DO NOT**
5 **result from actions of the applicant.**
6

7 Mr. Thorsland stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT
8 result from actions of the applicant because the City of Champaign approved a subdivision across the street
9 that created an unsafe traffic situation at the former entrance of the church.

10
11 **4. The requested variance IS in harmony with the general purpose and intent of the**
12 **Ordinance.**
13

14 Mr. Randol stated that the requested variance IS in harmony with the general purpose and intent of the
15 Ordinance because it will allow signs that meet state regulations.

16
17 **5. The requested variance WILL NOT be injurious to the neighborhood or otherwise**
18 **detrimental to the public health, safety, or welfare.**
19

20 Ms. Lee stated that the requested variance WILL NOT be injurious to the neighborhood or otherwise
21 detrimental to the public health, safety or welfare because it will improve traffic safety conditions at this site.

22
23 **6. The requested variance IS the minimum variation that will make possible the**
24 **reasonable use of the land/structure.**
25

26 Mr. Thorsland stated that the requested variance IS the minimum variation that will make possible the
27 reasonable use of the land/structure.

28
29 **7. No special conditions are hereby imposed.**
30

31 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings
32 of Fact as amended.

33
34 **Mr. Randol moved, seconded by Ms. Lee to adopt the Summary of Evidence, Documents of Record**
35 **and Findings of Fact as amended. The motion carried by voice vote.**
36

37 Mr. Thorsland entertained a motion to move to the Final Determination for Case 812-V-15.

38
39 **Ms. Capel moved, seconded by Ms. Griest to move to the Final Determination for Case 812-V-15. The**
40 **motion carried by voice vote.**
41

Final Determination for Case 812-V-15:

Ms. Griest moved, seconded by Ms. Capel that 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 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 812-V-15 is hereby GRANTED to the petitioner Windsor Road Christian Church to authorize the following in the AG-2, Agriculture Zoning District as per paragraph 7.3.3.F of the *Zoning Ordinance*:

Part A: A Private Traffic Direction Sign that is 24 square feet in area in lieu of the required maximum of 5 square feet in area.

Part B: A Private Traffic Direction Sign that is 20 square feet in area and 80 inches in height in lieu of the required maximum of 5 square feet in area and 5 square feet (60 inches) in height.

Part C: Four Private Traffic Direction Signs that are 80 inches in height in lieu of the required maximum height of 5 feet (60 inches).

Part D: Three Private Traffic Direction Signs that are 6.25 square feet in area and 72 inches in height in lieu of the required maximum 5 square feet in area and 5 feet (60 inches) in height.

Mr. Thorsland requested a roll call vote.

The roll was called as follows:

Passalacqua – yes	Randol – yes	Capel – yes
Griest – yes	Lee - yes	Thorsland – yes

Mr. Hall informed the petitioner that he has received an approval for his request. He said that staff will send out the appropriate paperwork as soon as possible. He requested that the petitioner call the office with any questions regarding the case or permitting.

7. Staff Report

None

8. Other Business

A. Review of Docket

1 Mr. Hall distributed an updated docket to the Board for review. He said that the Board has a ZBA meeting
2 on September 10th but the September 24th meeting has been cancelled and a scheduled meeting for October
3 15th. He said that staff has not received any new case applications recently but at the end of July the Board
4 has received more cases in 2015 than it had received at the same time in 2014 even including the fact that
5 2014 included December of 2013. He said that this year was looking slow in the beginning in both terms of
6 cases and permitting but by the end of July we have caught up. He said that permitting is not totally caught
7 up but the monthly report always reports the months that exceeded the previous five year average but July of
8 2015 exceeded all of those parameters. He said that even though several ZBA meetings have been cancelled
9 this year, the Board has completed more cases than they did last year.

10
11 Mr. Thorsland stated that the Board also puts more into a meeting night than they used to.

12
13 Ms. Lee asked Mr. Hall to indicate the status of Case 808-S-15.

14
15 Mr. Hall stated that Ms. Dessen is trying to make her decision although staff has not been notified as to what
16 that decision is yet. He said that the case was continued to November 12th so the Board has a lot of time in
17 between before it should be worried about that case.

18
19 Ms. Lee asked Mr. Hall to indicate the status of Case 792-V-14 and has staff received any new information.

20
21 Mr. Hall stated that staff has not received any new information regarding Case 792-V-14.

22
23 **9. Audience Participation with respect to matters other than cases pending before the Board**

24
25 Ms. Jean Fisher, who resides at 195 CR 1600E, Villa Grove, stated that she wanted to thank the Board for
26 helping with the CR, Conservation-Recreation Zoning District issues in her area during the recent past. She
27 said that unfortunately she is before the Board again to present additional problems which if allowed to
28 continue will cause the vitality of the conservation area to decline. She requested that the ZBA take
29 preventative action against any destruction.

30
31 Ms. Fisher stated that some of the Board members are aware of her area's history. She said that in 2009 a
32 new landowner, Mr. Phillip Jones, started extensively moving earth in roughly a 13 acre area located right
33 behind her property and the E.E. Roger's Subdivision and subsequently placed a 9 to 10 foot berm. She said
34 that this was done prior to receiving a permit or environmental studies being performed. She said that the
35 zoning office tried to fend this practice off but it still continued. She said that dirt was brought onto the
36 property and piled up creating another berm on the south property line. She said that in late 2011 Mr. Jones
37 requested a Special Use Permit for a Helicopter-RLA because it had been reported that he was landing
38 airplanes and helicopters in the CR District that he owns and this is not an allowable use. She said that
39 during 2011 and 2014 the ZBA hearings prompted by the deception to zoning in regards to a request for an
40 HRLA/RLA variance and these hearings included a tremendous amount of deception and false statements
41 and information from Mr. Jones and his representatives. She said that in late 2014 Mr. Jones started

1 construction on an extensive riding arena that spans roughly 300' x 160' in the CR District without a permit
2 or an environmental study. She said that she has become aware of the possibility of this building and
3 activities taking place as a public event center that will be holding rodeos. She noted that rodeos are not
4 allowed in the CR District. She said that she is not sure if actions are being taken against this unpermitted
5 building by the Champaign County Department of Planning and Zoning.
6

7 Ms. Fisher stated that she must inform the Board of a situation that has been a big concern for three years
8 which is retaliation to the RLA hearings and subsequent denial by the Champaign County Board. She said
9 that Board members may remember testimony brought up about Mr. Jones stating that he would bring in
10 livestock to stink up the place. She said that currently there is a 50' long and 15 feet high pile of manure that
11 is being dumped on her west property line by Mr. Jones. She said that the area is in the CR District and is
12 within the floodplain and its drainage flows to the Embarrass River. She said that all of the abeyance issues
13 with foul odor and visual disgust are obvious. She said that she is not anti-animal or anti-agriculture person
14 as she loves animals and her professional degree proves it. She said that the number of animals on the
15 Jones' property has dramatically increased from two original horses to at least six horses, fifty cows, and
16 hogs, chickens and rabbits.
17

18 Ms. Fisher stated that during her discussions with the John Hall, Zoning Administrator, he was sympathetic
19 but indicated that the ordinances did not address the issue of manure. She said that per her review of
20 Champaign County's ordinances and LRMP foundation she fails to see how the manure pile is not an issue
21 of public health, safety and welfare policies. She said that Section 1 of the Champaign County Nuisance
22 Ordinance discusses the spread of disease, vermin, and visual plight, pollution of surface or ground water
23 and contamination due to inadequate sanitation. She said that Section 2.2 of the Nuisance Ordinance ,
24 defines Garbage as follows: "Trash, refuse, offal, putrescible waste, animal carcasses, or material which is
25 subject to decomposition, decay or biological degradation or which serves to attract or propagate vermin or
26 disease vectors except for properly managed vegetal compost. She said that Section 3.2 specifically states
27 that Deposition, accumulation, maintenance or disposal other than in properly permitted and/or licensed
28 facilities of garbage or debris, sewage, septage or animal waste. She said that she would like to know how
29 this dumping of manure from the past, present and future will not cause the river and conservation district to
30 suffer and decline. She said that the additional aspect of increased animal load, such as horses and cattle,
31 brought in for rodeos will stress it even further. She urged the ZBA and the Champaign County Department
32 of Planning and Zoning to address these issues promptly as a result of one habitual Champaign County law
33 breaker and seeing that violations and or new ordinances be developed for the CR, Conservation-Recreation
34 Zoning District preservation.
35

36 Mr. Thorsland asked Ms. Fisher if staff could have a copy of her written statement for the record and
37 accurate minute transcription.
38

39 Ms. Fisher asked Mr. Thorsland if the Board really wanted a copy of her statement as it has scratches on it.
40

41 Mr. Thorsland informed Ms. Fisher that she could email a copy of her statement for minute transcription.

1 He said that the minutes will be taken straight from the audio tape but if a statement is not clear the written
2 statement can assist staff with clarity.
3
4 Ms. Fisher stated that the written statement that she has tonight is the only copy that she has.
5
6 Ms. Lee noted that Mr. Thorsland indicated that Ms. Fisher could email her statement later.
7
8 Ms. Fisher stated okay, she will do that.
9
10 Ms. Capel stated that one of remedies available for Ms. Fisher's concern is that Mr. Jones needs a manure
11 management plan from the Illinois Department of Agriculture.
12
13 Mr. Hall stated that the Illinois Department of Agriculture has visited the property and they had no concerns
14 because the operation was below the level that they really wanted to do anything. He said that the written
15 standard indicates that there should be a plan and that the manure pile should never have been placed that
16 close to nearby dwellings. He said that these are the rules in the State of Illinois which apply and they have
17 been violated and they are not enforceable.
18
19 Ms. Griest asked if these rules are enforced by the Illinois Environmental Protection Agency or the Illinois
20 Department of Agriculture.
21
22 Mr. Hall stated that it will involve both and zoning clearly has nothing that it can do with it.
23
24 Ms. Griest stated that perhaps a remedy for this adjacent landowner would be to contact their legislator and
25 ask them to put pressure on the appropriate entities to enforce the law that governs these issues.
26
27 Mr. Hall stated that this Board is familiar with how the County's rules regarding riding stables have changed
28 over the years and even though no rodeo has taken place yet there is a chance that there could be a case that
29 this Board will see in the future about that property.
30
31 Ms. Capel stated that if this does turn into a ZBA case then the Board could impose special conditions.
32
33 Mr. Hall stated yes, but it hasn't happened yet.
34
35 Ms. Capel stated that Ms. Fisher discussed the situation regarding a public nuisance. Ms. Capel asked Mr.
36 Hall to indicate what agency is involved in that.
37
38 Mr. Hall stated that Ms. Fisher was referring to the Champaign County Nuisance Ordinance and the agency
39 that would be involved in that is the Department of Planning and Zoning. He noted that staff has no more
40 control over agriculture through the Nuisance Ordinance than it does with the Zoning Ordinance.
41

1 Ms. Griest asked if the animals on the subject property are owned by Mr. Jones.
2
3 Mr. Hall stated yes.
4
5 Mr. Passalacqua stated that two months ago Ms. Fisher contacted him regarding this situation and he
6 informed her that she needed to contact the Department of Planning and Zoning to file a complaint and that
7 she should also call the Illinois Environmental Protection Agency and the Illinois Department of Agriculture.
8
9 Ms. Lee asked Mr. Hall to indicate the rules regarding a riding stable.
10
11 Mr. Hall stated that if someone is boarding horses then that practice is considered agriculture. He said that
12 there is nothing in writing but his view is that riding a horse in an indoor arena has nothing to do with
13 agriculture and Champaign County does deserve permit fees for that very nice stable and eventually those
14 fees will be collected. He said that the issue regarding holding rodeos would require a Special Use Permit
15 although, depending upon how often it occurs, the events could be held as a temporary use. He said that at
16 this point the only actual violation is not having a permit and given the history of this property this is an
17 issue that he needs to address, but frankly he has bigger fish to fry and he hasn't gotten to it yet.
18
19 Ms. Lee stated that she perfectly understands Mr. Hall's workload and appreciated the status of the situation.
20
21 Mr. Hall noted that Mr. Jones submitted an application for an agricultural building but he did not indicate
22 that the building was a riding arena. He said that the County used to require a Special Use Permit for any
23 riding stable and then in the mid 90's a court case upheld the claim that keeping horses is agriculture and
24 now that sounds very reasonable but it is hard to tell a neighbor with concerns where you draw the line for
25 something which needs a Special Use Permit and something that does not. He said that when that neighbor
26 reviews the Zoning Ordinance they can see that a riding stable requires a Special Use Permit because the
27 Zoning Ordinance was not amended to be in line with that court order and it is just the way that it is
28 administered. He said that it would be very difficult to put into writing to write the rules about when a riding
29 stable requires a Special Use Permit and when it does not and so far when staff explains that to people we
30 have never had any problems.
31
32 Ms. Lee stated that there was riding stable placed near her personal property and she had no objections but
33 when the riders trespassed onto her property the Sheriff's Department was called.
34
35 Mr. Passalacqua stated that he would not be surprised to see this particular area in question on the local news
36 in the future.
37
38 **10. Adjournment**
39
40 Mr. Thorsland entertained a motion to adjourn the meeting.
41

1 **Ms. Griest moved, seconded by Ms. Capel to adjourn the meeting. The motion carried by voice vote.**
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3 The meeting adjourned at 8:25 p.m.
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7 Respectfully submitted
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12 Secretary of Zoning Board of Appeals
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