

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street

Urbana, IL 61801

DATE: March 28, 2019

**PLACE: Lyle Shields Meeting Room
1776 East Washington Street**

TIME: 6:30 p.m.

Urbana, IL 61802

MEMBERS PRESENT: Tom Anderson, Frank DiNovo, Ryan Elwell, Marilyn Lee, Jim Randol,
Larry Wood

MEMBERS ABSENT: None

STAFF PRESENT: Connie Berry, Susan Burgstrom, John Hall

OTHERS PRESENT: Rodney Hinrichs, Kyli Miller, Arik Miller, Jacob McCormick, Dennis
McCormick, Ron Rennels

1. Call to Order

The meeting was called to order at 6:30 p.m.

2. Roll Call and Declaration of Quorum

The roll was called, and a quorum declared present.

Mr. Elwell 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: October 18, 2018 and November 29, 2018

Mr. Elwell entertained a motion to approve the October 18, 2018, minutes, as submitted.

**Ms. Lee moved, seconded by Mr. Randol, to approve the October 18, 2018, minutes, as submitted.
The motion carried by voice vote.**

Mr. Elwell entertained a motion to approve the November 29, 2018, minutes, as submitted.

**Ms. Lee moved, seconded by Mr. Randol, to approve the November 29, 2018, minutes, as submitted.
The motion carried by voice vote.**

1 Mr. Elwell entertained a motion to rearrange the agenda and hear Case 929-V-19, Margaret and Rodney
2 Hinrichs, prior to Case 925-S-19, Arik and Kyli Miller, and 930-S-19, Dennis McCormick and Donald
3 Rennels, d.b.a. RJD Machining.

4
5 **Mr. DiNovo moved, seconded by Mr. Wood, to rearrange the agenda and hear Case 929-V-19,**
6 **Margaret and Rodney Hinrichs, prior to Case 925-S-19, Arik and Kyli Miller, and 930-S-19, Dennis**
7 **McCormick and Donald Rennels, d.b.a. RJD Machining. The motion carried by voice vote. (Note: the**
8 **minutes will follow the agenda order of 925-S-19, 929-V-19, and then 930-S-19).**

9
10 **5. Continued Public Hearing**

11
12 **Case 925-S-19 Petitioner: Arik and Kyli Miller, d.b.a. Miller Farms Barn, LLC Request: Authorize**
13 **the remodeling of existing farm buildings and/or the construction of new buildings for the**
14 **establishment and use of an Event Center as a combination “Private Indoor Recreational**
15 **Development” and “Outdoor Commercial Recreational Enterprise” as a Special Use on land that is**
16 **proposed to be rezoned to the AG-2 Agriculture Zoning District from the current AG-1 Agriculture**
17 **Zoning District in related Case 924-AM-19, with the following waiver: Authorize a waiver for an**
18 **Outdoor Commercial Recreational Enterprise that is 0 feet from a residential use in lieu of the**
19 **minimum required 200 feet, per Section 6.1.3 of the Zoning Ordinance. Location: A 10.3 acre tract in**
20 **the East Half of the Northeast Quarter of Section 28 of Township 21N, Range 10E of the Third**
21 **Principal Meridian in Compromise Township and commonly known as the farmstead located at 2079**
22 **CR 2600N, Gifford.**

23
24 Mr. Elwell informed the audience that Case 925-S-19 is an Administrative Case and as such, the County
25 allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for
26 a show of hands for those who would like to cross-examine, and each person will be called upon. He
27 requested that anyone called to cross-examine go to the cross-examination microphone to ask any questions.
28 He said that those who desire to cross-examine are not required to sign the witness register but are requested
29 to clearly state their name before asking any questions. He noted that no new testimony is to be given during
30 the cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
31 exempt from cross-examination.

32
33 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign the
34 witness register for that public hearing. He reminded the audience that when they sign the witness register
35 they are signing an oath. He asked the audience if anyone desired to sign the witness register and there was
36 no one.

37
38 Mr. Elwell asked the petitioners if they would like to make a statement regarding their case.

39
40 Ms. Kyli Miller, who resides at 2079 CR 2600N, Gifford, stated that they are returning before the Board with
41 specific detailed information regarding their proposed event center, and she hopes for a good result.

42
43 Ms. Lee stated that at the previous case related to a riding stable there was discussion regarding giving
44 notice, and a special condition was approved indicating the following: "The petitioner shall not allow any
45 parking to occur in the public street right of way." She said that analogy was used with the next special
46 condition as follows: "The petitioner shall include a statement on contracts with clients as well as a notice

1 posted on the subject property that there will be no trespassing on other properties by clientele of the
2 petitioners.” She said that two issues are different, and the last time that the Board reviewed this case, the
3 notice was dealing with trespassing and not parking on the right-of-way.
4

5 Ms. Burgstrom stated that Supplemental Memorandum #1 includes a revised site plan, Attachment A, which
6 includes Option 1 and Option 2. She said that Option 1 indicates the required parking for the event center,
7 restrooms along the east end of the existing shed, sidewalk and proposed septic near the restroom. She said
8 that the Millers understand that they are required to install a septic system within one year of the approval of
9 the Special Use Permit and they are going back and forth determining what they can do within one year,
10 dependent upon resources and how successful the event center becomes. She said that Option 1 indicates
11 what they have to do in order to comply with the Health Ordinance and get the restrooms in. She said that
12 Option 2 indicates the same parking, but also a proposed reception hall, which is what they would like to do,
13 but it is unlikely that it would be constructed within one year. She said that the Millers are sort of at a fork
14 in the road, because they understand that they have to install restrooms, but they are not sure whether they
15 will construct an addition to the existing shed or an entirely new reception hall. She said that Option 2
16 would be the best representation that the Millers would like to see, but they would like to be able to add to
17 the existing shed versus constructing a new building. She said that in trying to narrow down which site plan
18 to use for the Special Use, the Millers request that Option 2 be considered with the caveat that they could
19 add the additions seen on the preliminary site plan.
20

21 Ms. Miller stated that if they could go the route of mapping out the additions, then that is how they would
22 like to proceed, and they did not indicate those additions because they felt that the plan would be too
23 complicated. She said that if they added additions to the existing shed, they would be 20’ x 70’ each and
24 would be on the north and south sides of that shed.
25

26 Ms. Burgstrom stated that the Millers are not proposing to have two reception halls, but if they do decide to
27 construct a new reception hall south of the event center barn, then the existing shed would remain for
28 personal/agricultural use.
29

30 Ms. Lee questioned the removal of Special Condition J. She said that 100 parking spaces are required to
31 accommodate 300 guests, and with the removal of Special Condition J. the number of guests could be over
32 300, which would require more parking.
33

34 Ms. Burgstrom stated that the Millers have indicated that they have no intent in going over 300 guests during
35 any one event.
36

37 Ms. Lee asked what part of Special Condition J. the Millers are opposed to.
38

39 Ms. Burgstrom stated that Special Condition J. is indicated on page 7 of Supplemental Memorandum #1
40 dated March 21, 2019.
41

42 Mr. Wood stated that Special Condition J. takes 90 days of the Millers’ business schedule. He said that
43 30 years ago, there may have been a lot of agricultural traffic on the rural roads during planting and harvest
44 season, but currently, with today’s technology and larger agricultural equipment, there is not as much traffic
45 during those seasonal times. He said that 30 years ago there were probably more small farmers in the rural
46 area, but today there may one be six total farming the land in the area of the subject property. He said that

1 with the communication capabilities that there are today, he does not believe that Special Condition J. is
2 necessary as it restricts the Millers from having events during their prime season.

3
4 Ms. Burgstrom stated that Special Condition J. was added for a previous event center which had significant
5 neighbor concerns. She said that in the last four years, the Board has approved six event centers. She said
6 that no comments or concerns have been received from neighbors regarding the number of vehicles on the
7 road or guests for the proposed event center. She said that the Compromise Township Highway
8 Commissioner has indicated that he had no issue with the event center as long as they do not have guests
9 park in the road right-of-way.

10
11 Ms. Miller stated that they are trying to be proactive and have contacted several of the local farmers, as noted
12 on page 6 of Attachment A., and those farmers did not provide any negative comments or concerns regarding
13 the proposed event center.

14
15 Mr. DiNovo asked staff to indicate the status of the other event center, and had it been permitted.

16
17 Mr. Hall stated that event center has been permitted and it is in operation.

18
19 Mr. DiNovo asked if the special condition is monitored, and if so, is it excessively difficult to administer.

20
21 Mr. Hall stated that it is impossible to administer, although he has told the neighbors multiple times that if he
22 receives a call on the weekend indicating that there are more cars present than allowed, then he would be
23 happy to go check, but to those neighbors' credit, they have never asked him to do that. He said that, so far,
24 staff is not having a good experience administering that special condition. He said that he realized that with
25 new Special Condition P., which he thoroughly agrees with what it is attempting to do, the nature of the
26 permitting is that if approved, the petitioners would apply for a Change of Use permit, but staff never tells
27 someone that they have to stop what they are doing until they get the approval and all of the other special
28 conditions assume that the Change of Use would be approved. He said that Special Condition P. presents a
29 problem because the condition in Special Condition P. does not have to be met until one year after the
30 approval of the Change of Use, and then at that point if they have not gotten the new septic system installed
31 as approved by the Health Department, the intent of Special Condition P. is to not authorize the Change of
32 Use. He said that he does not think that the Board should encourage the petitioners to operate for one year
33 without knowing if they could comply with what the Fire Protection District recommends, and he does not
34 know if the Board has the power to limit the first Change of Use permit to a timeframe. He said that the
35 final Change of Use permit would be approved upon receipt of final documentation indicating compliance
36 with the Health Department requirements. He said that he just became aware of the issue with Special
37 Condition P. and he apologized for the timing, but this is a complication that is hard to deal with.

38
39 Mr. DiNovo asked if the permit could not be used as the control point, but use the Compliance
40 Certificate, which would provide the one year time frame.

41
42 Mr. Hall stated that Special Condition O. indicates that the Zoning Administrator shall not authorize a
43 Zoning Use Permit Application or issues a Zoning Compliance Certificate on the subject property until the
44 petitioners have complied with the recommendations from the Gifford Fire Protection District. He said that
45 as far as he is concerned, compliance with Chief McFadden's recommendations is the most important thing.

46

1 Mr. DiNovo stated that perhaps a partial Compliance Certificate could be issued for the critical elements that
2 would come sometime prior to one year, and a final Compliance Certificate for the remaining matters at the
3 end of 12 months.

4
5 Mr. Hall stated that no more than one temporary Compliance Certificate can be issued for a period not
6 exceeding six months.

7
8 Mr. Randol asked if the petitioners have one year to install the public restrooms from the time the permit is
9 issued, or after one year of operation. He said that if the permit is issued and they begin construction, that
10 construction could take over six months to complete, and if that is the case, the petitioners have lost six
11 months of their timeframe for the septic system. He said that if the Change of Use is issued and the septic
12 permit for the restrooms does not start until they are ready to operate as a business, then that would provide
13 an entire year, otherwise they will get shorted on time.

14
15 Ms. Burgstrom stated that Michael Flanagan, Environmental Program Coordinator, with the Champaign-
16 Urbana Public Health Department (CUPHD), indicated that they would provide one year from the time of
17 the Special Use Permit approval.

18
19 Mr. Randol stated that was his point, because if the permit is issued so that they can begin their construction,
20 they have one year to complete it. He said that it could take them six months to get ready for holding events,
21 which would only give them six more months to have a track record for success.

22
23 Mr. DiNovo asked that if the Public Health regulations allow temporary arrangements for one year,
24 shouldn't those run from the time that the petitioners apply. He said that the petitioners could do other
25 construction, and when that is completed, they could apply for the septic permit which would give them
26 another year to complete. He said that he does not understand how CUPHD can move their timeframe ahead
27 of the date that they receive a permit application.

28
29 Ms. Burgstrom stated that Mr. Flanagan was providing a unique solution to a unique case. She said that
30 currently there is an event center that would be operating by June, and Mr. Flanagan was trying to make an
31 exception to allow one year in operation without public restrooms under a Special Use Permit, not a
32 Temporary Use Permit. She said that if the petitioners had gone on with using Temporary Use Permits, Mr.
33 Flanagan would have continued to allow portable toilets, but since they have applied for a Special Use
34 Permit, Mr. Flanagan had to provide an interpretation of the Public Health Department's regulations.

35
36 Mr. DiNovo stated that we know that the business plans to go into operation in June, then presumably we are
37 issuing a Temporary Compliance Certificate before the business goes into operation, but the problem is that
38 if the certificate is issued, they only have six months to get the septic system installed to meet the final
39 Compliance Certificate deadline. He asked if the reference to the Compliance Certificate could be dropped
40 from Special Condition P. and make it a freestanding special condition for the Special Use Permit that the
41 septic system be in place within twelve months of the approval, staff would just have to keep track of that
42 date.

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44 Mr. Hall stated that if the septic system is not in place within one year, then the Special Use Permit is void.

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46 Mr. DiNovo disagreed.

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Mr. Hall asked if it is not completed by the deadline, what else could be done.

Mr. DiNovo stated that if it is voided, the petitioners could not continue operation without obtaining a new Special Use Permit. He asked if the Board could suspend the Special Use Permit for a period of six months.

Mr. Hall stated that if the concept of suspension of a Special Use Permit works, then he would not put a time limit on it, which would give the petitioner maximum flexibility, but it is suspended until the use is brought back into compliance.

Mr. DiNovo stated that Special Condition M. states that the Special Use Permit shall expire if no events are held during any consecutive 365-day period. He said that the Special Use Permit is basically voided if the suspension lasts more than one year.

Mr. Elwell stated that it was his understanding that the year started from the date of operation.

Mr. Hall stated that staff confirmed the date with Mr. Flanagan. Mr. Hall stated that Mr. Flanagan was doing the best he could in a novel situation, and either the Board is confident that it works for the ZBA or it does not; he believes that it does but cannot guarantee it.

Mr. Hall stated that the change to Special Condition P. is as follows:

P. Within one year of receipt of a Zoning Compliance Certificate, the petitioners shall install a new septic system as approved by the Champaign County Health Department. If the septic system is not installed and approved by the Health Department within one year, the Special Use Permit shall be suspended until the septic system has been installed and approved by the Health Department, and the following documentation shall be submitted to the Zoning Administrator:

- (1) A true and correct copy of an approved COUNTY Health Department PERMIT for construction of the private sewage disposal system.**
- (2) A revised site plan indicating the identical area for the private sewage disposal system as approved in the COUNTY Health Department PERMIT and only the private sewage disposal system approved by the COUNTY Health Department may occupy that portion of the LOT.**
- (3) A true and correct copy of the COUNTY Health Department Certificate of Approval for the private sewage disposal system shall be submitted to the Zoning Administrator prior to the use of any new septic system.**

The special condition stated above is required to ensure the following:
Any new septic system is in compliance with the Champaign County Zoning Ordinance.

Mr. Elwell asked the Board and staff if there were any additional questions for Mr. and Mrs. Miller, and there were none.

1
2 Mr. Elwell asked the audience if anyone desired to cross-examine Mr. and Mrs. Miller, and there was no
3 one.
4
5 Mr. Wood asked if there were any required changes to Special Condition J.
6
7 **Mr. DiNovo moved, seconded by Mr. Randol, to strike Special Condition J. The motion carried by**
8 **voice vote.**
9
10 Mr. DiNovo asked what part of the parking area is to be paved.
11
12 Mr. Miller stated that only the handicapped parking area would be paved, the rest of the parking area would
13 be gravel, and the overflow area would be located in a grass area.
14
15 Mr. Hall stated that since the Board is not concerned with the number of people in attendance at any given
16 time, he does not see why there needs to be any specification between Option 1 and Option 2.
17
18 Mr. DiNovo asked if there should be an Option 3, which includes the proposed addition to the shed.
19
20 Mr. Hall stated that Option 1 includes an addition to the shed.
21
22 Mr. DiNovo stated that in lieu of a new reception hall, the petitioners indicated that they would construct
23 additions to the existing shed.
24
25 Ms. Burgstrom stated that Option 1 indicates the restroom addition, but the petitioners have proposed that in
26 lieu of a new reception hall, they would construct additions on the north and south sides of the existing 48' x
27 70' shed.
28
29 Mr. DiNovo stated yes, just as an alternative to the new reception hall.
30
31 Ms. Burgstrom stated that one of the two plans needs to be approved, and the petitioners could state verbally
32 that they would add those additions to the existing shed on the approved site plan.
33
34 Mr. DiNovo asked if the Board should reference Option 1 with the potential expansion of the existing
35 machine shed not to exceed a total of 7,000 square feet is allowed as an alternative to construction of a new
36 reception hall.
37
38 Ms. Burgstrom asked if both options should be drawn on the site plan.
39
40 Mr. DiNovo stated yes. He said that both plans show continuous accessible paths.
41
42 Ms. Burgstrom recommended that staff could work with the Millers to indicate the expansion area on the
43 existing shed, with the accessible sidewalk to the event center, and indicate a proposed reception hall, and
44 somehow make it clear that it is one or the other so that all of their options are one page.
45
46 Ms. Lee stated that the petitioners would not have to pick which direction they choose to go tonight but can

1 do that at a later date.

2
3 Mr. DiNovo recommended that Option 2 be the approved site plan with those amendments.

4
5 Ms. Burgstrom indicated revised Special Condition N. as follows:

- 6
7 **N. The revised Site Plan “Option 2” received March 15, 2019, is the official site plan for**
8 **approval in Case 925-S-19, provided that enlargement of the existing machine shed not**
9 **to exceed a total of 7,000 square feet is allowed as an alternative to construction of the**
10 **new reception hall. The standard Special Use Permit limitations regarding no**
11 **expansion unless indicated on the approved site plan shall apply to the dwelling on the**
12 **subject property.**

13
14 The above special condition is necessary to ensure the following:

15 **That it is clear which version of the Site Plan submitted by the petitioners is the**
16 **approved Site Plan.**

17
18 Mr. Elwell stated that the Board would now review the special conditions of approval with the petitioner.

19
20 Mr. Elwell read Special Condition A. as follows:

- 21
22 **A. A Change of Use Permit shall be applied for within 30 days of the approval of Case**
23 **924-AM-19 by the County Board.**

24
25 The special condition stated above is required to ensure the following:

26 **The establishment of the proposed use shall be properly documented as**
27 **required by the Zoning Ordinance.**

28
29 Mr. Hall recommended that since Case 924-AM-19 has already been approved, the 30 day time period
30 should be increased, or the special condition should indicate Case 925-S-19 in lieu of Case 924-AM-19.

31
32 Mr. Elwell entertained a motion to strike Case 924-AM-19 from Special Condition A. and insert Case 925-
33 S-19.

34
35 **Ms. Lee moved, seconded by Mr. Randol, to strike Case 924-AM-19 from Special Condition A. and**
36 **insert Case 925-S-19. The motion carried by voice vote.**

37
38 Mr. Elwell read revised Special Condition A. as follows:

- 39
40 **A. A Change of Use Permit shall be applied for within 30 days of the approval of Case**
41 **925-S-19 by the County Board.**

42
43 The special condition stated above is required to ensure the following:

44 **The establishment of the proposed use shall be properly documented as**
45 **required by the Zoning Ordinance.**

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47 Mr. Elwell asked the petitioners if they agreed with revised Special Condition A.

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Mr. and Mrs. Miller indicated that they agreed with revised Special Condition A.

Mr. Elwell read Special Condition B. as follows:

B. A Floodplain Development Permit will be required for any construction proposed in the Special Flood Hazard Area.

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

That any construction complies with the Special Flood Hazard Areas Ordinance.

Mr. Elwell asked the petitioners if they agreed with Special Condition B.

Mr. and Mrs. Miller indicated that they agreed with Special Condition B.

Mr. Elwell read Special Condition C. as follows:

C. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Private Indoor Recreational Development/Outdoor Commercial Recreational Enterprise until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.

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

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

Mr. Elwell asked the petitioners if they agreed with Special Condition C.

Mr. and Mrs. Miller indicated that they agreed with Special Condition C.

Mr. Elwell read Special Condition D. as follows:

D. 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 meets the requirements established for Special Uses in the Zoning Ordinance.

Mr. Elwell asked the petitioners if they agreed with Special Condition D.

Mr. and Mrs. Miller indicated that they agreed with Special Condition D.

Mr. Elwell read Special Condition E. as follows:

E. The petitioner shall undertake construction of the proposed driveway as follows:

- 1 (1) **Prior to construction, the petitioner shall secure the approval of the location**
- 2 **and design of the new driveway access from the Compromise Township**
- 3 **Highway Commissioner.**
- 4
- 5 (2) **After construction, the petitioner shall secure the written acceptance of the new**
- 6 **driveway from the Compromise Township Highway Commissioner and a copy**
- 7 **of that written acceptance shall be provided to the Zoning Administrator.**
- 8

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

10 **That the street right of way functions according to its original design and traffic**

11 **safety is prioritized.**

12

13 Mr. Elwell asked the petitioners if they agreed with Special Condition E.

14

15 Mr. and Mrs. Miller indicated that they agreed with Special Condition E.

16

17 Mr. Elwell read Special Condition F. as follows:

- 18
- 19 **F. All onsite Special Use activities shall be in compliance at all times with the Champaign**
- 20 **County Health Ordinance, the Champaign County Liquor Ordinance, and the**
- 21 **Champaign County Recreation and Entertainment Ordinance.**
- 22

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

24 **That the proposed Special Use is in ongoing compliance with all applicable**

25 **County requirements.**

26

27 Mr. Elwell asked the petitioners if they agreed with Special Condition F.

28

29 Mr. and Mrs. Miller indicated that they agreed with Special Condition F.

30

31 Mr. Elwell read Special Condition G. as follows:

- 32
- 33 **G. The Petitioner shall ensure that the guests are made aware of the County Ordinance**
- 34 **prohibiting nuisance noise past 10 pm and that the use of the facility requires**
- 35 **compliance to avoid complaints from neighboring residences. Music and other nuisance**
- 36 **noise shall not be audible at the property line past 10 pm.**
- 37

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

39 **That events held on the subject property adequately consider neighbors.**

40

41 Mr. Elwell asked the petitioners if they agreed with Special Condition G.

42

43 Mr. and Mrs. Miller indicated that they agreed with Special Condition G.

44

45 Mr. Elwell read Special Condition H. as follows:

- 46
- 47 **H. The petitioner shall not allow any parking for the event center in the public street right**

1 of way and will ensure that all guests and service providers related to the events center
2 area are made aware of this prohibition in their promotional materials, contracts,
3 maps, and signs posted in a prominent location.
4

5 The special condition state above is required to ensure the following:

6 **That the proposed Special Use is not injurious to pedestrians and motorists on**
7 **CR 2600N.**
8

9 Mr. Elwell asked the petitioners if they agreed with Special Condition H.

10
11 Mr. and Mrs. Miller indicated that they agreed with Special Condition H.
12

13 Mr. Elwell read Special Condition I. as follows:

14
15 **I. This special use permit does not authorize onsite food preparation or the construction**
16 **of any food preparation area or kitchen.**
17

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

19 **To protect public health.**
20

21 Mr. Elwell asked the petitioners if they agreed with Special Condition I.

22
23 Mr. and Mrs. Miller indicated that they agreed with Special Condition I.
24

25 Mr. Elwell read Special Condition J. as follows:

26
27 **J. The Special Use is subject to the approval of Case 924-AM-19.**

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

29 **That the Special Use is consistent with the intent of the Zoning Ordinance and**
30 **ZBA recommendations.**

31 Mr. Elwell asked the petitioners if they agreed with Special Condition J.

32
33 Mr. and Mrs. Miller indicated that they agreed with Special Condition J.
34

35 Mr. Elwell read Special Condition K. as follows:

36
37 **K. This Special Use Permit shall expire if no events are held during any consecutive 365-**
38 **day period.**
39

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

41 **To provide both a sense of continuity and a sense of closure to the neighbors.**
42

43 Mr. Elwell asked the petitioners if they agreed with Special Condition K.

44
45 Mr. and Mrs. Miller indicated that they agreed with Special Condition K.

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Mr. DiNovo stated that before Mr. Elwell reads Special Condition L. he would like to recommend the following revision:

L. The revised Site Plan “Option 2” received March 15, 2019, is the official site plan for approval in Case 925-S-19, provided that enlargement of the existing machine shed not to exceed a total of 7,000 square feet is allowed as an alternative to construction of the new reception hall. The standard Special Use Permit limitations regarding no expansion unless indicated on the approved site plan shall apply to the dwelling on the subject property.

The above special condition is necessary to ensure the following:

That it is clear which version of the Site Plan submitted by the petitioners is the approved Site Plan.

Mr. Elwell asked the petitioners if they agreed with revised Special Condition L.

Mr. and Mrs. Miller indicated that they agreed with revised Special Condition L.

Mr. Elwell read Special Condition M. as follows:

M. The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the petitioners have complied with the recommendations from the Gifford Fire Protection District, as outlined in a letter from Chief Rich McFadden dated March 9, 2019.

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

That the Special Use compiles with life safety regulations.

Mr. Elwell asked the petitioners if they agreed with Special Condition M.

Mr. and Mrs. Miller indicated that they agreed with Special Condition M.

Mr. Elwell read Special Condition N. as follows:

N. Within one year of receipt of a Zoning Compliance Certificate, the petitioners shall install a new septic system as approved by the Champaign County Health Department. If the septic system is not installed and approved by the Health Department within one year, the Special Use Permit shall be suspended until the septic system has been installed and approved by the Health Department, and the following documentation shall be submitted to the Zoning Administrator:

(1) A true and correct copy of an approved COUNTY Health Department PERMIT for construction of the private sewage disposal system.

(2) A revised site plan indicating the identical area for the private sewage disposal system as approved in the COUNTY Health Department PERMIT and only the

1 private sewage disposal system approved by the COUNTY Health Department
2 may occupy that portion of the LOT.

3
4 (3) A true and correct copy of the COUNTY Health Department Certificate of
5 Approval for the private sewage disposal system shall be submitted to the
6 Zoning Administrator prior to the use of any new septic system.

7
8 The special condition stated above is required to ensure the following:
9 Any new septic system is in compliance with the Champaign County Zoning
10 Ordinance.

11
12 Mr. Elwell asked the petitioners if they agreed with Special Condition N.

13
14 Mr. and Mrs. Miller indicated that they agreed with Special Condition N.

15
16 Mr. Elwell entertained a motion to approve the Special Conditions, as amended.

17
18 Ms. Lee moved, seconded by Mr. Wood, to approve the Special Conditions, as amended. The motion
19 carried by voice vote.

20
21 Mr. Elwell entertained a motion to move to the Findings of Fact for Case 925-S-19.

22
23 Ms. Lee moved, seconded by Mr. Wood, to move to the Findings of Fact for Case 925-S-19. The
24 motion carried by voice vote.

25
26 **FINDINGS OF FACT FOR CASE 925-S-19:**

27
28 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
29 925-S-19 held on February 28, 2019 and March 28, 2019, the Zoning Board of Appeals of Champaign
30 County finds that:

31
32 1. The requested Special Use Permit IS necessary for the public convenience at this location.

33
34 Mr. DiNovo stated that the requested Special Use Permit IS necessary for the public convenience at this
35 location because there is an established market for these businesses, and they trade on a rural setting while at
36 the same time being generally compatible with the use of the surrounding land.

37
38 2. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED
39 HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be
40 injurious to the district in which it shall be located or otherwise detrimental to the public
41 health, safety, and welfare because:

42
43 a. The street has ADEQUATE traffic capacity and the entrance location has ADEQUATE
44 visibility.

45
46 Mr. Wood stated that the street has ADEQUATE traffic capacity and the entrance location has

1 ADEQUATE visibility.

2
3 Mr. DiNovo stated that there has been no objection from the Township, and the requirements of the
4 Township will be met, and the driveway access will be approved by the Township.

5
6 **b. Emergency services availability is ADEQUATE.**

7
8 Mr. Randol stated that emergency services availability is ADEQUATE as long as they follow the
9 requirements submitted by the Fire Protection District.

10
11 **c. The Special Use WILL be compatible with adjacent uses.**

12
13 Mr. DiNovo stated that the Special Use WILL be compatible with adjacent uses because the odd shape of the
14 parcel makes it difficult to use for crop production, the buildings are existing or will be similar to buildings
15 of kind in the district, and the potential traffic conflicts with ag operations will be limited.

16
17 Mr. Randol stated that the neighbors are all in agreement with the venue being proposed.

18
19 **d. Surface and subsurface drainage will be ADEQUATE.**

20
21 Mr. Randol stated that surface and subsurface drainage will be ADEQUATE because the parking area will
22 be gravel, so there will be no runoff excess there, and the natural flow of the terrain is toward the drainage
23 ditch.

24
25 **e. Public safety will be ADEQUATE.**

26
27 Mr. DiNovo stated that public safety will be ADEQUATE because the petitioners will be required to comply
28 with the recommendations of the Gifford Fire Protection District.

29
30 **f. The provisions for parking will be ADEQUATE.**

31
32 Mr. DiNovo stated that the provisions for parking will be ADEQUATE because the proposed site plan
33 demonstrates conformance to the County's parking requirements and the Illinois Accessibility Code,
34 additional steps will be taken to ensure there will be no parking on the public right of way, and there will be
35 unpaved additional parking available.

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

38
39 Mr. Randol stated that the property IS WELL SUITED OVERALL for the proposed improvements.

40
41 **h. Existing public services ARE available to support the proposed SPECIAL USE without
42 undue public expense.**

43
44 Mr. Randol asked the petitioners if they had to do any electrical upgrades or is there ample service.

45
46 Mr. Miller stated that they already worked with Eastern Illinois Electric Coop upgrading their overhead

1 property line that comes into the property, and they have upgraded the electrical in the barn.

2
3 Mr. DiNovo stated that existing public services ARE available to support the proposed SPECIAL USE
4 without undue public expense because the Public Health District has established that the new septic system
5 will be sufficient for the event center, and there will be no onsite food preparation as part of the use.
6

7 Mr. Randol added that the electric service has been upgraded in cooperation with Eastern Illinois
8 Electric Coop.
9

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

12 Mr. Randol stated that existing public infrastructure together with the proposed development IS adequate to
13 support the proposed development effectively and safely without undue public expense because they will
14 meet the requirements from the County, electrical, and CUPHD.

15 Ms. Lee stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
16 IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be injurious
17 to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

18 3a. **The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**
19 **HEREIN, DOES conform to the applicable regulations and standards of the DISTRICT in**
20 **which it is located.**
21

22 The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN,
23 DOES conform to the applicable regulations and standards of the DISTRICT in which it is located.
24

25 3b. **The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**
26 **HEREIN, DOES preserve the essential character of the DISTRICT in which it is located**
27 **because:**
28

29 a. **The Special Use will be designed to CONFORM to all relevant County ordinances and**
30 **codes.**
31

32 Mr. Randol stated that the Special Use will be designed to CONFORM to all relevant County ordinances and
33 codes.
34

35 b. **The Special Use WILL be compatible with adjacent uses.**
36

37 Mr. Randol stated that the Special Use WILL be compatible with adjacent uses.
38

39 c. **Public safety will be ADEQUATE.**
40

41 Ms. Lee stated that public safety will be ADEQUATE.
42

43 Ms. Lee stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
44 IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

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4. **The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, IS in harmony with the general purpose and intent of the Ordinance because:**

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

The Special Use is authorized in the District.

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

Mr. DiNovo stated that the requested Special Use Permit IS necessary for the public convenience at this location.

c. **The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.**

Mr. Wood stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

d. **The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.**

Mr. Randol stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

Ms. Lee stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, IS in harmony with the general purpose and intent of the Ordinance.

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

6. Regarding the necessary waiver of standard conditions:

A. **Regarding the proposed waiver for the event center facilities being located less than 200 feet of a property with a dwelling:**

(1) **The waiver IS in accordance with the general purpose and intent of the Zoning Ordinance and WILL NOT be injurious to the neighborhood or to the public health, safety, and welfare.**

Mr. DiNovo stated that the waiver IS in accordance with the general purpose and intent of the Zoning Ordinance and WILL NOT be injurious to the neighborhood or to the public health, safety, and welfare

1 because the closest active part of the use is about 160' from the nearest dwelling, and the preponderance of
2 the activities will occur where they will be screened by existing buildings or vegetation.

3
4 (2) **Special conditions and circumstances DO exist which are peculiar to the land or**
5 **structure involved, which are not applicable to other similarly situated land and**
6 **structures elsewhere in the same district.**

7
8 Mr. DiNovo stated that special conditions and circumstances DO exist which are peculiar to the land or
9 structure involved, which are not applicable to other similarly situated land and structures elsewhere in the
10 same district because this is a relatively small, odd shaped parcel that is not suited to crop production, and
11 the waiver will make use of existing buildings that would otherwise not be possible.

12
13 (3) **Practical difficulties or hardships created by carrying out the strict letter of the**
14 **regulations sought to be varied WILL prevent reasonable or otherwise**
15 **permitted use of the land or structure or construction.**

16
17 Mr. DiNovo stated that practical difficulties or hardships created by carrying out the strict letter of the
18 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure
19 or construction because reasonable uses for the existing buildings are limited, and the property is not well
20 suited to row crop production.

21
22 (4) **The special conditions, circumstances, hardships, or practical difficulties DO**
23 **NOT result from actions of the applicant.**

24
25 Mr. DiNovo stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT
26 result from actions of the applicant because the existing buildings on the property limit potential site layouts.

27
28 (5) **The requested waiver, SUBJECT TO THE PROPOSED SPECIAL**
29 **CONDITION, IS the minimum variation that will make possible the**
30 **reasonable use of the land/structure because the proposed use of existing**
31 **buildings that are impractical to relocate.**

32
33 Mr. DiNovo stated that the requested waiver, SUBJECT TO THE PROPOSED SPECIAL CONDITION,
34 IS the minimum variation that will make possible the reasonable use of the land/structure because the
35 proposed use of existing buildings that are impractical to relocate.

36
37 **7. THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE**
38 **COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE**
39 **PARTICULAR PURPOSES DESCRIBED BELOW:**

40
41 **A. A Change of Use Permit shall be applied for within 30 days of the approval of Case**
42 **925-S-19 by the County Board.**

43
44 The special condition stated above is required to ensure the following:
45 **The establishment of the proposed use shall be properly documented as**
46 **required by the Zoning Ordinance.**
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B. A Floodplain Development Permit will be required for any construction proposed in the Special Flood Hazard Area.

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

That any construction complies with the Special Flood Hazard Areas Ordinance.

C. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Private Indoor Recreational Development/Outdoor Commercial Recreational Enterprise until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.

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

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

D. 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 meets the requirements established for Special Uses in the Zoning Ordinance.

E. The petitioner shall undertake construction of the proposed driveway as follows:
(1) Prior to construction, the petitioner shall secure the approval of the location and design of the new driveway access from the Compromise Township Highway Commissioner.
(2) After construction, the petitioner shall secure the written acceptance of the new driveway from the Compromise Township Highway Commissioner and a copy of that written acceptance shall be provided to the Zoning Administrator.

The special condition stated above is to ensure the following:

That the street right of way functions according to its original design and traffic safety is prioritized.

F. All onsite Special Use activities shall be in compliance at all times with the Champaign County Health Ordinance, the Champaign County Liquor Ordinance, and the Champaign County Recreation and Entertainment Ordinance.

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

That the proposed Special Use is in ongoing compliance with all applicable County requirements.

G. The Petitioner shall ensure that the guests are made aware of the County Ordinance prohibiting nuisance noise past 10 pm and that the use of the facility requires compliance to avoid complaints from neighboring residences. Music and other nuisance

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noise shall not be audible at the property line past 10 pm.

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

That events held on the subject property adequately consider neighbors.

- H. The petitioner shall not allow any parking for the event center in the public street right of way and will ensure that all guests and service providers related to the events center area are made aware of this prohibition in their promotional materials, contracts, maps, and signs posted in a prominent location.**

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

That the proposed Special Use is not injurious to pedestrians and motorists on CR 2600N.

- I. This special use permit does not authorize onsite food preparation or the construction of any food preparation area or kitchen.**

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

To protect public health.

- J. The Special Use is subject to the approval of Case 924-AM-19.**

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

That the Special Use is consistent with the intent of the Zoning Ordinance and ZBA recommendations.

- K. This Special Use Permit shall expire if no events are held during any consecutive 365-day period.**

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

To provide both a sense of continuity and a sense of closure to the neighbors.

- L. The revised Site Plan “Option 2” received March 15, 2019, is the official site plan for approval in Case 925-S-19, provided that enlargement of the existing machine shed not to exceed a total of 7,000 square feet is allowed as an alternative to construction of the new reception hall. The standard Special Use Permit limitations regarding no expansion unless indicated on the approved site plan shall apply to the dwelling on the subject property.**

The above special condition is necessary to ensure the following:

That it is clear which version of the Site Plan submitted by the petitioners is the approved Site Plan.

- M. The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the petitioners have complied with the recommendations from the Gifford Fire Protection District, as outlined in a letter from Chief Rich McFadden dated March 9, 2019.**

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

That the Special Use compiles with life safety regulations.

N. Within one year of receipt of a Zoning Compliance Certificate, the petitioners shall install a new septic system as approved by the Champaign County Health Department. If the septic system is not installed and approved by the Health Department within one year, the Special Use Permit shall be suspended until the septic system has been installed and approved by the Health Department, and the following documentation shall be submitted to the Zoning Administrator:

- (1) A true and correct copy of an approved COUNTY Health Department PERMIT for construction of the private sewage disposal system.**
- (2) A revised site plan indicating the identical area for the private sewage disposal system as approved in the COUNTY Health Department PERMIT and only the private sewage disposal system approved by the COUNTY Health Department may occupy that portion of the LOT.**
- (3) A true and correct copy of the COUNTY Health Department Certificate of Approval for the private sewage disposal system shall be submitted to the Zoning Administrator prior to the use of any new septic system.**

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

Any new septic system is in compliance with the Champaign County Zoning Ordinance.

Mr. Elwell asked staff if there were any new Documents of Record.

Mr. Hall stated no.

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

Mr. Wood moved, seconded by Ms. Lee, to adopt the Summary of Evidence, Documents of Record, and Findings of Fact, as amended. The motion carried by voice vote.

Mr. Elwell entertained a motion to move to the Final Determination for Case 925-S-19.

Ms. Lee moved, seconded by Mr. Wood, to move to the Final Determination for Case 925-S-19. The motion carried by voice vote.

FINAL DETERMINATION FOR CASE 925-S-19:

Mr. Randol moved, seconded by Ms. Lee that the Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, the requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

1 The Special Use requested in Case 925-S-19 is hereby GRANTED WITH SPECIAL CONDITIONS
2 to the applicants, Arik and Kyli Miller, to authorize the following as a Special Use:

3
4 Authorize the remodeling of existing farm buildings for the establishment and use of an
5 Event Center as a combination “Private Indoor Recreational Development” and “Outdoor
6 Commercial Recreational Enterprise” as a Special Use on land that is proposed to be
7 rezoned to the AG-2 Agriculture Zoning District from the current AG-1 Agriculture Zoning
8 District in related Zoning Case 924-AM-19.
9

10 SUBJECT TO THE FOLLOWING WAIVER OF STANDARD CONDITIONS:
11

12 Authorize a waiver for an Outdoor Commercial Recreational Enterprise that is 0 feet from a
13 residential use in lieu of the minimum required 200 feet, per Section 6.1.3 of the Zoning
14 Ordinance.
15

16 SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:
17

- 18 A. A Change of Use Permit shall be applied for within 30 days of the approval of Case
19 925-S-19 by the County Board.
- 20
21 B. A Floodplain Development Permit will be required for any construction proposed in
22 the Special Flood Hazard Area.
- 23
24 C. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the
25 proposed Private Indoor Recreational Development/Outdoor Commercial Recreational
26 Enterprise until the petitioner has demonstrated that the proposed Special Use
27 complies with the Illinois Accessibility Code.
- 28
29 D. The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue
30 a Zoning Compliance Certificate on the subject property until the lighting
31 specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.
- 32
33 E. The petitioner shall undertake construction of the proposed driveway as follows:
34 (1) Prior to construction, the petitioner shall secure the approval of the location
35 and design of the new driveway access from the Compromise Township
36 Highway Commissioner.
37
38 (2) After construction, the petitioner shall secure the written acceptance of the new
39 driveway from the Compromise Township Highway Commissioner and a copy
40 of that written acceptance shall be provided to the Zoning Administrator.
- 41
42 F. All onsite Special Use activities shall be in compliance at all times with the Champaign
43 County Health Ordinance, the Champaign County Liquor Ordinance, and the
44 Champaign County Recreation and Entertainment Ordinance.
- 45
46 G. The Petitioner shall ensure that the guests are made aware of the County Ordinance
47 prohibiting nuisance noise past 10 pm and that the use of the facility requires

1 compliance to avoid complaints from neighboring residences. Music and other nuisance
2 noise shall not be audible at the property line past 10 pm.
3

4 **H. The petitioner shall not allow any parking for the event center in the public street right
5 of way and will ensure that all guests and service providers related to the events center
6 area made aware of this prohibition in their promotional materials, contracts, maps,
7 and signs posted in a prominent location.**
8

9 **I. This special use permit does not authorize onsite food preparation or the construction
10 of any food preparation area or kitchen.**
11

12 **J. The Special Use is subject to the approval of Case 924-AM-19.**

13 **K. This Special Use Permit shall expire if no events are held during any consecutive 365-
14 day period.**
15

16 **L. The revised Site Plan “Option 2” received March 15, 2019, is the official site plan for
17 approval in Case 925-S-19, provided that enlargement of the existing machine shed not
18 to exceed a total of 7,000 square feet is allowed as an alternative to construction of the
19 new reception hall. The standard Special Use Permit limitations regarding no
20 expansion unless indicated on the approved site plan shall not apply to the dwelling on
21 the subject property.**
22

23 **M. The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue
24 a Zoning Compliance Certificate on the subject property until the petitioners have
25 complied with the recommendations from the Gifford Fire Protection District, as
26 outlined in a letter from Chief Rich McFadden dated March 9, 2019.**
27

28 **N. Within one year of receipt of a Zoning Compliance Certificate, the petitioners shall
29 install a new septic system as approved by the Champaign County Health Department.
30 If the septic system is not installed and approved by the Health Department within one
31 year, the Special Use Permit shall be suspended until the septic system has been
32 installed and approved by the Health Department, and the following documentation
33 shall be submitted to the Zoning Administrator:**

34 (1) **A true and correct copy of an approved COUNTY Health Department PERMIT
35 for construction of the private sewage disposal system.**
36

37 (2) **A revised site plan indicating the identical area for the private sewage disposal
38 system as approved in the COUNTY Health Department PERMIT and only the
39 private sewage disposal system approved by the COUNTY Health Department
40 may occupy that portion of the LOT.**
41

42 (3) **A true and correct copy of the COUNTY Health Department Certificate of
43 Approval for the private sewage disposal system shall be submitted to the
44 Zoning Administrator prior to the use of any new septic system.**
45

46 Mr. Elwell requested a roll call vote.

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The roll was called as follows:

Wood -yes	Anderson – yes	DiNovo – yes
Lee – yes	Randol – yes	Elwell - yes

Mr. Hall informed the petitioners that they have received an approval for their request, and Ms. Burgstrom will be in contact regarding final paperwork.

Mr. and Mrs. Miller thanked staff and the Board.

Mr. Elwell entertained a motion for a five minute recess.

Mr. Randol moved, seconded by Mr. Wood, to grant a five minute recess. The motion carried by voice vote.

The Board recessed at 8:07 p.m.

The Board resumed at 8:19 p.m.

Mr. Elwell stated that the Board would now hear Case 930-S-19.

6. New Public Hearings

Case 929-V-19 Petitioner: Margaret and Rod Hinrichs Request: Authorize the following Variance in the AG-1 Agriculture Zoning District: Part A: Authorize construction of an addition to an existing dwelling with a side yard of 5 feet in lieu of the minimum required 15 feet, per Section 5.3 of the Zoning Ordinance; and Part B: Authorize construction and use of an existing detached shed with a side yard of 4 feet, a front yard of 21 feet, and a setback of 37 feet from the street centerline in lieu of the minimum required 10 feet side yard, 25 feet front yard, and 55 feet setback for an accessory structure, per Section 5.3 and 7.2.1 of the Zoning Ordinance; and Part C: Authorize construction and use of an existing detached shed with a rear yard of 0 feet in lieu of the minimum required 10 feet for an accessory structure, per Section 7.2.1 of the Zoning Ordinance. Location: A 0.5 acre tract in the Southwest Quarter of the Northwest Quarter of Section 6, Township 19 North, Range 10 East of the Third Principal Meridian in St. Joseph Township and commonly known as the residence at 1766 CR 1800E, Urbana.

Mr. Elwell informed the audience that Case 929-V-19 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 from cross-examination.

Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign the

1 witness register for that public hearing. He reminded the audience that when they sign the witness register
2 they are signing an oath. He asked the audience if anyone desired to sign the witness register and there was
3 no one.

4
5 Mr. Elwell asked the petitioner if he desired to make a statement regarding his request.
6

7 Mr. Rodney Hinrichs, who resides at 1766 CR 1800E, Urbana, stated that he is Margaret Hinrichs's
8 husband. He said that the reason why they are proposing an addition along the south side of the home is
9 because they are adding more closet space to the bedroom, which is a natural addition to a home. He said
10 that when the home was originally placed on the property, they were required to obtain a variance with the
11 County due to the required side yard, and that variance was approved. He said that the shed in the rear of the
12 property has been there since 1976 and if he had to relocate it, he would have to demolish it. He said that the
13 front of the shed is used for storage and the rear of the shed has an opening for a dog house while they are
14 working outside so that their dogs can be with them in the fenced area. He said that he would have to claim
15 stupidity regarding the shed near the road, because he did not realize that it needed to be a certain distance
16 from the front and rear yards. He said that he purchased the shed from one of the stores in Champaign and,
17 due to the aesthetics of the yard, the shed's current location is truly the only area in the front yard that it
18 could be located. He said that there are three lines of trees between the shed and the road, and if anyone had
19 an accident they would hit the trees before they got to the shed. He said that the shed could possibly be
20 moved to a different location on the property, but he does not know where that would be, and if the Board
21 denies the variance, he would have to sell or demolish it.
22

23 Mr. Elwell asked the Board if there were any questions for Mr. Hinrichs.
24

25 Mr. Anderson stated that he visited the subject property and the photographs included in the mailing packet
26 do not indicate the large homes that are located on the north and south sides of the Hinrichs' property. He
27 asked Mr. Hinrichs if his neighbors were present tonight.
28

29 Mr. Hinrichs stated no.
30

31 Mr. Anderson asked if the neighbors were in favor of the variances.
32

33 Mr. Hinrichs stated that Mr. and Mrs. Porter, owners of the small lot north of the subject property, are in
34 favor of the variances. He said that the home on the lot south of the subject property is part of the Knott
35 Family Trust and the home is a rental property, but he does not believe that the Knott family would oppose
36 their requests.
37

38 Mr. DiNovo asked Mr. Hinrichs if the current bedroom where the addition is proposed is in the corner of the
39 home.
40

41 Mr. Hinrichs stated that the bedroom is near the south property line and the additions are for the bedroom
42 and the living room. He said that they propose to build 12 feet to the west and 32 feet to the north extending
43 the two rooms. He said that the existing deck, or at least part of it, will be torn down.
44

45 Mr. Elwell asked if the awning would be removed as well.
46

1 Mr. Hinrichs stated that they may try to save the awning, but he is not sure. He said that it is possible that
2 they would build another deck and place the 144 square feet awning on that structure, not attaching it to the
3 home.

4
5 Mr. Randol asked if the awning was attached to the home previously.

6
7 Mr. Hinrichs stated no.

8
9 Mr. Elwell asked the Board and staff if there were any questions for Mr. Hinrichs, and there were none.

10
11 Mr. Elwell asked the audience if anyone desired to cross-examine Mr. Hinrichs, and there was no one.

12
13 Mr. Elwell closed the witness register.

14
15 Mr. DiNovo asked staff to indicate the current policy regarding permit requirements for decks.

16
17 Mr. Hall stated that if a deck requires a permit if it is more than 24 inches off the ground or has a roof.

18
19 Mr. DiNovo asked if the awning required a permit.

20
21 Mr. Hall stated that if the awning did not have a permit previously, it may need a permit for relocation,
22 depending on the new location and the square footage of the awning itself.

23
24 Mr. Elwell asked the Board how they would like to proceed.

25
26 **Mr. Randol moved, seconded by Ms. Lee, to move to the Findings of Fact for Case 929-V-19. The**
27 **motion carried by voice vote.**

28
29 **FINDINGS OF FACT FOR CASE 929-V-19:**

30
31 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
32 **929-V-19** held on **March 28, 2019**, the Zoning Board of Appeals of Champaign County finds that:

- 33
34 1. **Special conditions and circumstances DO exist which are peculiar to the land or structure**
35 **involved, which are not applicable to other similarly situated land and structures elsewhere in**
36 **the same district.**

37
38 Mr. DiNovo stated that special conditions and circumstances DO exist which are peculiar to the land or
39 structure involved, which are not applicable to other similarly situated land and structures elsewhere in the
40 same district because the lot is substandard in terms of dimensions, but was permitted by variance, as is the
41 existing house; the general configuration of the layout is affected by the pre-existing garage and shed, so
42 there are limited opportunities to construct anything on the lot.

43
44 Mr. Randol stated that the lot was platted prior to the current owner.

45
46 Mr. DiNovo asked Mr. Hinrichs if the lot was created as part of a divorce settlement.

1
2 Mr. Hinrichs stated yes. He said that his wife was granted the small lot in the divorce settlement, which is
3 why she had to place a modular home on the property. He said that his wife previously resided in the
4 neighboring home which belonged to her ex-husband's parent and was forced to move, which is why she
5 resides on the property that she does today.
6

7 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**
8 **sought to be varied WILL prevent reasonable or otherwise permitted use of the land or**
9 **structure or construction.**

10
11 Mr. Randol stated that practical difficulties or hardships created by carrying out the strict letter of the
12 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure
13 or construction because the size of the lot was established in the mid-80s and prior to the current ownership.
14

15 Mr. DiNovo stated that Parts B and C refer to structures that have been there for a considerable length of
16 time with no complaints; and with respect to Part A, it would be problematic to meet the goals of the
17 addition in terms of providing a reasonable addition to the existing house.
18

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

21
22 Mr. DiNovo stated that the special conditions, circumstances, hardships, or practical difficulties DO
23 NOT result from actions of the applicant because the lot was created by divorce decree, and the courts
24 frequently do not consider zoning when deciding those matters; the lot size was subsequently approved by a
25 variance along with the construction of the house after a variance was granted, and the other buildings have
26 been there for a long time.
27

28 **4. The requested variance IS in harmony with the general purpose and intent of the Ordinance.**
29

30 Mr. Randol stated that the requested variance IS in harmony with the general purpose and intent of the
31 Ordinance because anything other than what has been requested would be impossible to do on the property
32 because of the lot size.
33

34 **5. The requested variance WILL NOT be injurious to the neighborhood or otherwise detrimental**
35 **to the public health, safety, or welfare.**

36
37 Mr. DiNovo stated that the requested variance WILL NOT be injurious to the neighborhood or otherwise
38 detrimental to the public health, safety, or welfare because with respect to Part A, it involves an
39 encroachment in the side yard of just under 100 square feet, which is inconsequential to the size of the
40 house, and Parts B and C refer to buildings that have been there a long time and have not created any
41 problems.
42

43 **6. The requested variance IS the minimum variation that will make possible the reasonable use of**
44 **the land/structure.**

45
46 Mr. Randol stated that the requested variance IS the minimum variation that will make possible the

1 reasonable use of the land/structure because the lot size and the fact that the sheds were there does not allow
2 any other position for them, and if they tried to move the sheds, they would be destroyed.

3
4 **7. NO SPECIAL CONDITIONS ARE HEREBY IMPOSED.**

5
6 Mr. Elwell asked staff if there were any new Documents of Record.

7
8 Mr. Hall stated no.

9
10 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings of
11 Fact, as amended.

12
13 **Ms. Lee moved, seconded by Mr. Randol, to adopt the Summary of Evidence, Documents of**
14 **Record, and Findings of Fact, as amended. The motion carried by voice vote.**

15
16 Mr. Elwell entertained a motion to move to the Final Determination for Case 929-V-19.

17
18 **Mrs. Lee moved, seconded by Mr. DiNovo, to move to the Final Determination for Case 929-V-19.**
19 **The motion carried by voice vote.**

20
21 **Final Determination for Case 929-V-19:**

22
23 **Mr. Randol moved, seconded by Mr. DiNovo that the Champaign County Zoning Board of appeals**
24 **finds that, based upon the application, testimony, and other evidence received in this case, that the**
25 **requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority granted**
26 **in Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of**
27 **Champaign County determines that:**

28
29 **The Variance requested from Case 929-V-19 is hereby GRANTED to the petitioners, Margaret and**
30 **Rod Hinrichs, to authorize the following variance in the AG-1 Agriculture Zoning District:**

31
32 **Part A: Authorize construction of an addition to an existing dwelling with a side yard**
33 **of 5 feet in lieu of the minimum required 15 feet, per Section 5.3 of the**
34 **Zoning Ordinance.**

35
36 **Part B: Authorize construction and use of an existing detached shed with a side yard**
37 **of 4 feet, a front yard of 21 feet, and a setback of 37 feet from the street**
38 **centerline in lieu of the minimum required 10 feet side yard, 25 feet front**
39 **yard, and 55 feet setback for an accessory structure, per Sections 5.3 and**
40 **7.2.1 of the Zoning Ordinance.**

41
42 **Part C: Authorize construction and use of an existing detached she with a rear yard**
43 **of 0 feet in lieu of the minimum required 10 feet for an accessory structure,**
44 **per Section 7.2.1 of the Zoning Ordinance.**

45
46 Mr. Elwell requested a roll call vote.

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The roll was called as follows:

Anderson – yes	DiNovo – yes	Lee – yes
Randol – yes	Wood – yes	Elwell – yes

Mr. Hall informed Mr. Hinrichs that he has received an approval for his request, and Ms. Burgstrom would be in contact regarding final paperwork.

Mr. Hinrichs thanked the Board and staff for their assistance with this process.

Mr. Elwell stated that the Board would return to the order of the agenda and called Case 925-S-19.

Case 930-S-19 Petitioner: **Dennis McCormick and Donald Rennels, d.b.a. RJD Machining. Request to authorize a Contractor’s Facility with or without Outdoor Storage and Outdoor Operations, in addition to an existing single-family dwelling, as a Special Use in the AG-1 Agriculture Zoning District. Location: A 3-acre tract in the Northwest Quarter of the Southwest Quarter of Section 20, Township 17 North, Range 10 East of the Third Principal Meridian in Raymond Township with an address of 244 CR 1900E, Longview.**

Mr. Elwell informed the audience that Case 930-S-19 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 from cross-examination.

Mr. Elwell 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 and there was no one.

Mr. Elwell asked the petitioners if they desired to make a statement regarding their request.

Mr. Dennis McCormick, who resides at 278 CR 2400E, Broadlands, stated that he is a co-owner with Donald Rennels, for RJD Machining, located at 244 CR 1900E, Longview. He said that one year ago, they started a small machine shop and due to their customers’ demand, they have outgrown the current building and must construct an addition. He said that the addition would house office spaces, restrooms, and a quality control room. He said that the existing machine shed houses their machinery and it will remain there. He said that they manufacture precision machine parts and they have to keep in a controlled temperature area of 72 degrees, and even though the shop area is air conditioned, it is not 72 degrees.

Ms. Burgstrom stated that page 2 of the Preliminary Memorandum includes Table 1. Land Use and Zoning in the Vicinity, and there are required corrections to the table. She noted that the subject property is not near

1 a church zoned by the Village of Mahomet and the subject property is zoned AG-1, not AG-2, and the
2 property to the south is zoned AG-1.

3
4 Mr. McCormick stated that prior to submitting drawings of the proposed addition, they consulted with
5 professionals to determine what obstacles they might be up against for approval. He said that they through
6 those professionals and their architect they believe they have complied with all required regulations.

7
8 Mr. Elwell asked the Board if there were any questions for Mr. McCormick.

9
10 Mr. Wood asked Mr. McCormick if the building frame that remains after tornado damage would remain.

11
12 Mr. McCormick stated that they plan to remove the building frame, but at times it is a perfect landmark for
13 their clients to arrive at their location.

14
15 Mr. DiNovo asked Mr. McCormick to indicate what type of product they manufacture.

16
17 Mr. McCormick stated that he has been machining parts since 1982, and one year ago he lost his job after 22
18 years of service. He said that he and Mr. Rennels have been friends for years and they always toyed with the
19 idea of starting their own machine shop, and after Mr. McCormick lost his job, their idea accelerated. He
20 said that the machined parts that they make cover many industries, mostly injection molding clients, and
21 there are several companies in Champaign that are their clients: Vesuvius, Plastipak, Conair, etc., and other
22 companies from California to Florida. He said that, basically, their customer would send them a print, they
23 would provide a bid, and if they win the bid they would manufacture the parts.

24
25 Mr. DiNovo asked Mr. McCormick when the existing building was constructed.

26
27 Mr. Donald Rennels, who resides at 244 CR 1900E, Longview, stated that the existing building was
28 constructed in 2014 after a tornado went through the area.

29
30 Mr. McCormick stated that his two sons work with him at the shop, and they have four full-time employees.
31 He said that they recently purchased several hundreds of thousands of dollars of machining equipment and
32 they intend to make the machine shop succeed. He noted that this company is not just a whim because they
33 have invested a lot of money, heart and soul into it.

34
35 Mr. Elwell asked the Board and staff if there were any additional questions for Mr. McCormick.

36
37 Mr. Anderson asked Mr. McCormick to indicate how they would dispose of any liquids used during the
38 machining process.

39
40 Mr. McCormick stated that 95% of the liquid consists of water and 5% coolant, which is not an oil but more
41 like a soap. He said that they have contracted with Safety Clean to haul away any used coolant, although
42 they will not pick up the liquid until they have 100 gallons of used liquid. He said that the coolant liquid is
43 very expensive, and they try to make it last a long time, thus they do not have 100 gallons to pick up yet. He
44 said that the coolant liquid is pumped into a 55 gallon drum and once they have two drums full, they will
45 contact Safety Clean for pick up.

46

1 Mr. Randol asked Mr. McCormick if the liquid is flammable or toxic.

2
3 Mr. McCormick stated that the liquid is not flammable. He said that they use 90% carbide cutting tools and
4 the liquid is for cleansing and keeping the chips away from the cutting tool and part. He said that years ago
5 machinists used black oil while cutting threads, but they do not do anything like that. He said that the liquid
6 also acts as a rust preventative, and consists of 95% water, and is not toxic.

7
8 Mr. Randol asked Mr. McCormick how long it would take them to achieve the 100 gallons of liquid.

9
10 Mr. McCormick stated that if the business continues the current route, they would probably have 100 gallons
11 of liquid ready for Safety Clean's pickup every six months. He said that they went from one machine to six
12 within the last few years. He said that when he lost his job he had no idea what he was going to do, but
13 several vendors in Champaign-Urbana called him at home the next day and informed him that if he started
14 his own machine shop they would keep him busy. He said that he and Donald wanted to make sure that the
15 machine shop became a thriving business that Mr. McCormick's sons could take over in the future.

16
17 Mr. Wood asked Mr. McCormick to indicate how they would dispose of the metal chips.

18
19 Mr. McCormick stated that 60% of their metal is aluminum which they keep clean. He said that they have a
20 gaylor container from Mervis Industries that would equal 360 pounds when it is fully loaded, and it is
21 delivered to Mervis for disposal. He said that they do have a minor amount of stainless steel that Mervis
22 takes as well.

23
24 Mr. Randol asked if they would use the shared driveway, and does it belong to Mr. Rennels or the adjacent
25 farm.

26
27 Mr. McCormick stated that the landowner has a farm manager, Busey Ag Services, and their representative
28 was at the subject property last week to review the situation. He said that Busey Ag Services intends to grant
29 RJD Machining an easement through a lease for use of the existing driveway at the cost of \$100 per year.
30 He said that RJD Machining has offered to maintain the driveway because it does need some minor repair,
31 and place three layers of materials, road pack and gravel.

32
33 Mr. Wood stated that the agreement would not be an easement, but an annual lease with an annual payment.

34
35 Mr. McCormick stated that if the lease agreement becomes a problem, there is another way that they could
36 access the facility, but they do maintain the driveway and the grass on the entire property and it has been a
37 very good relationship for many years.

38
39 Mr. Elwell asked Mr. McCormick to indicate where the coolant is stored.

40
41 Mr. McCormick stated that they currently purchase the coolant in five gallon pails that are stored in a
42 specific area in the shop. He said that when they need to add coolant to the machines, they mix it as a 95%
43 water to 5% coolant solution.

44
45 Mr. Elwell asked where the spent coolant is stored.

46

1 Mr. McCormick stated that the spent coolant is stored in a 55 gallon drum outside of the shop, although if
2 required, they could store the 55 gallon drum inside.

3
4 Mr. Randol asked Mr. McCormick to indicate the amount of truck traffic that would travel the rural road.

5
6 Mr. McCormick stated that they deliver most of their parts directly to the customer. He said that they do
7 ship parts via the United Parcel Service or Federal Express and they deliver those to the shipping facility, but
8 90% of their parts would fit in the palm of your hand are not big.

9
10 Mr. Randol asked Mr. McCormick to indicate how they receive raw material to the property.

11
12 Mr. McCormick stated that if they receive a large quantity of raw material it is delivered by a truck line and
13 unloaded with RJD Machining's end loader. He said that small quantities of material are delivered by
14 United Parcel Service.

15
16 Mr. Randol asked Mr. McCormick if their material deliveries typically occur once weekly or monthly.

17
18 Mr. McCormick stated that they receive material deliveries daily. He said that they started off slow, but
19 within one year's time, he has written over 1,600 programs for parts. He said that they do not stock a lot of
20 raw material unless it is a contract that they know that they will repeat.

21
22 Mr. Randol asked Mr. McCormick to indicate the size of the raw material.

23
24 Mr. McCormick stated that they receive round, hex and square bars, tubing, and sheets of metal, depending
25 on the part and the application. He said that anything that they cannot handle with the end loader they request
26 the shipper to break up so that they do not have to unload one massive pallet.

27
28 Mr. Wood asked Mr. McCormick if all materials arrive on pallets.

29
30 Mr. McCormick stated yes.

31
32 Mr. Anderson asked Mr. McCormick is air pollution is created with the lathes, and how do they keep the
33 vapor out of the new building.

34
35 Mr. McCormick stated that they just spent over \$16,000 on Mist Busters, which are installed on each of the
36 machines. He said that the Mist Busters are electric static discharge, and as the machine produces vapor due
37 to the coolant, it is atomized and does not go out into the shop area. He said that they went for months
38 without the Mist Busters because they did not have the funds to purchase them, but after they were installed
39 they were amazed by the difference that they made.

40
41 Mr. Anderson asked Mr. McCormick if the machine operators wear masks.

42
43 Mr. McCormick stated no. He said that the new machines are enclosed and will not run if the doors are not
44 closed. He said that the machines are computer programmed so the only thing that would manually be done
45 is watching the machine.

46

1 Mr. Wood asked Mr. McCormick if the coolant was bio-degradable.

2
3 Mr. McCormick stated that he would not indicate that the coolant is bio-degradable, but he has the
4 specification sheet if the Board would like a copy for the file.

5
6 Mr. Wood stated that he was just curious if the EPA required any type of spill protection.

7
8 Mr. McCormick stated that the only time that EPA was in at his old work place was because the metal chips
9 were thrown into a trailer and once the trailer was full they would take them to a recycling facility. He said
10 that the metal chips had coolant on them and when it would rain, the coolant would be washed off, but that
11 would not be the case at the subject property because they store their metal chips indoors. He said that their
12 machines have augers which stick up about two and one-half feet, so the coolant is constantly being rinsed
13 off the chips and parts and are very clean when they come out of the machine.

14
15 Mr. Wood stated that the 55 gallon barrel should not be an issue, but a commercial facility with a 500 gallon
16 gasoline tank would require some type of diking.

17
18 Mr. McCormick stated that the sales representative has been at the shop several times and has never
19 indicated that a dike needed to be installed, but he will ask him when he visits again. He said that he has
20 worked in several machinist shops and none of those locations had any type of containment system for the
21 coolant.

22
23 Mr. Wood stated that he would rather ask the question before the coolant is spilled.

24
25 Mr. McCormick stated that if they were told not to keep the coolant or metal outside, they would certainly
26 relocate it to an area inside of the shop.

27
28 Mr. Elwell asked Mr. Rennels and Mr. Jacob McCormick if they had any new information to add to the case,
29 and they indicated that they did not at this time.

30
31 Mr. Elwell asked staff and the Board if there were any additional questions for Mr. McCormick, Mr. Rennels
32 and Mr. Jacob McCormick, and there were none.

33
34 Mr. Elwell closed the witness register.

35
36 Mr. Elwell asked the Board how they would like to proceed.

37
38 **Mr. Randol moved, seconded by Ms. Lee, to proceed to the Findings of Fact.**

39
40 Mr. DiNovo stated the use is labeled as a contractor's facility by the Zoning Administrator, but if this were a
41 duck, he is not seeing it waddle and he is not hearing it quack.

42
43 Mr. Hall stated that the duck doesn't have to waddle or quack, but it does have to be a contractor's facility.

44
45 Mr. DiNovo stated that if the determination is based on what constitutes a contractor's facility is because the
46 work is done under contract, then most manufacturing could be done in the AG-1 Zoning District, and if that

1 is the position that is behind this interpretation, then he opposes the request. He said that he believes that the
2 intent of Case 792-AT-92, although it was 27 years ago when it was adopted, hinged on the fact that the
3 preponderant work of the contractor was done off site and the contractor's facilities were appropriate in the
4 agricultural zoning district because the work that was done onsite was incidental, like assembling trusses for
5 offsite construction. He said that he is open to being persuaded that the County intended this to cover
6 manufacturing, but it seems that since Small Scale Metal Fabricating Shop is in the Zoning Ordinance, the
7 proposed use would be a closer fit to that category. He said that given the fact that the County chose to place
8 a severe limitation on those uses in the agricultural district suggests that the intent of the County was not to
9 open up the agricultural districts to manufacturing generally, even with a Special Use Permit. He said that
10 he is in a position where he could not vote for this, but he is willing to be persuaded that the County actually
11 did contemplate this when they used the term contractor's facility. He said that this is a technical zoning
12 issue and it goes to the fact that it is not this Board's job to use its own judgement but is to implement the
13 Zoning Ordinance as it is written. He said that he is not seeing much with this particular proposal that
14 bothers him, but he does not believe that the current text of the ordinance accommodates it. He said that if
15 the County wanted to go back and eliminate Footnote 13 in the Table of Permitted Uses, which limits small
16 scale metal fabricating business to buildings constructed earlier than 1988, then that would be a reasonable
17 approach to do this, but he believes that this is a call for the County Board to make. He said that if the
18 materials from Case 792-AT-92 were reviewed, then maybe he could be persuaded, but currently he could
19 not support the request.

20
21 Mr. Hall asked Mr. DiNovo if he would feel better if the proposed use was authorized as a Special Use
22 Permit Rural Home Occupation, because nothing would prohibit that.

23
24 Mr. DiNovo stated yes, rather than adopting an interpretation that Flex-N-Gate could purchase 80 acres in
25 the agricultural zoning district and construct a factory because they contract their sales to an automobile
26 manufacturer.

27
28 Mr. Hall stated that he is well aware that such an occurrence could happen, but when he looks at the Zoning
29 Ordinance, a Contractor's Facility is not defined, and a Contractor is not defined, and Case 792-AT-92 did
30 not indicate that a Contractor's Facility only applies to construction contractors. He said that he could not
31 find anything in the Zoning Ordinance that he could tell the petitioners that what they are wanting to do
32 could not happen as a Contractor's Facility, and authorizing a non-home related use is a more accurate way
33 to look at the proposed use, but if the Board would prefer that this case was advertised as a Rural Home
34 Occupation Special Use Permit, then staff can do that.

35
36 Mr. DiNovo stated that Mr. Rennels resides on the subject property; therefore, calling the use a Rural Home
37 Occupation would not be a far stretch, and he would be more comfortable with this use as a Rural Home
38 Occupation. He said that Small Scale Metal Fabricating Shop is not generally permitted as a Special Use
39 Permit in the AG-1, Agriculture Zoning District, but it is a closer fit than a Contractor's Facility.

40
41 Mr. Hall stated that he does not recall when the Small Scale Metal Fabricating Shop was added, but in seeing
42 how restrictive it is, yet the Zoning Ordinance would allow any Contractor's Facility for anything that
43 someone wants to do, then one of these things doesn't fit the picture. He said that the amendment was done
44 too restrictively, and we have gone well beyond that.

45
46 Mr. DiNovo stated that he could not accept the definition of Contractor's Facility based on the fact that the

1 sales are done pursuant to a contract, which is how most commerce is done in the United States. He said that
2 a Contractor's Facility basically indicates that you could do almost anything in the agricultural district, and
3 he does not believe that this is position that the County Board intended.

4
5 Ms. Lee stated that recently, the Board approved a Contractor's Facility for a trucking company along the
6 interstate.

7
8 Mr. Elwell stated that the Board recently approved a case for Fred's Plumbing & HVAC, which was a
9 Contractor's Facility in the agricultural district north of Champaign.

10
11 Mr. DiNovo stated that he could see this case moving forward in one of two ways: Convince him that the
12 County Board actually contemplated this occurrence when they adopted the amendment; or amend the
13 Zoning Ordinance so that the Board could move forward and continue this case as a Rural Home
14 Occupation.

15
16 Mr. Hall stated that the Board cannot move forward with this case as a Rural Home Occupation without re-
17 advertising the case and starting over. He said that he could not tell Mr. DiNovo what the County Board had
18 in mind when they approved the allowance of Contractor Facilities.

19
20 Mr. DiNovo stated that the minutes of the ZBA hearings and County Board are available for review.

21
22 Mr. Hall stated that staff has reviewed those minutes and neither indicates that the two Boards were only
23 contemplating construction contractors, and even if it did, it was not included in the Zoning Ordinance.

24
25 Mr. DiNovo stated that he has indicated his opinion, although he is only one member of this Board.

26
27 Mr. Randol stated that the Board could take a straw poll vote to see determine the rest of the Board's
28 opinion.

29
30 Mr. Hall asked the petitioners if they would be opposed to waiting so that this case could be re-advertised as
31 a Rural Home Occupation because currently, if a straw poll vote is taken, there would not be a consensus of
32 approval, and four affirmative votes are required for an approval. He asked the petitioners if they could wait
33 a few weeks and return before the Board with a case where they are more likely to have a consensus of the
34 Board.

35
36 Ms. Burgstrom stated that if they agree to return before the Board with a Rural Home Occupation, they
37 would also require a number of variances based upon the number of employees and how often they would be
38 working, and this is due to the size of the company.

39
40 Mr. Hall stated that the case would come back to the Board as a Rural Home Occupation Special Use.

41
42 Ms. Burgstrom stated that the petitioners would also need a variance which would add an additional case and
43 would make this more complicated.

44
45 Mr. Hall stated no, the Special Use Permit overrides the need for the variance. He said that the recent text
46 amendment which allowed auto repair as a Neighborhood Home Occupation, only allows that use as a

1 Special Use Permit, so if anything exceeds the Neighborhood Home Occupation limits in the Ordinance,
2 then a Special Use Permit is required. He said that this text amendment has not been included in the most
3 recent version of the Zoning Ordinance booklets, but as the Zoning Administrator, he would feel a lot better
4 if all of the uncertainties were eliminated, and so far, we have not done that.

5
6 Mr. Randol asked Mr. Hall to indicate a timeframe for re-advertisement.

7
8 Mr. Hall stated that it would take a minimum of 15 days for re-advertisement.

9
10 Mr. Randol asked the petitioners if a delay in the case approval would affect any pending contracts.

11
12 Mr. McCormick stated that the concrete contractor that they have contracted with also farms and he has a
13 small window within the next few weeks of getting the concrete poured. He said that if they do not fall
14 within the concrete contractor's small window, then they would have to wait until he has his crop planted,
15 but they will do whatever is right and they believed that they had provided everything that was required. He
16 stated that, to be honest, if everything else is good he would like to complete the case tonight, but if there is
17 something else that needs to be done, then so be it.

18
19 Ms. Lee noted that this is only a 3-acre tract and not a 30-acre tract being taken out of crop production.

20
21 Mr. Hall stated that regarding Mr. DiNovo's concern that Flex-N-Gate could do a 1,000-acre development
22 like this in the agricultural area, Flex-N-Gate could if the ZBA would approve such a request, but could they
23 claim that since the ZBA approved a 3-acre Contractor's Facility they should be inclined to approve a 1,000-
24 acre development, he stated no, because the conditions are completely different. He said that he has been
25 concerned about any possible expansion of the use, and staff discussed this concern with the petitioner, and
26 they indicated that they would probably relocate rather than continuing to expand, but they did not see that
27 happening in the near future.

28
29 Mr. McCormick stated that he would love the fact that they may get so big that they would require
30 relocation, and perhaps at that point he could take a vacation, but the fact is that this is where they are
31 currently. He said that it may be possible that they would have to construct another small expansion to the
32 building, and if they have to relocate in the future due to the amount of success that they achieve, then that is
33 great too, but currently this is what they are working with. He said that they would do everything that is
34 right, but they would like to move forward as soon as they can.

35
36 Mr. Hall stated if the case was re-advertised the case would return before the Board on April 25th.

37
38 Mr. DiNovo reminded the Board that a unanimous vote is not necessary.

39
40 Mr. McCormick asked if they could construct the building and figure out which way to advertise the case
41 later.

42
43 Mr. Hall stated that the shell of the building could be constructed with an authorized building permit, but any
44 investment in setting up the machines prior to authorization is at the petitioner's risk.

45
46 Mr. McCormick stated that the area is mostly office space anyway with restrooms.

1
2 Mr. Randol stated that the shed with installed plumbing lines would only be a shed until the Special Use
3 Permit is approved.
4
5 Mr. Hall stated that he would only be approving a shed with a concrete floor, and if the petitioner installs
6 plumbing lines in the concrete, then it is done at the petitioner's risk, and if the ZBA approves the request,
7 then a Change of Use would be required to convert the shed to an office area.
8
9 Mr. McCormick asked if the plans that were provided could be approved.
10
11 Mr. Hall stated yes, but only as a shed and nothing beyond that.
12
13 Mr. McCormick asked if the ADA compliance, etc., could be approved.
14
15 Mr. Hall stated that he could not approve the plans for the office area until the Special Use Permit is
16 approved.
17
18 Ms. Lee asked the other Board members to indicate their preference regarding this case, because it appears
19 that Mr. DiNovo is the only member who opposes how the case is being presented.
20
21 Mr. Randol stated that in order to have a majority vote, the petitioners would likely desire that the entire
22 Board be present.
23
24 Mr. Hall reminded the Board that only four affirmative votes are required.
25
26 Mr. Elwell stated that if the petitioners agree to re-advertise the case, the soonest date available for the
27 petitioners to return to the Board is April 25th, and if they receive authorization to construct the building,
28 they can only use it as a shed and not as an office until the Special Use Permit is authorized.
29
30 Mr. Hall stated that Mr. Elwell was correct.
31
32 Mr. DiNovo stated that it would not hurt to conduct a straw poll vote to determine the rest of the Board's
33 opinion regarding how the case is being presented in its current form.
34
35 Mr. Randol stated that Mr. DiNovo could abstain from the vote.
36
37 Mr. Hall stated that Mr. DiNovo could not abstain from the vote but could arrange to be absent from the
38 meeting.
39
40 Mr. Elwell asked Mr. Hall if there were any other approvals necessary before the shed could be used as an
41 office.
42
43 Mr. Hall stated that a Change of Use Permit would be required.
44
45 Mr. Elwell asked Mr. Hall to indicate a timeline for the Change of Use.
46

1 Mr. Hall stated that it could be April 26th if the approval is received on the night of April 25th and the office
2 has a full staff to process the Change of Use Permit, otherwise it could be the next week.

3
4 Ms. Lee stated that she is more comfortable in moving forward with a Contractor's Facility than a Rural
5 Home Occupation.

6
7 Mr. Wood stated that he understands Mr. DiNovo's concern, but this is a small parcel with a small machine
8 shop. He said that if there is a particular issue in the Zoning Ordinance that needs to be addressed, then
9 perhaps staff and the Board could pursue that with the County Board so that there are not larger problems in
10 the future. He said that he currently has no issue with the case as it is currently presented.

11
12 Mr. Elwell stated that his concern is that 3-acres is okay, but ten acres may not be okay.

13
14 Mr. Wood stated that such a question is for the County Board to clarify the limitations, because Mr. Hall has
15 indicated that the clarification is not in the Zoning Ordinance.

16
17 Mr. Hall stated that the clarification is not in the Zoning Ordinance, and he is not sure that the County Board
18 intended to limit a Contractor's Facility to only construction contractors.

19
20 Mr. Wood asked about limiting size.

21
22 Mr. Hall asked Mr. Wood if he is indicating limiting the size for all Contractor's Facilities.

23
24 Mr. Wood stated that the use of agricultural ground is an issue and there are better places for a large
25 Contractor's Facility.

26
27 Mr. Hall stated that it is not clear if the 3-acre maximum lot size applies to a Special Use Permit because if
28 you imagine a Contractor's Facility as the principal use, then you are no longer talking about a residential
29 lot, but maybe there is a way to deal with all of that. He said that perhaps the Board should take a straw poll
30 to see if there is support in moving forward with this use as a Contractor's Facility.

31
32 Mr. Burgstrom stated that it is her opinion as a staff member, that there is no benefit in not allowing this
33 petitioner to be able to obtain approval for a Contractor's Facility by the ZBA. She said that staff could look
34 into changing the Zoning Ordinance without penalizing this petitioner by extending the time for approval to
35 April 25th so that staff, the Board and the County Board could do some decision making. She said that the
36 Board could move forward and vote on the current request for a Contractor's Facility, and if denied, the
37 petitioners could return to the Board with a new application for a Rural Home Occupation Special Use
38 Permit a month later with basically the same information that is before the Board tonight. She asked why the
39 Board would want to put the petitioners through such a process.

40
41 Mr. DiNovo stated that the ZBA must interpret the Ordinance the way that the County Board meant with the
42 tools of statutory construction, which includes interpreting things in a larger context, and not just look at one
43 provision but the entire Ordinance. He said that even though the Board does not want to throw any
44 unnecessary roadblocks in people's paths, it is essential that the Board adopt as a discipline the perspective
45 that the Board's job is to implement the will of the County Board and not the ZBA's judgement about
46 whether any particular land use is appropriate or not. He said that the reason why he has a problem with the

1 way that this case is presented is because he has a duty to the County Board and, even though he is
2 persuadable, he does not believe in his bones that the County Board intended Contractor's Facilities to have
3 this meaning.

4
5 Mr. Randol stated that he cannot see why the Board should penalize the petitioners because the Board cannot
6 agree about what should or should not be done. He said that the change needs to be made so that the Board
7 does not have to deal with this type of situation in the future, but currently no change has been made and the
8 petitioners should not be penalized for the Zoning Ordinance not being clear on the intent for Contractor's
9 Facilities. He said that if the size of the property needs to be limited to 3 acres or whatever, then that could
10 be done in the future, but he does not believe that the County Board meant for a Contractor Facility to only
11 be for construction contractors. He said that there are an unmentionable number of businesses that contract,
12 so the Board has to be able to accommodate any business if it fits in the requirements of the Zoning
13 Ordinance.

14
15 Mr. Elwell asked where manufacturing comes in under Contracting in the Zoning Ordinance.

16
17 Mr. Hall stated that he can't clarify that, but he could say that the 3-acre maximum is the lot size on best
18 prime farmland for any use in the AG-1, AG-2, and CR Zoning Districts. He said that if someone wanted to
19 do a 4-acre Contractor's Facility on best prime farmland, then that use would require a variance. He said
20 that a 20-acre Contractor's Facility that is not on best prime farmland is allowable under the Zoning
21 Ordinance.

22
23 Mr. Elwell asked Mr. McCormick to indicate the timeline for construction of the office area.

24
25 Mr. McCormick stated that they are ready now.

26
27 Mr. Elwell asked Mr. McCormick if the construction would be completed in 30 days or less.

28
29 Mr. McCormick stated that the concrete would be poured within the next two weeks and the walls would be
30 constructed shortly thereafter. He said that Fred's Plumbing and HVAC is actually doing the plumbing. He
31 said that he is not worried about finishing the interior, other than the restrooms, because they plan to
32 complete some of the work themselves. He said that manufacturing and machining are two different acts,
33 because in manufacturing they make their own product and that is not what they do.

34
35 Mr. Elwell asked if all construction could be completed and the office area ready to move in by April 25th.

36
37 Mr. McCormick stated that the areas such as the restrooms, yes, but the other areas probably not, because
38 they are taking ideas from each other as to how they really want it laid out. He said that the restrooms and
39 kitchen area are set in stone due to the plumbing and accessibility requirements.

40
41 Mr. Elwell asked Mr. McCormick if it would be a burden if they were asked to return in one month.

42
43 Mr. McCormick stated that they would lose an opportunity with their concrete person.

44
45 Mr. Elwell stated that they could build the shell of the shed, but they could not move into the shed addition
46 to operate their business until they receive approval from this Board and obtain an approved Change of Use

1 Permit. He stated that it is his opinion that it should not be a burden to the petitioners if they were not able
2 to move into the office area until May 1st, and the additional timeline would assist in negating Mr. DiNovo's
3 concern.

4
5 Mr. DiNovo stated that the Board can endorse the Zoning Administrator's interpretation by a simple majority
6 vote, and it would be proper to do that. He said that the Board does not have to work around his opinion,
7 because he is just one member of this Board.

8
9 Mr. McCormick stated that the only issue that he has with moving forward with the construction of the shell
10 of the building is that if something was not built to the County's standard, they would have to tear everything
11 back out or down.

12
13 Mr. Hall explained that the risk that he referred to was not getting anything approved at the end of the day
14 for an office, not just that a pipe is off-centered, but no approval that the addition could be used as an office.
15 He said that there is no guarantee that if the request is re-advertised as a Rural Home Occupation Special
16 Use Permit that it would automatically be approved.

17
18 Ms. Lee stated that it was her understanding that the Board would take a straw poll regarding proceeding
19 tonight or not.

20
21 **Ms. Lee moved, seconded by Mr. Randol, to conduct a straw poll vote to proceed with Case 930-S-19**
22 **as a Contractor's Facility with or without Outdoor Storage and Outdoor Operations at tonight's**
23 **meeting. The motion carried.**

24
25 Mr. DiNovo stated that a motion is required endorsing the Zoning Administrator's interpretation that the
26 proposed use should be authorized as a Contractor's Facility with or without Outdoor Storage and Outdoor
27 Operations.

28
29 **Mr. Randol moved, seconded by Ms. Lee, to endorse the Zoning Administrator's interpretation that**
30 **the proposed use should be authorized as a Contractor's Facility with or without Outdoor Storage**
31 **and Outdoor Operations. The motion carried with one opposing vote.**

32
33 Mr. Randol asked if a roll call vote would have been more appropriate so that the positive and negative votes
34 are on record.

35
36 Mr. Hall stated that a simple majority vote is adequate.

37
38 Mr. Elwell stated that the Board would now review the Special Conditions.

39
40 Mr. Elwell read Special Condition A.

41
42 A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case**
43 **930-S-19 by the Zoning Board of Appeals.**

44
45 The special condition stated above is required to ensure the following:

1 **The establishment of the proposed use shall be properly documented as**
2 **required by the Zoning Ordinance.**

3
4 Mr. Elwell asked the petitioners if they agreed with Special Condition A.

5
6 The petitioners indicated that they agreed with Special Condition A.

7
8 Mr. Elwell read Special Condition B.

9
10 **B. Certification from the County Health Department that the proposed septic system on**
11 **the subject property has sufficient capacity for the proposed uses is a requirement for**
12 **approval of the Zoning Use Permit.**

13
14 The special condition stated above is required to ensure the following:
15 **That the solid waste system conforms to the requirements of the Zoning**
16 **Ordinance and any applicable health regulations.**

17
18 Mr. Elwell asked the petitioners if they agreed with Special Condition B.

19
20 The petitioners indicated that they agreed with Special Condition B.

21
22 Mr. Elwell read Special Condition C.

23
24 **C. The Zoning Administrator shall not authorize a Zoning Use Permit or a Zoning**
25 **Compliance Certificate until the petitioner has demonstrated that any new or proposed**
26 **exterior lighting on the subject property will comply with the lighting requirements of**
27 **Section 6.1.2.**

28 The special condition stated above is required to ensure the following:
29 **That the proposed uses are in compliance with the Zoning Ordinance.**

30
31 Mr. Elwell asked the petitioners if they agreed with Special Condition C.

32
33 The petitioners indicated that they agreed with Special Condition C.

34
35 Mr. Elwell read Special Condition D.

36
37
38
39 **D. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until**
40 **the petitioner has constructed one loading berth meeting the requirements of**
41 **Paragraph 7.4.2 on the subject property.**

42
43 The special condition stated above is required to ensure the following:
44 **That off-street parking is in compliance with the Zoning Ordinance.**

45
46 Mr. Elwell asked the petitioners if they agreed with Special Condition D.

1
2 Mr. McCormick asked Mr. Hall if he is required to construct a loading dock or just have an area to load and
3 unload materials.

4
5 Mr. Hall stated that an area indicated for loading and unloading materials is adequate.

6
7 The petitioners indicated that they agreed with Special Condition D.

8
9 Mr. Elwell read Special Condition E.

10
11 E. **The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioners**
12 **have demonstrated that they will responsibly and legally dispose of any liquids and/or**
13 **waste by providing a copy of the following to the Zoning Administrator:**

14 (1) **The Material Safety Data Sheet for the coolant(s) used by RJD machining.**

15
16 (2) **Information on the recommended protocols of disposal for the coolant(s) and**
17 **any other liquids used and/or waste products created by the company's**
18 **machining processes.**

19
20 (3) **A statement signed by the petitioners that any disposal of these materials**
21 **(liquids and waste products) will be done in compliance with Federal, State, and**
22 **local regulations.**

23
24 (4) **The petitioners shall retain records of all disposal of waste and shall make the**
25 **records available to the Zoning Administrator when requested.**

26
27 The special condition stated above is required to ensure the following:

28 **That no potentially hazardous materials used or created by the business**
29 **contaminate the environment.**

30
31 Mr. Elwell asked the petitioners if they agreed with Special Condition E.

32
33 The petitioners indicated that they agreed with Special Condition E.

34
35 Mr. Elwell read Special Condition F.

36
37 F. **The Special Use Permit shall become void if the current business ceases and no new**
38 **business is established within 180 calendar days.**

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

41 **That the Special Use Permit for this unique land use will cease if not used.**

42
43 Mr. Elwell asked the petitioners if they agreed with Special Condition F.

44
45 The petitioners indicated that they agreed with Special Condition F.

1 Mr. Elwell entertained a motion to approve the Special Conditions.

2

3 **Ms. Lee moved, seconded by Mr. Randol, to approve the Special Conditions. The motion carried by**
4 **voice vote.**

5

6 Mr. Elwell entertained a motion to move the Findings of Fact for Case 930-S-19.

7

8 **Mr. Randol moved, seconded by Ms. Lee, to move to the Findings of Fact for Case 930-S-19. The**
9 **motion carried by voice vote.**

10

11 **FINDINGS OF FACT FOR CASE 930-S-19:**

12

13 **From the documents of record and the testimony and exhibits received at the public hearing for**
14 **zoning case 930-S-19 held on March 28, 2019, the Zoning Board of Appeals of Champaign County**
15 **finds that:**

16

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

18

19 Mr. Randol stated that the requested Special Use Permit IS necessary for the public convenience at this
20 location because the petitioners are changing from agriculture to a commercial business.

21

22 **2. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**
23 **HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be**
24 **injurious to the district in which it shall be located or otherwise detrimental to the public**
25 **health, safety, and welfare because:**

26 **a. The street has ADEQUATE traffic capacity and the entrance location has ADEQUATE**
27 **visibility.**

28

29 Mr. Randol stated that the street has ADEQUATE traffic capacity and the entrance location has
30 ADEQUATE visibility.

31

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

33

34 Mr. Randol stated that emergency services availability is ADEQUATE, because there are two fire
35 departments with jurisdiction in this area, and they are roughly 2 and 4 miles from the subject property.

36

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

38

39 Mr. Randol stated that the Special Use WILL be compatible with adjacent uses because the adjacent property
40 is all agriculture, and there is potential that any of the work they are doing will be agriculturally related in
41 their contracts.

42

43 Ms. Lee stated that the building will not be much different than a farm shed.

44

45 **d. Surface and subsurface drainage will be ADEQUATE.**

46

1 Mr. Randol stated that surface and subsurface drainage will be ADEQUATE, because there will not be any
2 paved surfaces to prevent the water from absorbing into the soil, and the Health Department will be
3 approving the septic system.

4
5 **e. Public safety will be ADEQUATE.**

6
7 Mr. Randol stated that public safety will be ADEQUATE because there are two fire departments with
8 jurisdiction in this area, and they are roughly two and four miles from the subject property.

9
10 Mr. DiNovo stated that the coolants are a low hazard material.

11
12 **f. The provisions for parking will be ADEQUATE.**

13
14 Mr. Randol stated that the provisions for parking will be ADEQUATE, because they only have to have six
15 spaces for their current six employees, in addition to the accessible parking space.

16
17 **g. The property IS WELL SUITED OVERALL for the proposed improvements.**

18
19 The property IS WELL SUITED OVERALL for the proposed improvements because of its location to good
20 roads that are not high traffic, so there will not be any impact on the highway.

21
22 Mr. Elwell entertained a motion to extend the meeting to 9:45 p.m.

23
24 **Mr. DiNovo moved, seconded by Mr. Wood, to extend the meeting to 9:45 p.m. The motion carried by**
25 **voice vote.**

26
27 **h. Existing public services ARE available to support the proposed SPECIAL USE without**
28 **undue public expense.**

29
30 Mr. Randol stated that existing public services ARE available to support the proposed SPECIAL USE
31 without undue public expense because there is already work being done on this property with the type of
32 equipment that will be used in the future, with no new power lines needed.

33
34 **i. Existing public infrastructure together with the proposed development IS adequate to**
35 **support the proposed development effectively and safely without undue public expense.**

36
37 Mr. Randol stated that existing public infrastructure together with the proposed development IS adequate to
38 support the proposed development effectively and safely without undue public expense because the traffic
39 counts indicate that there are 50 vehicles per day, and employees would increase traffic volumes by only 10
40 more.

41
42 Mr. Randol stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
43 IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be injurious
44 to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

45
46 **3a. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**
47 **HEREIN, DOES conform to the applicable regulations and standards of the DISTRICT in**

1 **which it is located.**

2

3

Mr. Randol stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the DISTRICT in which it is located.

6

7

3b. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located because:

10

a. The Special Use will be designed to CONFORM to all relevant County ordinances and codes.

11

12

Mr. Randol stated that the Special Use will be designed to CONFORM to all relevant County ordinances and codes.

14

15

16

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

17

Mr. Randol stated that the Special Use WILL be compatible with adjacent uses.

18

19

20

c. Public safety will be ADEQUATE.

21

Mr. Randol stated that public safety will be ADEQUATE.

22

23

Mr. Randol stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

26

27

4. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, IS in harmony with the general purpose and intent of the Ordinance because:

28

a. The Special Use is authorized in the District.

29

30

31

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

32

33

Mr. Randol stated that the requested Special Use Permit IS necessary for the public convenience at this location.

34

35

36

c. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

37

38

39

40

41

Ms. Lee stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

42

43

44

45

46

d. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS

IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

Mr. Randol stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

Mr. Randol stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, IS in harmony with the general purpose and intent of the Ordinance

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

6. THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:

A. A Change of Use Permit shall be applied for within 30 days of the approval of Case 930-S-19 by the Zoning Board of Appeals.

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

The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.

B. Certification from the County Health Department that the proposed septic system on the subject property has sufficient capacity for the proposed uses is a requirement for approval of the Zoning Use Permit.

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

That the solid waste system conforms to the requirements of the Zoning Ordinance and any applicable health regulations.

C. The Zoning Administrator shall not authorize a Zoning Use Permit or a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.

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

That the proposed uses are in compliance with the Zoning Ordinance.

D. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has constructed one loading berth meeting the requirements of Paragraph 7.4.2 on the subject property.

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

That off-street parking is in compliance with the Zoning Ordinance.

E. The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioners have demonstrated that they will responsibly and legally dispose of any liquids and/or

waste by providing a copy of the following to the Zoning Administrator:

- (1) The Material Safety Data Sheet for the coolant(s) used by RJD machining.
- (2) Information on the recommended protocols of disposal for the coolant(s) and any other liquids used and/or waste products created by the company's machining processes.
- (3) A statement signed by the petitioners that any disposal of these materials (liquids and waste products) will be done in compliance with Federal, State, and local regulations.
- (4) The petitioners shall retain records of all disposal of waste and shall make the records available to the Zoning Administrator when requested.

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

That no potentially hazardous materials used or created by the business contaminate the environment.

F. The Special Use Permit shall become void if the current business ceases and no new business is established within 180 calendar days.

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

That the Special Use Permit for this unique land use will cease if not used.

Mr. Elwell asked staff if there were any new Documents of Record.

Mr. Hall stated that a new item 8 should be added indicating the following: Supplemental Memorandum #1 dated March 28, 2019, with attachments.

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

Ms. Lee moved, seconded by Mr. Wood, to adopt the Summary of Evidence, Documents of Record, and Findings of Fact, as amended. The motion carried by voice vote.

Mr. Elwell entertained a motion to move to the Final Determination for Case 930-S-19.

Ms. Lee moved, seconded by Mr. Wood, to move to the Final Determination for Case 930-S-19. The motion carried by voice vote.

FINAL DETERMINATION FOR CASE 930-S-19:

Ms. Lee moved, seconded by Mr. Randol, that the Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, the requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

1 **The Special Use requested in Case 930-S-19 is hereby GRANTED WITH SPECIAL**
 2 **CONDITIONS to the applicants, Dennis McCormick and Donald Rennels, d.b.a. RJD**
 3 **Machining, LLC, to authorize the following as a Special Use on land in the AG-1 Agriculture**
 4 **Zoning District:**

5
 6 **Authorize a Special Use Permit for a Contractor’s Facility with or without outdoor**
 7 **storage and outdoor operations in addition to an existing single-family dwelling.**

8
 9 **SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:**

- 10
 11 **A. A Change of Use Permit shall be applied for within 30 days of the approval of Case**
 12 **930-S-19 by the Zoning Board of Appeals.**
- 13
 14 **B. Certification from the County Health Department that the proposed septic system on**
 15 **the subject property has sufficient capacity for the proposed uses is a requirement for**
 16 **approval of the Zoning Use Permit.**
- 17
 18 **C. The Zoning Administrator shall not authorize a Zoning Use Permit or a Zoning**
 19 **Compliance Certificate until the petitioner has demonstrated that any new or proposed**
 20 **exterior lighting on the subject property will comply with the lighting requirements of**
 21 **Section 6.1.2.**
- 22
 23 **D. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until**
 24 **the petitioner has constructed one loading berth meeting the requirements of**
 25 **Paragraph 7.4.2 on the subject property.**
- 26
 27 **E. The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioners**
 28 **have demonstrated that they will responsibly and legally dispose of any liquids and/or**
 29 **waste by providing a copy of the following to the Zoning Administrator:**
- 30 **(1) The Material Safety Data Sheet for the coolant(s) used by RJD machining.**
- 31
 32 **(2) Information on the recommended protocols of disposal for the coolant(s) and**
 33 **any other liquids used and/or waste products created by the company’s**
 34 **machining processes.**
- 35
 36 **(3) A statement signed by the petitioners that any disposal of these materials**
 37 **(liquids and waste products) will be done in compliance with Federal, State, and**
 38 **local regulations.**
- 39
 40 **(4) The petitioners shall retain records of all disposal of waste and shall make the**
 41 **records available to the Zoning Administrator when requested.**
- 42
 43 **F. The Special Use Permit shall become void if the current business ceases and no new**
 44 **business is established within 180 calendar days.**

45
 46 Mr. Elwell requested a roll call vote.

1 The roll was called as follows:

2
3 **Anderson – yes** **DiNovo – no (for reasons outlined earlier)**
4 **Lee – yes** **Randol – yes**
5 **Wood – yes** **Elwell – yes**
6

7 Mr. Hall informed the petitioners that they have received an approval for their request, and Ms.
8 Burgstrom will be in contact regarding the final paperwork.

9
10 Mr. McCormick thanked the Board and staff or their assistance with this process.

11
12 **7. Staff Report**

13
14 None

15
16 **8. Other Business**

17 **A. Review of Docket**

18
19 Mr. Elwell asked the Board if there were any absences that are not indicated on the docket, and there were
20 none.

21
22 Mr. Hall asked the Board if they would like to schedule the Land Resource Management Plan (LRMP) Study
23 Session prior the cases docketed for April 25th. He said that the LRMP Study Session was scheduled for
24 May 30th, but staff thought that the Board may want to have the study session earlier.

25
26 Ms. Lee stated that she previously indicated that she did not want the LRMP Study Session to be held on
27 April 11th.

28
29 Mr. Elwell stated that he had no issue with the LRMP Study Session occurring on April 11th.

30
31 Mr. Elwell entertained a motion to hold the LRMP Study Session at the April 11, 2019, Champaign County
32 Zoning Board of Appeals meeting.

33
34 Mr. Hall noted that no cases are scheduled for April 11th, so if the Study Session does not occur on that date,
35 there will be no meeting.

36
37 **Mr. Wood moved, seconded by Mr. Randol, to hold the LRMP Study Session at the April 11, 2019,**
38 **Champaign County Zoning Board of Appeals Meeting. The motion carried by voice vote, with one**
39 **opposing vote.**

40
41 Mr. DiNovo asked staff if they are expecting the Board to provide staff with questions regarding the LRMP
42 in advance of the meeting.

43
44 Mr. Hall stated that staff would appreciate that courtesy from the Board, but there may be additional
45 questions that come up at the meeting.

46

1 Mr. DiNovo noted that the study session is only for specific matters related to the LRMP, and not the entire
2 document. He said that he would have his questions to staff on Monday morning, and other Board members
3 may want to follow suit.
4

5 **9. Audience participation with respect to matters other than cases pending before the Board**
6

7 None
8

9 **10. Adjournment**
10

11 Mr. Elwell entertained a motion to adjourn the meeting.
12

13 **Mr. DiNovo moved, seconded by Ms. Lee, to adjourn the meeting. The motion carried by voice vote.**
14

15 The meeting adjourned at 9:40 p.m.
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18 Respectfully submitted
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23 Secretary of Zoning Board of Appeals
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