

## **CASE 967-S-19**

*SUPPLEMENTAL MEMORANDUM #3*

*August 19, 2020*

**Petitioners:** Bruce and Brody Block, d.b.a., Block Field Tiling, LLC

**Request:** Authorize a Contractor's Facility with Outdoor Storage and Outdoor Operations as a Special Use in the AG-1 Agriculture Zoning District.

**Location:** A 35-acre tract in the South Half of the Southeast Quarter of Section 7, Township 17 North, Range 11 East of the Third Principal Meridian in Ayers Township with an address of 2460 CR 400N, Broadlands.

**Site Area:** Special Use Permit Area is five acres

**Time Schedule for Development:** Already in use

**Prepared by:** Susan Burgstrom, Senior Planner  
John Hall, Zoning Administrator

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### **STATUS**

Case 967-S-19 was continued to a future hearing at the February 27, 2020 ZBA meeting. No ZBA meetings were held due to COVID-19 closures, which postponed continuation of this case to August 27<sup>th</sup>. Since so much time has passed, we have included an excerpt of the approved minutes from the February 27<sup>th</sup> meeting (Attachment A).

On March 6, 2020, P&Z Staff emailed Bruce Block, stating that based on discussion at the February 27<sup>th</sup> meeting, the Board would want more information on what pollution permits he has through IEPA. Staff provided a link to IEPA permit requirements for small businesses, and said that the Board would need to see verification that he had spoken with IEPA. In an email received on March 7, 2020 (Attachment C), Bruce Block stated "Ok. We will look into that."

Independent of the March 6<sup>th</sup> email, an evaluation report by the IEPA Bureau of Land was received on March 17, 2020. See the "IEPA Compliance" section below and Attachment D for more information.

P&Z Staff checked in again with Mr. Block on May 27, 2020, and Mr. Block responded the same day that he is expecting a letter from Bureau of Land that no permit is needed from them (Attachment E).

On May 28<sup>th</sup>, P&Z Staff contacted IEPA regarding testimony received at the February 27<sup>th</sup> meeting that 25% of asphalt from a calendar year must be moved off site the following calendar year. See the "IEPA Compliance" section below and Attachment F for more information.

On August 3, 2020, Susan Burgstrom received an email from Bruce Block with a letter from IEPA Bureau of Land dated June 2, 2020. See the "IEPA Compliance" section below and Attachment G for more information.

On August 4, 2020, Susan Burgstrom received an email (Attachment H) from neighbor Gary Jacobson that included two attached videos. Mr. Jacobson stated that operations have increased to seven days a week and 12+ hours per day.

On August 17, 2020, Susan Burgstrom visited the subject property with Bruce Block. The amount of land disturbed has increased to greater than one acre, which triggers the requirement for a Storm Water

Drainage Plan (SWDP) and review by the P&Z Department's consulting engineer. Photos from the visit are included as Attachment I. P&Z Staff created an Annotated Site Plan based on the site visit; see Attachment B and the "Annotated Site Plan" section below.

Proposed Revised and New Special Conditions are listed starting on page 5 of this memorandum.

Attachment J is a revised Summary of Evidence, Findings of Fact, and Final Determination.

## **IEPA COMPLIANCE**

The following evidence has been added as Item 9.G. regarding IEPA compliance:

- G. Regarding operations and compliance with IEPA regulations:
- (1) In an email received December 13, 2019, Bruce Block stated that they do not have a permit and that "people at EPA have told me I didn't need one for crushing the concrete."
    - a. In an email dated December 17, 2019, Susan Burgstrom told Bruce Block that written verification regarding permit requirements for his operations would be needed from Illinois EPA.
  - (2) On January 29, 2020, Mr. Bruce Block received confirmation from the Illinois Environmental Protection Agency (IEPA) Bureau of Air that the site is a participant in the IEPA Registration of Smaller Sources (ROSS) Program, which is for businesses with a low level of emissions. Should the site exceed an emissions level stipulated by the ROSS Program, the petitioners would have to apply for a higher-level permit. The site must renew its registration yearly.
    - a. Mr. Block stated that the ROSS registration is the only permit they had obtained for the site.
  - (3) The Illinois Environmental Protection Act (*415 ILCS 5*) requires at least 25% of the total amount of reclaimed or other asphalt pavement present at a site during a calendar year be transported off of the site during the next calendar year (*415 ILCS 5/3.160(b)*).
    - a. At the February 27, 2020 ZBA meeting, the following testimony was received: Mr. Brody Block stated that the IEPA informed him that he only has to remove 25% of the asphalt annually, and the IEPA representative was at the site two weeks ago. Mr. Bequette asked Mr. Brody Block if he doubled the amount of asphalt that was present last year, does he only need to remove 25% of last year's volume, or this year's volume. He asked how the 25% is calculated. Mr. Brody Block stated that he did not know how the 25% is calculated, but Mr. Bequette could ask the IEPA representative. Mr. Bequette asked Mr. Bruce Block to indicate the name of the IEPA representative. Mr. Bruce Block stated that he could not remember the IEPA representative's name at this time. Mr. Brody Block stated that the IEPA representative was from Champaign. Mr. Bequette asked Mr. Bruce Block if the IEPA representative conducted a site visit. Mr. Bruce Block stated yes. Mr. Brody Block stated that the IEPA representative informed them that what

they were doing was perfectly legal. Mr. Bequette asked Mr. Brody Block if the IEPA representative was present tonight. Mr. Brody Block stated no. Mr. Bequette asked Mr. Brody Block if they had any written materials to submit to the Board from the IEPA representative indicating that what they were doing on the site was perfect. Mr. Block stated no.

- b. P&Z Staff emailed IEPA staff on May 28, 2020 to request information regarding how a business could best track asphalt. In an email received May 28, 2020, Thomas Hubbard, Permits Section of IEPA Bureau of Land, stated, "The most basic tracking would be material received and material sold. If the site can document that they sell at least 25% of their stockpile every year, then the average retention time of the material is less than 4 years. Another option would be segregating the piles yearly (i.e. all the material received in 2019 is one pile and all the material received in 2020 is another pile, etc.) then showing that no pile is more than 4 years old."
- (4) On March 17, 2020, P&Z Staff became aware that Jennifer O'Hearn with IEPA completed an Open Dump Inspection of the subject property on November 1, 2019. Highlights of the report include the following:
- a. Bruce Block was present during the inspection.
  - b. Ms. O'Hearn observed four apparent continuing violations on the subject property dated from August 2015 and August 2106, as noted on page 3 of the report:
    - (a) Cause or allow open dumping of any waste in a manner which results in deposition of general or clean construction or demolition debris;
    - (b) Cause or allow open dumping;
    - (c) Dispose, treat, store, abandon any waste, or transport any waste into Illinois at or to sites not meeting requirements of the Act; and
    - (d) Cause or allow open dumping of any waste in a manner which results in litter.
  - c. Ms. O'Hearn noted, "Not including the area west of the grain bins, 235 cubic yards of new, unprocessed concrete, brick and asphalt has come into site. Around 120 cubic yards of old concrete remains. Around 90 cubic yards of brick and concrete have left the site and around 75 cubic yards appears to have been newly crushed or partially broken. Around 35 cubic yards of metal in total are at the site" (page 3, first full paragraph).
  - d. The remainder of the report includes photos with descriptors.
  - e. On August 10, 2020, Susan Burgstrom emailed Thomas Hubbard and Jennifer O'Hearn requesting an update on the status of these violations.

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Ms. Burgstrom submitted a FOIA request for this on August 13, 2020.

- (5) In an email dated August 3, 2020, Bruce Block submitted a copy of a letter from Kenneth Smith, of the IEPA Bureau of Land, Division of Land Pollution Control, which included the following information:
- a. Section 3.160(b)(ii) of the Illinois Environmental Protection Act (Act) specifically excludes clean construction or demolition debris, which includes concrete and asphalt pavement, that is recycled such that it is separated or processed and returned to the economic mainstream in the form of raw materials or products if it is not speculatively accumulated and, if used as a fill material, it is used in accordance with Section 3.160(b)(i) of the Act from being classified as a waste. Therefore, the concrete/asphalt recycling would not need a permit from the BOL.
  - b. The crusher Mr. Block mentioned in his inquiry might need a permit from the IEPA Bureau of Air.
    - (a) The petitioners are registered in the IEPA Bureau of Air ROSS program as of January 29, 2020.
  - c. If more than one acre is being disturbed, a NPDES permit may be needed from the IEPA Bureau of Water.
    - (a) On August 10, 2020, Susan Burgstrom requested an update from Bruce Block regarding additional IEPA permits. Mr. Block responded that he is applying for the permit from the IEPA Bureau of Water.

## **ANNOTATED SITE PLAN**

An Annotated Site Plan was created by P&Z Staff on August 18, 2020 to reflect current conditions found at the subject property during a site visit on August 17, 2020. There has been a significant increase in materials storage on the site that occupy almost half of the 5-acre Special Use Permit area; however, the petitioners have not indicated what their expansion plans are. The Site Plan needs to show existing conditions and proposed future conditions including additional proposed buildings, storage areas, and operations areas.

In the Annotated Site Plan created August 18, 2020, a horizontal dashed line has been drawn to indicate the southern limit to what the storage and operations area should be, unless the petitioner requests a larger area. The limit needs to be determined prior to approval of the Special Use Permit and must be followed by the owners in the future, or a new Special Use Permit for expansion would have to be sought.

Similarly, storm water detention must be noted on the Site Plan. The contours on the Annotated Site Plan note that the northwest corner of the 5-acre Special Use Permit area is the lowest topographical area and the best location for a detention basin, but is currently where asphalt millings and concrete are located.

**REVISED AND NEW PROPOSED SPECIAL CONDITIONS**

- A. A Change of Use Permit shall be applied for within 30 days of the approval of Case 967-S-19 by the Zoning Board of Appeals. In order to receive a Zoning Compliance Certificate for the Change of Use Permit, the petitioners must complete the following:**
- (1) Within six months of approval of Case 967-S-19, a complete Storm Water Drainage Plan that conforms to the requirements of the Storm Water Management and Erosion Control Ordinance shall be submitted and approved.**
  
  - (2) Within 12 months of Change of Use Permit approval, the petitioners must complete the following:**
    - a. Construction of the necessary storm water improvements shall be completed on the five-acre Special Use Permit site, and all required certifications in the SWMEC Ordinance shall be submitted.**
  
    - b. The petitioners must plant sufficient vegetative screening on the subject property to screen the Special Use Permit outdoor storage and parking areas from the residential lot located southeast of the subject property. Per standard Department practice, a sufficient vegetative screen must be four to six feet high at the time of planting, and if recommended spacing of a single row of the selected species will not provide 50% screen in two years, then the screen must be planted in staggered rows.**
  
    - c. The petitioner must construct paved parking spaces and one loading berth meeting the requirements of Section 7.4 on the subject property.**
  
    - d. All crushing of concrete or asphalt on the subject property must be done inside a building with four walls, OR all crushing must cease on the subject property.**
  
    - e. The petitioner must demonstrate that the proposed Special Use complies with the Illinois Accessibility Code.**

The special condition stated above is required to ensure the following:  
**The establishment of the proposed use shall comply with State and local requirements.**

- B. 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.**

- C. **The Special Use Permit area will be limited to no more than five acres, as reflected in the Annotated Site Plan created by P&Z Staff on August 18, 2020 and approved by the ZBA on August 27, 2020.**

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

**To protect best prime farmland from being converted to a non-agricultural use.**

- D. **Should the five-acre contractor facility ever be divided from the 35-acre property, the ~~lot 5-acre lot and the 30-acre lot~~ will each need a variance for a lot area of more than three acres on best prime farmland.**

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

**That any division of the subject property is compliant with the Zoning Ordinance.**

- E. **The only solid waste that may be brought to the property is “clean construction or demolition debris” as defined by the Illinois Environmental Protection Agency, and/or landscape waste, and must be from demolition projects by Block Field Tiling LLC. Clean construction or demolition debris and/or landscape waste cannot be brought to the property from demolition projects by others.**

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

**To ensure that the subject property does not become a waste transfer station or other type of solid waste facility.**

- F. **All handling and crushing of clean construction or demolition debris must be in conformance with the requirements of the Illinois Environmental Protection Agency and the petitioners must provide copies of all communications from Illinois EPA to the Zoning Administrator upon request.**

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

**To ensure compliance with IEPA requirements to ensure public health and safety.**

- G. **Unloading of dump trucks and/or breaking and/or crushing of asphalt and/or concrete may only occur on the property between the hours of 8 a.m. to 5 p.m. on Monday through Friday.**

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

**To minimize nuisance conditions for neighbors.**

## **ATTACHMENTS**

- A Excerpt of approved minutes from February 27, 2020
- B Annotated Plan created by P&Z Staff on August 18, 2020
- C Email from Bruce Block received March 7, 2020
- D Evaluation Report by IEPA Bureau of Land received March 17, 2020
- E Email from Bruce Block received May 27, 2020
- F Email string between Susan Burgstrom and Thomas Hubbard, IEPA Bureau of Land, dated May 28, 2020
- G Email from Bruce Block received August 3, 2020, with attachment: IEPA Bureau of Land letter dated June 2, 2020
- H Email from Gary Jacobson received August 4, 2020, with attachments: 2 videos (posted on the ZBA meetings website: [http://www.co.champaign.il.us/CountyBoard/meetings\\_ZBA.php](http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php))
- I Site visit photos dated August 17, 2020
- J Revised Summary of Evidence, Finding of Fact and Final Determination dated August 27, 2020

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*AS APPROVED JULY 16, 2020*

2/27/2020

1 **6. New Public Hearings**

2  
3 **Case 967-S-19** Petitioner: **Bruce and Brody Block, d.b.a. Block Field Tiling, LLC. Request to**  
4 **authorize a Contractor's Facility with Outdoor Storage and Outdoor Operations as a Special Use in**  
5 **the AG-1 Agriculture Zoning District. Location: A 35-acre tract in the South Half of the Southeast**  
6 **Quarter of Section 7, Township 17 North, Range 11 East of the Third Principal Meridian in Ayers**  
7 **Township with an address of 2460 CR 400N, Broadlands.**

8  
9 Mr. Wood informed the audience that Case 967-S-19 is an Administrative Case and as such, the County  
10 allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for  
11 a show of hands for those who would like to cross-examine, and each person will be called upon. He  
12 requested that anyone called to cross-examine go to the cross-examination microphone to ask any questions.  
13 He said that those who desire to cross-examine are not required to sign the witness register but are requested  
14 to clearly state their name before asking any questions. He noted that no new testimony is to be given  
15 during the cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-  
16 Laws are exempt from cross-examination.

17  
18 Mr. Wood informed the audience that anyone wishing to testify for any public hearing tonight must sign the  
19 witness register for that public hearing. He reminded the audience that when they sign the witness register,  
20 they are signing an oath. He asked the audience if anyone desired to sign the witness register and there was  
21 no one.

22  
23 Mr. Wood asked the petitioners if they would like to make a statement regarding their request.

24  
25 Mr. Bruce Block, who resides at 200 West Diller, Broadlands, stated that they are petitioning to switch only  
26 a five-acre tract from the 35 acres for a Contractor's Facility with Outdoor Storage and Outdoor Operations.  
27 He said that previously the five-acre tract was a feed lot for cattle and was never farmed. He said that there  
28 is one building and a couple of grain bins on the five-acre tract and they have been using the tract to store  
29 their equipment and placement of concrete from demolition jobs for crushing into rock. He said that they  
30 are 28 miles from the nearest facility to take concrete from demolition jobs so they purchased a small  
31 crusher of their own to install onto their skid loader, although it was quickly determined that it was not big  
32 enough to serve their needs, so they purchased a larger portable machine. He said that the new machine will  
33 crush approximately 30 tons per hour.

34  
35 Mr. Wood asked the Board if there were any questions for Mr. Block.

36  
37 Ms. Lee stated that Mr. Block stated that they are only requesting the special use for a five-acre tract,  
38 although the memorandum indicates that the location is a 35-acre tract. She asked why the special use is not  
39 limited to just the five-acres in lieu of 35 acres.

40  
41 Mr. Hall stated that the site plan indicates that the area is only five-acres and the legal description of the  
42 property in general is the 35 acres, and this is a typical way for a special use permit to be done.

43  
44 Mr. Block clarified that they only applied for a special use permit on the five-acre tract.

45  
46 Mr. Hall agreed.

47  
48 Ms. Lee stated the memorandum indicated a complaint regarding disposal of materials from the Illinois

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1 Route 49 project, and IDOT District #5 did not allow the Blocks to continue to accept those materials  
2 because they were not considered an approved waste site. She asked Mr. Block if his facility was currently  
3 approved as a waste site.

4  
5 Mr. Block stated that the people who were hauling in the material to their site were required to obtain a  
6 permit. He said that he and his son were not aware that a permit was required for the transporters to bring  
7 the material to their site and it wasn't their responsibility to obtain the permit. He said that at this point, he  
8 does not believe that the transporters obtained the permit because they were waiting for the outcome of the  
9 special use permit.

10  
11 Ms. Lee asked Mr. Block if the site is not an approved waste site currently, does he plan for it to become an  
12 approved waste site in the future.

13  
14 Mr. Block stated that he does not believe that the delivery of the material required them to become an  
15 approved waste site. He said that the transporters require approval that the site is a designated spot for  
16 storage of the material, and he does not believe that it is designated as a waste site requiring a permit.

17  
18 Mr. Brody Block, who resides at 201 South Harrison, Philo, stated that the transportation company that was  
19 working for the state brought the material to their site without the proper permit to do so, thus the deliveries  
20 were halted until they could apply for that proper permit. He said that the transportation company decided  
21 that it would be best for them to not apply for the proper permit until this special use permit process was  
22 completed. He said that the DOT site is not a waste site, but it does need to be checked to ensure that the  
23 site is not a wetland or swamp. He said that they were informed that the current shoulder millings would be  
24 removed from their site because it wasn't approved as a DOT site, but their intent is to get it approved.

25  
26 Mr. Wood asked Mr. Hall if asphalt millings were considered hazardous waste due to the petroleum content.

27  
28 Mr. Hall stated that recycling asphalt is not considered a hazardous waste, because once it is recycled it  
29 needs to be reused. He said that stockpiling recycled asphalt is a different matter and it requires special care  
30 because it is preferred that it be recycled and applied.

31  
32 Mr. Brody Block stated that by IEPA standards, 25% of the material has to be moved every year.

33  
34 Ms. Lee stated that this use appears to be more of an industrial operation than it does a contractor's facility.

35  
36 Mr. Hall stated that it is not unusual for a contractor to do some recycling of materials that they encounter  
37 during their contracting work, and in fact, this is one issue that needs raised tonight. He said that there is a  
38 use in the Zoning Ordinance for just recycling of non-hazardous material and that use is supposed to take  
39 place inside of a building. He said that, in his view, the recycling of non-hazardous material is not the  
40 principal use, but it is occurring in regards to the asphalt and the concrete, and as an accessory use that  
41 would have to meet the same use as the principal use, which is that it must occur inside of a building. He  
42 said that particular requirement in the Zoning Ordinance was adopted in the mid-1990's when recycling was  
43 becoming a popular thing and it is not clear to him why recycling of concrete or asphalt needs to be done in  
44 a building, but that is what is required. He said that the submitted site plan indicates where concrete to be  
45 crushed would be stored, and a concrete storage area, but nowhere on the site plan is the crushing area  
46 proposed. He asked the Mr. Block if the crushing would occur in the new building which is proposed on the  
47 site plan.

48

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1 Mr. Bruce Block stated yes, because during inclement weather and the winter, the equipment would operate  
2 better inside a building and would provide them more available days to work. He said that a little bit to the  
3 north of the indicated area for the proposed building is the location where they currently crush the concrete.  
4 He said that throughout the county, there are several other places that crush concrete outside and several of  
5 those businesses are near the Champaign-Urbana area.  
6

7 Mr. Hall stated that he was only aware of one near the Champaign-Urbana area which is in the County's  
8 jurisdiction, and that facility has been referred to the State's Attorney's office for legal action. He said that  
9 he is always interested in knowing of other such facilities that may be occurring in the unincorporated areas  
10 of the County, but he is glad to hear that Mr. Block intends to do the crushing in the proposed building and  
11 he would recommend that it be an addition to the site plan so that in the future it is known that is indeed  
12 what was proposed. He said that the Board may want to create a special condition indicating that any  
13 crushing or recycling of concrete or asphalt must take place inside a building. He said that such a special  
14 condition would make the use conform to the Zoning Ordinance requirements and would reflect what Mr.  
15 Block has just described.  
16

17 Ms. Lee asked Mr. Block if they only provide a service for agricultural farm tiling, or do they contract out  
18 for commercial tiling projects.  
19

20 Mr. Bruce Block stated that they generally only provide services for agricultural farm tiling, although they  
21 have done a few small tiling projects around a residence.  
22

23 Ms. Lee asked Mr. Block to provide a percentage of agricultural farm tiling versus residential tiling.  
24

25 Mr. Bruce Block stated that 95% of their tiling service is for agriculture and the remaining 5% is for  
26 residential.  
27

28 Ms. Burgstrom asked Mr. Block if the crushing of the concrete would always occur inside the proposed  
29 building and not only during inclement weather and the winter months.  
30

31 Mr. Bruce Block stated that if they are required to crush the concrete inside of the building, then that is what  
32 they will do.  
33

34 Mr. Wood stated that the memorandum indicates that the petitioners have obtained a ROSS permit. He  
35 asked Mr. Block to indicate what a ROSS permit entails.  
36

37 Mr. Bruce Block stated that a ROSS permit is for small emissions. He said that they have fairly new  
38 equipment, the crusher is only two years old, that has emission control functions on it, and that is a  
39 requirement. He said that you are registered for a ROSS permit if you are under the guidelines for the  
40 requirement of a larger permit, which they are, but if at any point in the future the use becomes above the  
41 threshold for a ROSS permit, then it can be transferred for the larger required permit for higher amounts of  
42 emissions.  
43

44 Mr. Hall asked Mr. Block how much actual crushing a ROSS permit would allow. He said that since staff is  
45 not aware of the specifics of the crushing machine, would the permit allow them to crush half of the days of  
46 the year, or what would exceed the ROSS permit.  
47

48 Mr. Bruce Block stated that it is hard to distinguish all of the language on the permit, but over the last year

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- 1 and one-half they have crushed 140 hours on the site.  
2  
3 Ms. Lee asked Mr. Block to indicate how much concrete can be crushed per hour.  
4  
5 Mr. Bruce Block stated they can crush approximately 30 tons per hour.  
6  
7 Ms. Lee asked if that would be 30 tons times 140 hours.  
8  
9 Mr. Bruce Block stated that they have crushed 4,200 tons of concrete in a year and one-half.  
10  
11 Ms. Lee asked Mr. Block if the ROSS permit limits the amount of crushing that may occur with the new  
12 machine.  
13  
14 Mr. Bruce Block stated that he cannot remember what the limits were, but they are well under the threshold  
15 that would require a different permit. He said that more than five tons of combined pollutants would require  
16 something larger than a ROSS permit, and they are less than one ton of pollutants currently.  
17  
18 Mr. Wood asked if that was based on an annual basis.  
19  
20 Mr. Bruce Block stated yes.  
21  
22 Mr. Hall asked Mr. Bruce Block if he recalled how many tons of crushing it would take to produce that one  
23 ton of pollution.  
24  
25 Mr. Bruce Block stated that he did not know.  
26  
27 Mr. Hall asked Mr. Block if he used the calculator that the IEPA has on its website.  
28  
29 Mr. Bruce Block stated yes, and if the use gets above the threshold, then he could apply for the higher  
30 permit. He said that once a business is registered, applying for the higher permit is a simple procedure.  
31  
32 Mr. Hall asked Mr. Bruce Block if the IEPA would have additional standards when the threshold is  
33 exceeded for the ROSS permit.  
34  
35 Mr. Bruce Block stated that he would have to pay a higher fee for the permit.  
36  
37 Mr. Randol asked Mr. Bruce Block how the amount of crushing is monitored. He asked if it was only per  
38 Mr. Block's verbal verification or are their actual written records.  
39  
40 Mr. Bruce Block stated that it is pretty much by his verbal verification, otherwise the IEPA would need to  
41 have someone at every business all the time to monitor the crushing.  
42  
43 Mr. Randol asked Mr. Bruce Block if they store the crushed material on site, or do they recycle the concrete  
44 and sell it fairly quick.  
45  
46 Mr. Bruce Block stated that they do not keep very much crushed material on site.  
47  
48 Ms. Lee asked Mr. Bruce Block to indicate how much is not very much crushed material on site.

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1 Mr. Bruce Block stated that they have 150 tons on site. He said that they have a pile of bricks which would  
2 probably weigh 100 tons, and that is not a very big pile as it is only about five semi loads.

3  
4 Mr. Wood asked Mr. Bruce Block to indicate what type of new structure would be constructed.

5  
6 Mr. Bruce Block stated that they plan to construct a fabric hoop building.

7  
8 Mr. Wood asked Mr. Bruce Block if the crushing would occur inside of the hoop building.

9  
10 Mr. Bruce Block stated yes.

11  
12 Mr. Wood stated that crushing in the hoop building should take care of almost all of the dust.

13  
14 Mr. Bruce Block stated yes. He noted that the crusher has a jet that they run a water hose to, and they use  
15 this system to spray the crushed material as it comes out of the crusher to control the dust. He said that  
16 during the winter, the freezing temperatures makes it is hard to use the water hose system.

17  
18 Mr. Anderson asked Mr. Bruce Block if he was aware of the affidavit that was prepared by Robert Lewis.

19  
20 Mr. Bruce Block stated that he was not aware of the affidavit.

21  
22 Mr. Anderson stated that he assumes that Mr. Lewis is present tonight and would be providing testimony  
23 tonight regarding the affidavit. He said that the affidavit lists several points regarding potential conflict due  
24 to the crushing operation that occurs on Mr. Block's property, and he is not sure that the new crushing  
25 machine will handle all of these points.

26  
27 Mr. Brody Block stated that he would like to hear those several points.

28  
29 Mr. Bruce Block stated that they have not received a copy of the affidavit to review.

30  
31 Ms. Burgstrom indicated that the affidavit was Attachment C, Pages 1 and 2, to Supplemental Memorandum  
32 #2 for Case 967-S-19.

33  
34 Mr. Bruce Block stated that they have certainly attempted and, for the most part, have not crushed rock  
35 when the wind is blowing in the direction of their neighbor's properties. He said that there are several days  
36 when they have not operated the crusher at all due to that wind direction; therefore, he does not believe that  
37 Mr. Lewis is receiving the amount of dust that he indicates in Item 4.B. of the affidavit. He said that they do  
38 spray water on the rock as it is crushed to maintain the dust created from the crushed material. He said that  
39 he could provide videos of their crushing operation that would indicate the amount of dust that is created on  
40 any given day.

41  
42 Mr. Brody Block stated that regarding Item 4.A. of Mr. Lewis' affidavit, the mice, rats, voles and rabbits  
43 that Mr. Lewis speaks about are not coming from the Block operation because they do not have that problem  
44 at their property.

45  
46 Mr. Bruce Block stated that they do not see any rats, mice or voles at their property because they have  
47 poison boxes out for such rodents. He said that he has dug through a lot of concrete at the property and he  
48 has not seen any rats, mice or voles.

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- 1 Mr. Brody Block stated that they do see rabbits, but there are always plenty of rabbits around.  
2
- 3 Ms. Lee asked which is louder, crushing the concrete or the bricks.  
4
- 5 Mr. Bruce Block stated that the crushing of the concrete is the loudest, but the crushing itself is not that loud.  
6 He said that the loudest thing that they do during their operation is running the concrete breaker to break up  
7 some of the larger hunks into smaller pieces. He said that he drove his truck out to the road between his  
8 property and Mr. Jacobson and Mr. Lewis' properties while they were operating the two skid-steers and the  
9 crusher, and he recorded 62 decibels of sound. He said that said that the IEPA chart indicates that 62  
10 decibels are equivalent to a quiet neighbor.  
11
- 12 Ms. Lee asked if the decibel reading was during the crushing of the concrete.  
13
- 14 Mr. Bruce Block stated yes.  
15
- 16 Ms. Lee asked Mr. Bruce Block if he knew the decibel level while crushing the bricks.  
17
- 18 Mr. Bruce Block stated that the crushing itself does not make that much noise, but it is basically the  
19 machines that make the noise.  
20
- 21 Ms. Lee asked Mr. Bruce Block to indicate what machine was operating when he measured the noise at 62  
22 decibels.  
23
- 24 Mr. Bruce Block stated that the crusher was being operated and two skid-steers; one was loading the crusher  
25 and the other was moving the rock away from it.  
26
- 27 Ms. Lee asked Mr. Bruce Block to indicate how much noise the breaker creates.  
28
- 29 Mr. Bruce Block stated that he has not measured the noise for the breaker.  
30
- 31 Mr. Hall asked Mr. Bruce Block if the concrete breaker is separate from the concrete crusher.  
32
- 33 Mr. Bruce Block stated that the concrete breaker is much like a small jackhammer that mounts onto one of  
34 their skid-steers; if you have ever heard a jackhammer running, it is pretty loud when you are next to it, but  
35 Mr. Jacobson's property is approximately 625 feet away from the subject site and by the time the noise gets  
36 to him it would be pretty minute.  
37
- 38 Mr. Wood asked the Board if there were any additional questions for the petitioners.  
39
- 40 Mr. Tom Anderson stated that he was expecting most of the discussion tonight to be about the barriers. He  
41 said that he drove past the subject site and was surprised as to how high the pile appeared, and that a six-foot  
42 fence or small trees would not block the view of any of it. He said that evidently, the petitioners are not  
43 monitoring the height of the piles of material, because some of the photographs in the memorandum  
44 indicates several small piles, yet the piles that he saw yesterday when he visited the site were not small at all.  
45
- 46 Mr. Block stated that they do have a pile of bricks that is higher than normal, but they only did that to create  
47 additional space on the site. He said that during the winter weather and freezing temperatures the material  
48 freezes as well, and it is difficult to get it broken loose from the ground and crushed. He said that three

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1 months ago, prior to the winter weather, the main lot was cleared out and all of the rock and bricks were  
2 crushed up, but since that time they have hauled in materials and it has frozen. He said that the weather  
3 works against them during this time of year, and he understands that a six-foot tree would not cover up  
4 everything that could be seen, but if a barrier is not preferred by the neighbors then they would consider  
5 planting trees. He said that it will take some time for the trees to grow, so they thought about planting  
6 ornamental grasses that would grow quickly or install a fence, and if that is required, then that is what they  
7 will do. He noted that when you are on the road you are looking down towards the subject site because the  
8 road is higher than the site.

9  
10 Mr. Randol stated that Shawn Walker, Ayers Township Highway Commissioner, provided a letter indicating  
11 his concerns regarding the road. He asked Mr. Bruce Block if he had spoken with Mr. Walker regarding the  
12 use and the generated traffic on the road.

13  
14 Mr. Bruce Block stated that he had not spoken with Mr. Walker because he did not know that Mr. Walker  
15 was concerned about the road. Mr. Block stated that CR 400N is probably one of the best roads in  
16 Champaign County because the township resurfaces it almost every year. He said that roads exist for people  
17 to use them, and people are paying taxes for that use. He said that farmers drive up and down the roads with  
18 a semi loaded with grain that weighs as much as the trucks that comes to his site, if not more.

19  
20 Mr. Randol stated that Mr. Walker was not singling out the Block's use but was only indicating his concern  
21 regarding the road because it is one of the better roads in the township.

22  
23 Mr. Block stated that he hadn't reviewed Mr. Walker's letter yet.

24  
25 Mr. Wood stated that perhaps a concern that he might have is the volume that is currently taking place at the  
26 site is one-fifth that is allowed under their permit; therefore, what happens when they get to the maximum  
27 amount allowed under that permit.

28  
29 Mr. Bruce Block stated that physically, they can only do so much because they are a small operation and  
30 they can't handle much more than they are doing currently. He said that he and his son do most of the work  
31 with a small amount of part-time help. He said that they do not operate at the site every day and currently  
32 their crusher is in Paris, Illinois for a job. He said that the crusher is small enough that it can be hauled on a  
33 semi-trailer and generally they are at other sites completing contracted jobs. He said that when they get  
34 caught up with their off-site work, they start crushing the concrete that is at the site and move it off the  
35 property. He said that there are times when they do not work at the subject site for two weeks in a row, and  
36 at other times they may work three or four days in a row, or a couple of afternoons a week. He said that  
37 their operation at the subject site is not a full-time everyday operation that starts at 8:00 a.m. and ends at  
38 5:00 p.m. He said that out of respect for others, they do not usually operate at the site on Saturdays or  
39 Sundays so that everyone can enjoy their weekend being quiet.

40  
41 Mr. Wood asked the Board and staff if there were any questions for the petitioners, and there were none.

42  
43 Mr. Wood asked the audience if anyone desired to cross-examine the petitioners. He requested that anyone  
44 called to cross-examine go to the cross-examination microphone to ask any questions. He said that those  
45 who desire to cross-examine are not required to sign the witness register but are requested to clearly state  
46 their name before asking any questions. He noted that no new testimony is to be given during the cross-  
47 examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt  
48 from cross-examination.

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1 Andrew Bequette, attorney, asked Mr. Bruce Block if the subject site was the only property that he owned.  
2  
3 Mr. Bruce Block stated that he owned the subject property and the lot where his residence is located in  
4 Broadlands.  
5  
6 Mr. Bequette asked Mr. Bruce Block if his business owned any other property in Champaign County.  
7  
8 Mr. Bruce Block stated no.  
9  
10 Mr. Bequette asked Mr. Bruce Block if his son owned any other property in Champaign County.  
11  
12 Mr. Bruce Block stated no.  
13  
14 Mr. Bequette asked Mr. Bruce Block if he was the mayor of Broadlands.  
15  
16 Mr. Bruce Block stated yes.  
17  
18 Ms. Burgstrom reminded Mr. Bequette that he could only ask the petitioners questions that they have  
19 testified to, and any other questions must be presented to the Board by Mr. Bequette as witness testimony,  
20 and then the Board could ask the petitioner those questions.  
21  
22 Mr. Bequette requested that staff inform him when he has gone beyond the scope of what he is allowed to  
23 ask the petitioner.  
24  
25 Mr. Bequette asked Mr. Bruce Block when they began doing something at the subject site that was not  
26 agriculture.  
27  
28 Mr. Randol stated that Mr. Bequette's question has not been part of Mr. Bruce Block's testimony. He  
29 informed Mr. Bequette that during cross-examination, he could only ask the petitioners questions about  
30 items that have been discussed between the petitioner and the Board. He said that if an issue has not been  
31 brought up during the petitioner's testimony or this Board, then Mr. Bequette could not bring it up during  
32 cross-examination.  
33  
34 Mr. Bequette requested he opportunity to call Mr. Block as his own witness, and if he cannot do so, he  
35 would like to have his object noted to the record in case this is ever reviewed in court.  
36  
37 Mr. Hall stated that the appropriate way would be for Mr. Bequette to receive the answers to his questions  
38 would be to pose those questions to the Board and then the Board could ask those questions to the petitioner.  
39 He informed Mr. Bequette that he can cross-examine the petitioners about any information that they present  
40 during their testimony, but he cannot question them as if we were in a court setting, it is not how the Zoning  
41 Board of Appeals works.  
42  
43 Mr. Bequette asked the Board to ask the petitioner when they started a business at the subject site that was  
44 not considered agriculture.  
45  
46 Mr. Hall noted that Mr. Bequette's question should be posed to the Board when he is testifying and not  
47 during cross-examination. He said that once the petitioner has left the testifying location, then Mr. Bequette  
48 can pose his questions to the Board, and even though it is a laborious process, it is to ensure fairness to all

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1 parties.

2

3 Mr. Bequette asked Mr. Bruce Block if the ROSS permit is the only permit obtained for the site.

4

5 Mr. Bruce Block stated that the ROSS permit is the only permit that has been obtained for the site.

6

7 Mr. Bequette asked Mr. Bruce Block if he does not have a Land Pollution Control Facility and Waste  
8 Storage permit.

9

10 Mr. Bruce Block stated no.

11

12 Mr. Bequette asked Mr. Bruce Block if he had submitted a Fugitive Particulate Control Permit with the  
13 IEPA.

14

15 Mr. Bruce Block stated no.

16

17 Mr. Bequette asked Mr. Bruce Block to indicate how he measures the emissions of particulate that is  
18 reported to the IEPA.

19

20 Mr. Bruce Block stated that he uses the chart that the IEPA has on their website.

21

22 Mr. Bequette asked Mr. Bruce Block how he measured the emissions so that he could enter it into the chart.

23

24 Mr. Bruce Block stated that he uses the hours that the machine was operated and the specifications for  
25 output.

26

27 Mr. Bequette asked Mr. Bruce Block if he is currently storing asphalt on the property.

28

29 Mr. Bruce Block stated yes.

30

31 Mr. Bequette asked Mr. Bruce Block if he has obtained an estimate regarding the trees that he intends to  
32 plant on the subject property.

33

34 Mr. Bruce Block stated no.

35

36 Mr. Bequette asked Mr. Bruce Block if he had design plans for the proposed building.

37

38 Mr. Block stated yes.

39

40 Mr. Wood reminded Mr. Bequette that his questions can only be in regard to the petitioner's testimony.

41

42 Mr. Bequette stated that the petitioner did present testimony regarding the proposed building; therefore, he  
43 assumed he could ask questions about that building.

44

45 Mr. Bruce Block repeated that he does have plans for the building.

46

47 Mr. Bequette asked Mr. Bruce Block if the plans were designed by an architect.

48

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1 Mr. Bruce Block stated no.  
2  
3 Mr. Bequette asked Mr. Bruce Block if the designed plans include ventilation for the dust that is created  
4 inside of the building.  
5  
6 Mr. Brody Block stated that the proposed building would be an open sided building, which will have one  
7 side that will be open.  
8  
9 Mr. Bequette asked Mr. Brody Block if he is indicating that the proposed building will not be totally  
10 enclosed.  
11  
12 Mr. Brody Block stated that the south and east sides will totally be closed, the west side will be closed with a  
13 door, and the north side will be open.  
14  
15 Mr. Bequette asked the petitioners to indicate the number of employees, full-time and part-time, for the  
16 operation on site.  
17  
18 Mr. Bruce Block stated that sometimes they only have one employee at the site, and sometimes they have  
19 two.  
20  
21 Mr. Bequette asked the petitioners if there had been any effort to ensure that the piles do not collapse and  
22 fall onto one of their employees.  
23  
24 Mr. Brody Block asked Mr. Bequette to be more specific.  
25  
26 Mr. Bequette asked the petitioners if the piles are secure so that they do not collapse upon themselves or  
27 their employees.  
28  
29 Mr. Brody Block stated that the piles are piled so that they cannot fall or collapse.  
30  
31 Mr. Bequette asked Mr. Brody Block if no special efforts are made to ensure that the piles do not fall onto  
32 their employees, because he believes that they are piled correctly.  
33  
34 Mr. Brody Block stated yes.  
35  
36 Mr. Bequette asked Mr. Bruce Block to indicate how long a pile sits on the property before it is removed.  
37  
38 Mr. Bruce Block stated that they have a pile of concrete that has been on the property for over four years,  
39 but they are currently working on crushing the concrete so that it can be removed.  
40  
41 Mr. Bequette asked Mr. Bruce Block if they water down the concrete as they crush it.  
42  
43 Mr. Bruce Block stated yes, it is watered after it is crushed and comes out onto the belt.  
44  
45 Mr. Bequette asked Mr. Bruce Block to indicate what happens to the water after it hits the crushed concrete.  
46  
47 Mr. Bruce Block stated that most of the water soaks into the crushed concrete.  
48

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- 1 Mr. Bequette asked Mr. Bruce Block to indicate what happens to the water that does not soak into the  
2 crushed concrete.  
3
- 4 Mr. Bruce Block stated that in a day's time there might be four or five gallons of water that runs out of the  
5 bottom of the crusher and onto the ground, but generally the crushed material is so dry that the water is  
6 absorbed into it.  
7
- 8 Mr. Bequette asked Mr. Bruce Block to indicate what type of other materials are kept at the property other  
9 than asphalt and concrete.  
10
- 11 Mr. Bruce Block stated that they do get metal out of the concrete, because the crusher machine has a magnet  
12 that removes the metal and rebar out of it, and they pile it on the property until they have enough metal to go  
13 to the metal recycling facility.  
14
- 15 Mr. Bequette asked Mr. Bruce Block if there were any piles of garbage at the site.  
16
- 17 Mr. Bruce Block stated no.  
18
- 19 Mr. Bequette asked Mr. Bruce Block if they hauled any of the demolition materials from other sites to the  
20 subject property.  
21
- 22 Mr. Bruce Block stated no.  
23
- 24 Mr. Bequette asked Mr. Bruce Block to indicate what asphalt is made of.  
25
- 26 Mr. Bruce Block stated that asphalt is made of rock and oil.  
27
- 28 Mr. Wood informed Mr. Bequette that his question to Mr. Block was not a valid question.  
29
- 30 Mr. Bequette disagreed because Mr. Bruce Block testified that they stored asphalt on the property and his  
31 question is whether it is safe to store the asphalt on the property for long periods of time.  
32
- 33 Mr. Randol stated that Mr. Bequette did not ask Mr. Bruce Block if it was safe to store asphalt on the  
34 property for long periods of time, but he did ask Mr. Bruce Block to indicate what asphalt was made of. He  
35 said that if Mr. Bequette wants to ask Mr. Bruce Block a certain question then ask it.  
36
- 37 Mr. Brody Block stated that the IEPA informed him that he only has to remove 25% of the asphalt annually,  
38 and the IEPA representative was at the site two weeks ago.  
39
- 40 Mr. Bequette asked Mr. Brody Block if he doubled the amount of asphalt that was present last year, does he  
41 only need to remove 25% of last year's volume, or this year's volume. He asked how the 25% is calculated.  
42
- 43 Mr. Brody Block stated that he did not know how the 25% is calculated, but Mr. Bequette could ask the  
44 IEPA representative.  
45
- 46 Mr. Bequette asked Mr. Bruce Block to indicate the name of the IEPA representative.  
47
- 48 Mr. Bruce Block stated that he could not remember the IEPA representative's name at this time.

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- 1 Mr. Brody Block stated that the IEPA representative was from Champaign.  
2  
3 Mr. Bequette asked Mr. Bruce Block if the IEPA representative conducted a site visit.  
4  
5 Mr. Bruce Block stated yes.  
6  
7 Mr. Brody Block stated that the IEPA representative informed them that what they were doing was perfectly  
8 legal.  
9  
10 Mr. Bequette asked Mr. Brody Block if the IEPA representative was present tonight.  
11  
12 Mr. Brody Block stated no.  
13  
14 Mr. Bequette asked Mr. Brody Block if they had any written materials to submit to the Board from the  
15 IEPA representative indicating that what they were doing on the site was perfect.  
16  
17 Mr. Block stated no.  
18  
19 Mr. Bequette stated that IDOT brought materials to the Block's facility, although they were required to  
20 cease delivery until they received some sort of document. He asked Mr. Bruce Block to indicate what  
21 document or permit the transporters needed so that they could keep delivering to the subject property.  
22  
23 Mr. Bruce Block stated that they were supposed to get a site permit from the state. He said that IDOT did  
24 not deliver the materials to the subject property, as it was a company named Open Road out of Champaign  
25 that was contracted to haul the asphalt.  
26  
27 Mr. Bequette asked Mr. Bruce Block if the materials that were previously delivered were still on the subject  
28 property.  
29  
30 Mr. Bruce Block stated that some of the materials are still there, but some of it has been removed.  
31  
32 Mr. Bequette asked Mr. Bruce Block how he measured the decibel readings of the machinery.  
33  
34 Mr. Bruce Block stated that he used an application on his cell phone to measure the decibel readings of the  
35 machinery.  
36  
37 Mr. Bequette asked Mr. Bruce Block to indicate the decibel reading for the jackhammer.  
38  
39 Mr. Bruce Block stated that he did not measure the noise from the jackhammer.  
40  
41 Mr. Bequette asked Mr. Bruce Block if he measured the decibel reading when the semis dropped the  
42 concrete from their trailers.  
43  
44 Mr. Bruce Block stated no.  
45  
46 Mr. Bequette stated that he had no further questions based on the petitioner's testimony, but he does have  
47 questions that he would like to pose to the Board to ask the petitioner at a later time during the hearing.  
48

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1 Mr. Wood asked the audience if anyone else desired to cross-examine the petitioners and there was no one.  
2  
3 Mr. Wood called Ben Goeckner, who resides at 1303 Christopher Circle, Apt. #7, Urbana. Mr. Goeckner  
4 stated that he signed the witness register to present testimony tonight because he believes that some things  
5 need to be said about the arrangement at the subject property. He said that saving material from going to the  
6 landfill, as far as someone's volition and impetus to do so, should be awarded some kind of  
7 acknowledgement. He said that whether or not something is zoned accordingly, and if they are going  
8 through the correct process to do so, it should be more than acknowledged that what they are doing is good  
9 for the community and the people who will be here after us. He said that it is our responsibility as citizens  
10 and community stewards to make sure that we are not leaving a trail of waste behind us. He said that when  
11 he first discovered what the Blocks were doing on the subject property and with their business, he became  
12 very aware and it was present in his mind that what they are doing is not only for themselves but also for  
13 people in the community.  
14  
15 Mr. Wood asked the Board and staff if there were any questions for Mr. Goeckner, and there were none.  
16  
17 Mr. Wood asked the audience was anyone who desired to cross-examine Mr. Goeckner.  
18  
19 Mr. Andrew Bequette asked Mr. Goeckner how he became aware of the Block's business.  
20  
21 Mr. Goeckner stated that he is always attuned to people who do things that he should strive to be doing  
22 himself.  
23  
24 Mr. Bequette asked Mr. Goeckner if he had any business relationship with Bruce or Brody Block.  
25  
26 Mr. Goeckner stated that he does work part-time for the Blocks.  
27  
28 Mr. Wood called Gary Jacobson to testify.  
29  
30 Mr. Andrew Bequette requested permission to ask Mr. Jacobson, his client, questions during his testimony.  
31  
32 Mr. Wood allowed Mr. Bequette's request.  
33  
34 Mr. Wood asked Mr. Jacobson to state his address.  
35  
36 Mr. Jacobson stated that his current address is 2475 CR 400N, Broadlands.  
37  
38 Mr. Bequette asked Mr. Jacobson to indicate how long he has resided at his residence.  
39  
40 Mr. Jacobson stated that he has lived at 2475 CR 400N, Broadlands for 19 years.  
41  
42 Mr. Bequette asked Mr. Jacobson if he was married.  
43  
44 Mr. Jacobson stated yes.  
45  
46 Mr. Bequette asked Mr. Jacobson to indicate his wife's name.  
47  
48 Mr. Jacobson stated that his wife's name is Sandra Jacobson.

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1 Mr. Bequette asked Mr. Jacobson if his wife was present at tonight's public hearing.

2

3 Mr. Jacobson stated yes.

4

5 Mr. Bequette asked Mr. Jacobson why he and his wife chose the property where they currently reside.

6

7 Mr. Jacobson stated that they chose the property because they wanted to live in the country with a piece of  
8 property that would accommodate a garden and an orchard, and so that they could enjoy the rural country  
9 living atmosphere. He said that the property basically has no neighbors other than the farmer who farms the  
10 land around it and that only occurs twice per year. He said that the only neighbor that they have is really the  
11 church, and that traffic is generally only during Wednesday evenings and Sunday mornings. He said that the  
12 area was pretty quiet and that is what they were searching for.

13

14 Mr. Bequette asked Mr. Jacobson to explain the types of things that he and his wife enjoy doing on their  
15 property.

16

17 Mr. Jacobson stated that they do landscaping and gardening, and they have an orchard. He said that the  
18 most enjoyment that they get out of their property is when they have their nine grandchildren visit. He said  
19 that the grandchildren love coming to grandma and grandpa's house and playing outside on the swing set,  
20 ride go-carts, etc., and they are outside with them as much as possible.

21

22 Mr. Bequette asked Mr. Jacobson if his property was across the street from the Block property.

23

24 Mr. Jacobson stated yes.

25

26 Mr. Bequette asked Mr. Jacobson and his wife if they were present tonight in objection to the requested  
27 special use permit.

28

29 Mr. Jacobson stated yes.

30

31 Mr. Bequette asked Mr. Jacobson if he had a college degree.

32

33 Mr. Jacobson stated that he has a degree in Psychology and Administration of Justice from Southern Illinois  
34 University.

35

36 Mr. Bequette asked Mr. Jacobson if he was currently employed.

37

38 Mr. Jacobson stated that he was self-employed.

39

40 Mr. Bequette asked Mr. Jacobson to indicate what his self-employment entails.

41

42 Mr. Jacobson stated that he is a communications consultant.

43

44 Mr. Bequette asked Mr. Jacobson if he had any additional careers in the past.

45

46 Mr. Jacobson stated that he had several careers in the past; he was in sales during most of his life and sold  
47 real estate for ten years, mainly residential properties.

48

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1 Mr. Bequette asked Mr. Jacobson if he was a realtor.  
2  
3 Mr. Jacobson stated yes.  
4  
5 Mr. Bequette asked Mr. Jacobson to indicate how the Block property was used when he first purchased his  
6 home.  
7  
8 Mr. Jacobson stated that most of it is farmland, which is planted in corn and beans, but the five-acre piece  
9 has been either used for hay production or as a cattle feed lot.  
10  
11 Mr. Bequette asked Mr. Jacobson if there were cattle at the subject property when he purchased his property.  
12  
13 Mr. Jacobson stated yes.  
14  
15 Mr. Bequette asked Mr. Jacobson if he objected to the cattle.  
16  
17 Mr. Jacobson stated no.  
18  
19 Mr. Bequette asked Mr. Jacobson why he did not object to the cattle.  
20  
21 Mr. Jacobson stated that the cattle being there was agriculture and that was what he expected to see there.  
22  
23 Mr. Bequette asked Mr. Jacobson when the use of the five acres began to change.  
24  
25 Mr. Jacobson stated that it was in May 2015.  
26  
27 Mr. Bequette asked Mr. Jacobson to explain what happened in May 2015.  
28  
29 Mr. Jacobson stated that the Blocks brought the debris from a burned or demolished building onto the  
30 property.  
31  
32 Mr. Bequette asked Mr. Jacobson if the Blocks brought things to the subject property that were not just  
33 concrete and asphalt.  
34  
35 Mr. Jacobson stated yes.  
36  
37 Mr. Bequette asked Mr. Jacobson to indicate what other materials were brought to the subject property.  
38  
39 Mr. Jacobson stated that it was the material from a burned building.  
40  
41 Mr. Bequette asked Mr. Jacobson if the Blocks started bringing machinery onto the subject property.  
42  
43 Mr. Jacobson stated that the Blocks did gradually bring machinery to the property.  
44  
45 Mr. Bequette asked Mr. Jacobson to indicate the type of machinery that brought onto the subject property.  
46  
47 Mr. Jacobson stated that they brought a small skid-steer, end-loader, a small crusher that was removed and  
48 replaced with a larger one, dump trucks, and semis and trailers coming onto the property to dump the

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1 materials and debris.

2

3 Mr. Bequette asked Mr. Jacobson if there were more things going on now than there was when the business  
4 started in 2015.

5

6 Mr. Jacobson stated yes.

7

8 Mr. Bequette asked Mr. Jacobson to indicate what currently occurs on the subject property.

9

10 Mr. Jacobson stated that there is a lot of semi-truck traffic bringing material onto the property. He said that  
11 when the concrete is dumped, it doesn't always come out of the truck until the trailer is extended all of the  
12 way up, thus the concrete comes out all at once, and it sounds like an explosion when this happens.

13

14 Mr. Bequette asked Mr. Jacobson to indicate the hours of operation of the Block's business.

15

16 Mr. Jacobson stated that the hours are very irregular and could be anytime during the day.

17

18 Mr. Bequette asked Mr. Jacobson if the Blocks limit their hours of operation to daylight hours.

19

20 Mr. Jacobson stated no.

21

22 Mr. Bequette asked Mr. Jacobson if the operation occurs at night.

23

24 Mr. Jacobson stated yes, sometimes.

25

26 Mr. Bequette asked Mr. Jacobson if the operation occurs on the weekends.

27

28 Mr. Jacobson stated yes.

29

30 Mr. Bequette asked Mr. Jacobson if he worked at home.

31

32 Mr. Jacobson stated yes.

33

34 Mr. Bequette asked Mr. Jacobson if his wife worked outside of the home.

35

36 Mr. Jacobson stated no.

37

38 Mr. Bequette asked Mr. Jacobson if he and his wife are at home during most of the workdays.

39

40 Mr. Jacobson stated yes.

41

42 Mr. Bequette asked Mr. Jacobson if he and his wife had complaints about what was going on across the  
43 street from residence.

44

45 Mr. Jacobson stated yes.

46

47 Mr. Bequette asked Mr. Jacobson if the complaint included noise.

48

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1 Mr. Jacobson stated yes. He said that there is a lot of truck traffic, and when they dump the concrete, there  
2 is a sudden crashing sound. He said that the farmer, Bob Lewis, who is the adjacent landowner around his  
3 home, has his agricultural shed/workshop there and when the concrete is dumped, Mr. Lewis runs out to see  
4 what just occurred due to the noise. He said that the dumping, in itself, is a lot of noise, and then the  
5 movement of that concrete by the tractors and skid-steers is very noisy, and the most annoying noise is the  
6 jackhammer, which the neighbors who are one mile away can hear. He said that it doesn't matter what he is  
7 doing inside, but when the Blocks run the jackhammer, he can hear it inside of his home with the windows  
8 and doors shut and the television or radio on.

9  
10 Mr. Bequette asked if there was any issue with dust.

11  
12 Mr. Jacobson stated that there have been issues with dust from time to time. He said that he can see dust  
13 coming from the concrete not only when they are using the crusher and the jack-hammer, but also when they  
14 are moving material from a truck to the ground or from the ground to a truck. He said that, as Mr. Block  
15 stated, the dust depends on the wind and whether it is blowing towards his house, but it can still be seen in  
16 the air. He said that dust can be seen on the vegetation around his home and on the windows, and he does  
17 not know what kind of dust it is, but it isn't from the farm soil.

18  
19 Mr. Bequette asked Mr. Jacobson if he had any issues with an increase in animals and rodents.

20  
21 Mr. Jacobson stated that since the operation has started, they have had an increase in rodents and voles.

22  
23 Mr. Bequette asked Mr. Jacobson if, due to the concerns regarding the business across the street, did he have  
24 an appraisal prepared for his property.

25  
26 Mr. Jacobson stated yes.

27  
28 Mr. Bequette asked Mr. Jacobson to indicate the name of the appraiser and the results of the appraisal. He  
29 also noted that the appraisal is included with Supplemental Memorandum #2 dated February 27, 2020, with  
30 a letter from the appraiser attached.

31  
32 Mr. Jacobson stated that Mr. Phil Trautman prepared the full appraisal. He said that Mr. Trautman came up  
33 with a value of his property, and he asked Mr. Trautman to speculate what the impact of the demolition  
34 operation across the street would have on the property's value, and on their ability to sell the property in the  
35 future. He said that Mr. Trautman's calculation was that the demolition operation would have an impact of  
36 \$50,000.

37  
38 Mr. Bequette asked Mr. Jacobson how the current appraisal compared to the appraisal when he purchased  
39 the property.

40  
41 Mr. Jacobson stated that due to refinancing, he has had the property appraised twice since he purchased the  
42 property.

43  
44 Mr. Bequette asked Mr. Jacobson how the last appraisal compared to the most current appraisal.

45  
46 Mr. Jacobson stated that the current appraisal is \$40,000 less than the value on the last refinancing appraisal.

47  
48 Mr. Bequette asked Mr. Jacobson if he had completed any improvements to his home and property.

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1 Mr. Jacobson stated that he and his wife have spent approximately \$100,000 on improvements, so the value  
2 was very disappointing.  
3

4 Mr. Bequette stated that Mr. Jacobson has made spent approximately \$100,000 on improvements to the  
5 property since he first purchased the property, yet the current appraisal's value was \$40,000 less.  
6

7 Mr. Jacobson stated yes.  
8

9 Mr. Bequette stated that the Blocks have testified that they intend to take steps to improve the aesthetics of  
10 the demolition operation on the subject property. He asked Mr. Jacobson if the Blocks have taken any steps  
11 currently to make the situation better.  
12

13 Mr. Jacobson stated no.  
14

15 Mr. Bequette asked Mr. Jacobson where he obtains his drinking water.  
16

17 Mr. Jacobson stated that they have a dug well on the property, which is pretty common in their area because  
18 there is no aquifer.  
19

20 Mr. Bequette asked Mr. Jacobson if he was concerned about what could be leaching into his well.  
21

22 Mr. Jacobson stated that is always a concern.  
23

24 Mr. Bequette asked Mr. Jacobson if the Blocks had approached him with any sort of landowner agreement  
25 that would compensate him for any damages caused by the demolition operation across the street.  
26

27 Mr. Jacobson stated that he did have one conversation with Mr. Bruce Block regarding what he would need  
28 to make him feel better about the demolition operation, but there was no discussion about a landowner  
29 agreement.  
30

31 Mr. Bequette asked Mr. Jacobson if Mr. Block proposed anything to make the situation better.  
32

33 Mr. Jacobson stated that Mr. Block indicated that he planned to plant some trees, but those trees have not  
34 been planted yet.  
35

36 Mr. Bequette asked Mr. Jacobson if he had noticed any increased traffic on his road.  
37

38 Mr. Jacobson stated yes, considerably. He said that there are a lot of semi-trucks, dump trucks, and other  
39 vehicles traveling on the road, but the semi-trucks are his largest concern. He said that truck loaded with  
40 concrete taking off from the stop sign east of his street does make a lot of noise when taking off and it makes  
41 a lot of noise traveling down the road due to the load that it is carrying. He said that sometimes there are  
42 loaded semi-trucks coming in and out of the Block property attempting to get up to speed, thus making a lot  
43 of lugging noise. He said that there are a lot more trucks and general traffic than what they are used to, and  
44 previously, other than during farming season, the only traffic that the road experienced was due to the  
45 church.  
46

47 Mr. Bequette asked Mr. Jacobson if he farmed the surrounding land, or does he only own the residence.  
48

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1 Mr. Jacobson stated that he only owns the residence and does not farm the surrounding land.

2  
3 Mr. Bequette asked Mr. Jacobson asked if it would useful for the Board to review photographs and video  
4 that he has taken of the subject property.

5  
6 Mr. Jacobson stated yes.

7  
8 Mr. Bequette presented photographs and videos of the subject property taken by Mr. Jacobson and his  
9 contracted drone representative to the Board and staff. Mr. Bequette submitted the photographs and videos  
10 as documents of record and are on file at the Champaign County Planning and Zoning Department.

11  
12 Mr. Jacobson stated that the first photo is a view from his front porch looking at the subject property. He  
13 said that the second photo shows deliveries from Open Road Paving to the subject property. He said that the  
14 third photograph is a view of the asphalt pile on the subject property and how unattractive it appears. He  
15 said that the fourth photograph provides a view of the piles of concrete on the subject property, and the fifth  
16 photograph shows a pile of miscellaneous trash on the subject property.

17  
18 Mr. Bequette asked Mr. Jacobson when the photographs were taken.

19  
20 Mr. Jacobson stated that he could not provide a date as he has taken photographs as the operation has grown.  
21 He said that the sixth photograph indicates the concrete and brick pile on the subject property. He said that  
22 the next few photographs were taken from a drone that was flown over the subject property indicating the  
23 piles of bricks and concrete, the asphalt pile or debris from the Route 49 project, overhead view east of the  
24 lean-to and near the bins on the subject property, and the north side of the asphalt pile.

25  
26 Mr. Bequette asked Mr. Jacobson if there were row crops around the subject property.

27  
28 Mr. Jacobson stated yes, as the entire property is owned by the Block family. He said that the next few  
29 photographs on the screen indicate the concrete piles near the existing grain bins and asphalt pile on the  
30 subject property. He said that the final photograph was taken from the road at the southeast corner of the  
31 subject property indicating the pile of concrete. He noted that many of the photographs were taken on  
32 January 15<sup>th</sup>.

33  
34 Mr. Bequette stated that there appears to be an issue with the videos that were to be presented tonight, but  
35 they will be submitted as a Document of Record and on file at the Department of Planning and Zoning  
36 Office for viewing.

37  
38 Mr. Jacobson stated that not viewing the videos was not a big deal as the photographs indicate the same  
39 concerns regarding the subject property and the requested use.

40  
41 Mr. Randol stated that he has seen enough unless there are additional photographs with different views of  
42 the property.

43  
44 Mr. Bequette asked Mr. Jacobson if he reviewed the sketch/site plan that the petitioners submitted.

45  
46 Mr. Jacobson stated yes.

47  
48 Mr. Bequette asked Mr. Jacobson if he believed that the sketch/site plan was an accurate depiction of the

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1 subject property.

2

3 Mr. Jacobson stated no.

4

5 Mr. Bequette asked Mr. Jacobson if he created his own sketch/site plan of the subject property.

6

7 Mr. Jacobson stated yes, and he has submitted it to staff, and it is Attachment B. to Supplemental  
8 Memorandum #2 dated February 27, 2020.

9

10 Mr. Bequette asked Mr. Jacobson if he had a front porch on his home.

11

12 Mr. Jacobson stated yes.

13

14 Mr. Bequette asked Mr. Jacobson if his front porch is a place that he enjoys utilizing.

15

16 Mr. Jacobson stated yes, during the summer.

17

18 Mr. Bequette asked Mr. Jacobson if the view from his front porch has changed.

19

20 Mr. Jacobson stated yes.

21

22 Mr. Bequette asked Mr. Jacobson if his level of enjoyment has changed when sitting on that front porch.

23

24 Mr. Jacobson stated yes.

25

26 Mr. Bequette stated that the petitioners have submitted an application to formalize what they have been  
27 doing on the subject property, and they have made mention tonight of possible growth for their business. He  
28 asked Mr. Jacobson to indicate his reaction to the idea that there may be more activity and stockpiles on the  
29 subject property than what there already has been.

30

31 Mr. Jacobson stated that it is terrifying because they moved to their property for peace and quiet, and if the  
32 peace and quiet no longer exists, then he does not know how they could continue to live there. He said that  
33 more importantly, there has been a lot of talk regarding the improvements that could be done for a business  
34 with certain regulations and requirements, but this has been going on for almost five years and he has never  
35 seen anything that appeared like a real business, as the operation appears to be very haphazard and continues  
36 to be so. He said that he understands that this is a part-time business and that sometimes they only work  
37 when the weather is decent, but currently the facility is not operated like a business. He said that he is very  
38 skeptical as to whether we will see all of these proposed improvements done in order to make it like a true  
39 business.

40

41 Mr. Bequette asked Mr. Jacobson if he lived across from the subject property part-time.

42

43 Mr. Jacobson stated no, he resides on his property all the time. He said that the property value indicated in  
44 the appraisal is a big deal to him, because he is 69 years old and he may not live there forever, and he may  
45 need to sell the property at some point. He said that the operation across the street has definitely put a  
46 damper on his hopes and dreams for what he and his wife might be able to do after they sell the property.  
47 He said that because he has been involved in real estate and he understands how appraisals work, he knows  
48 that if his property is devalued by something, then it effects every other property within a two mile radius

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1 because appraisals are based on comparable sales, so if his is valued for less, then every property within a  
2 two mile radius will be valued less. He said that it isn't just his property that is being affected by the  
3 Block's use on their property, although he has to put up with it on a daily basis because it is ugly, annoying,  
4 noisy, and dusty.

5  
6 Mr. Bequette stated that he had no further questions for Mr. Jacobson and thanked the Board.

7  
8 Mr. Wood asked the Board and staff if there were any questions for Mr. Jacobson, and there were none.

9  
10 Mr. Wood asked the audience if anyone desired to cross-examine Mr. Jacobson.

11  
12 Mr. Cody Clem stated that he is a fellow small business owner in the Homer area, and he resides at 945  
13 County Road 2600E, Homer. He noted that he does not work with or for the Blocks. He asked Mr.  
14 Jacobson if he was okay with the noise that was made by the cows that used to be housed at the subject  
15 property.

16  
17 Mr. Jacobson stated that he grew up on a farm and he likes cows and the smell of manure, it doesn't bother  
18 him because it brings him back to his childhood. He said that cows are fine, and if he had a choice between  
19 cows or no cows, he would choose no cows, but they are farm animals and they are fine.

20  
21 Mr. Clem asked Mr. Jacobson if the noise that the cows were able to come right up to the property line.

22  
23 Mr. Jacobson stated that the cows were kept behind a barbed wire fence, but they could come up to the road.

24  
25 Mr. Clem asked Mr. Jacobson if the noise that the cows made did not bother him.

26  
27 Mr. Jacobson stated no.

28  
29 Mr. Clem stated that a cow's moo has a decibel reading of 89.

30  
31 Mr. Jacobson stated that cows are farm animals and it is a different issue.

32  
33 Mr. Randol noted that the issue tonight is not related to the livestock that used to be on the subject property.

34  
35 Mr. Clem stated that he understood what the issues before the Board are, but there is no evidence to support  
36 the noise complaints other than the petitioners' and Mr. Jacobson's testimony. He said the Board deserves  
37 some truth and honesty regarding the noise and the use on the subject property. He said that one of the  
38 photographs indicated grain bins with fans on the subject property, and when those fans run, they are very  
39 loud as well.

40  
41 Mr. Jacobson stated that he does not believe that there are any fans on the bins, and if there are, they do not  
42 operate, or the Blocks just do not use them.

43  
44 Mr. Clem stated that after he graduated from Illinois State University, he has been in the grain industry for  
45 five years and people don't just have bins with grain dryers sitting around. He asked Mr. Jacobson if the  
46 Blocks are operating their business during the times when his grandchildren are at his property.

47  
48 Mr. Jacobson stated yes, during the summertime. He said that his grandchildren also visit them on the

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1 weekends during the year.

2  
3 Mr. Clem asked Mr. Jacobson if the Blocks operate their business on the weekends, year-round.

4  
5 Mr. Jacobson stated no, but they do occasionally work on the weekends.

6  
7 Mr. Clem asked Mr. Jacobson to indicate how often Mr. Lewis is on his property.

8  
9 Mr. Jacobson stated that Mr. Lewis is on his property at least six days per week.

10  
11 Mr. Clem asked Mr. Jacobson if he had permission to take the photographs of the Block's property.

12  
13 Mr. Jacobson stated no, and some of the photographs are 3 or 4 years old, because he hasn't been on their  
14 property in years. He said that when they first started their operation, he was very curious as to what was  
15 going on over there.

16  
17 Mr. Clem asked Mr. Jacobson if the debris that was indicated in the photographs was from 3 or 4 years ago.

18  
19 Mr. Jacobson stated yes.

20  
21 Mr. Clem asked Mr. Jacobson, if the outbuildings on his property could also be a good place for rodents to  
22 live.

23  
24 Mr. Jacobson stated that he has traps and bait placed on his property to take care of rodents, because when  
25 the harvest is completed, they get mice, but this is common when you live in the rural areas. He said that  
26 rats and voles are a different story, and voles will tear up your yard and he is trying to figure out what to do  
27 with them.

28  
29 Mr. Clem asked Mr. Jacobson if he minds the noise and dust created during farming seasons.

30  
31 Mr. Jacobson stated that he does not mind dirt, because he is a farmer by heart. He said that dirt and dust  
32 from farming is an occurrence that he understands, although he does not know what is in the dust and dirt  
33 that he is breathing into his body that is coming from the business that is generated on the subject property.  
34 He said that since he does not know what is in the dust, it is a concern that he has for his family.

35  
36 Mr. Clem stated that one of the photographs was described as what Mr. Jacobson would be viewing from his  
37 front porch. He asked Mr. Jacobson if what is indicated in the photograph is actually what he sees when he  
38 walks out his front door.

39  
40 Mr. Jacobson stated yes, as well as from his living room window.

41  
42 Mr. Clem asked Mr. Jacobson if the view from his home is indicated in the photograph.

43  
44 Mr. Jacobson stated yes.

45  
46 Mr. Clem noted that on the sketch/site plan that Mr. Jacobson submitted indicates that his driveway is the  
47 farthest one from the right.

48

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- 1 Mr. Jacobson stated that his driveway and residence are clearly indicated on the sketch/site plan that he  
2 submitted.  
3
- 4 Mr. Clem noted that Mr. Jacobson's house is not directly across from the five-acre tract that is the subject  
5 property for this case.  
6
- 7 Mr. Jacobson stated that the only reason why he submitted his own drawing was because the one that was  
8 submitted by the petitioners was not to scale.  
9
- 10 Mr. Clem stated that Mr. Jacobson refers to what farming is about, and asked Mr. Jacobson if he had any  
11 experience with farming.  
12
- 13 Mr. Jacobson stated that he grew up on a farm and he was a farmer until he went to college.  
14
- 15 Mr. Clem stated that he had no further questions for Mr. Jacobson.  
16
- 17 Mr. Bruce Block asked Mr. Jacobson if he was granted permission to fly the drones over his property to take  
18 pictures.  
19
- 20 Mr. Jacobson stated that he did not fly the drone over the Block's property, but he did hire someone to do it.  
21 He said that he did not obtain permission to take photographs or videos of the subject property.  
22
- 23 Mr. Bruce Block asked Mr. Jacobson if he thought it might have been appropriate to request permission to  
24 do so.  
25
- 26 Mr. Jacobson informed Mr. Bruce Block that he did not ask him for permission to place a dump across from  
27 his house, so no, he did not give it a lot of consideration.  
28
- 29 Mr. Bruce Block stated that the subject property is his property and he did not need to ask Mr. Jacobson for  
30 permission to operate his business on it. He asked Mr. Jacobson if he had any noise data or video from  
31 inside of his house of the sound generated by the jackhammer.  
32
- 33 Mr. Jacobson stated that the video did include noise from the front porch, but he does not have anything  
34 recorded or measured from inside of his house.  
35
- 36 Mr. Bruce Block asked Mr. Jacobson if he had any recordings or measurements from outside of his house.  
37
- 38 Mr. Jacobson stated yes, the video that he previously mentioned indicates the noise generated from the  
39 operation.  
40
- 41 Mr. Bruce Block asked Mr. Jacobson if he had any physical evidence of the dust that he claims is coming  
42 from the subject property.  
43
- 44 Mr. Jacobson stated no.  
45
- 46 Mr. Bruce Block asked Mr. Jacobson if he had any evidence of the rodents that he discussed.  
47
- 48 Mr. Jacobson stated no.

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1 Mr. Bruce Block stated that he had no further questions for Mr. Jacobson.

2

3 Mr. Anderson requested a ten-minute recess.

4

5 **Ms. Lee moved, seconded by Mr. Lee, to grant a ten-minute recess. The motion carried by voice vote.**

6

7 **The Board recessed at 8:10 p.m.**

8 **The Board resumed at 8:20 p.m.**

9

10 Mr. Wood asked the Board and staff if there were any questions for Mr. Jacobson.

11

12 Ms. Lee asked Mr. Jacobson to indicate when the photographs from the drone were taken.

13

14 Mr. Jacobson stated that the photographs from the drone were taken in January 2020.

15

16 Mr. Randol asked Mr. Jacobson if his porch was located on the north end of his home.

17

18 Mr. Jacobson stated yes.

19

20 Mr. Wood asked the audience if anyone else desired to sign the witness register and present testimony  
21 regarding this case.

22

23 Mr. Andrew Bequette, attorney for Gary Jacobson, stated that he appreciates the Board's time tonight and he  
24 apologized for keeping everyone so late, but as Mr. Jacobson has testified, he has lost over \$49,000 already,  
25 and if the Block's business is allowed to grow, Mr. Jacobson's loss may increase. He said that the first thing  
26 that really causes him concern is that after years of doing things at the subject property, the Blocks have  
27 spoken with the IEPA and received some sort of air emissions permit, although he does not believe that gets  
28 to the heart of what is really occurring at the subject property. He said that a lot of the use is being framed  
29 as a concrete crushing business or a material recycling business, but what is indicated in the photographs are  
30 piles of who knows what out there. He said that if we were only talking about concrete or asphalt, concrete  
31 is made of mostly lime, but asphalt is made with petroleum or oil which is being mashed up, sprayed with  
32 water and kicked to the ground. He said that it isn't just about what is emitted into the air, but what else  
33 ends up on the ground. He said that according to the IEPA, waste is anything that has been discarded or no  
34 longer has its original purpose. He said that all waste is referred to as solid waste under IEPA regulations;  
35 solid waste and waste means the same thing. He said that if you accept any waste from someone else for  
36 treatment, transfer, storage, or disposal, including a facility of your own located at a different address, you  
37 have to get a permit from the Bureau of Land. He said that he has not seen anything that is a solid waste  
38 permit, and the Blocks have not gone through any of those steps. He said that if you were to build a new  
39 structure that would house waste, you have to get a development permit from the IEPA, and if you are  
40 receiving waste at your unit you have to get an operating permit, and once again, waste is not toxic waste or  
41 bags full of garbage from someone's house, but is anything. He said that essentially, the proposed use is an  
42 open air landfill facility that keeps things there as long as the Blocks want until they eventually get around to  
43 removing it from the property. He said that we heard that the petitioners indicate that they get busy, so the  
44 waste just sits on the property, and that they only work part-time, but Mr. Jacobson and his wife do not live  
45 on the property part-time, and they drink water from the well that is across the street from this facility and  
46 there has been no study as to what may be seeping into the ground. He said that even to transport waste  
47 there has to be a permit, and supposedly IDOT or another hauler thought that they could bring that stuff out  
48 there and then found out that they couldn't, so they just left it out there. He said that he would have asked

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1 more questions regarding who was hauling things to the site and what permits did they have, where is the  
2 waste coming from, is it all coming from inside of Champaign County, etc. He said that no testimony  
3 indicated where the waste was actually coming from and only heard that it is asphalt and concrete. He said  
4 that there are other sites indicated in the Board's materials where this type of recycling can be done in  
5 Champaign County, and those sites are located in industrial areas and not agricultural areas where someone  
6 might be allowed to do that just because they really want to. He said that the Board's materials indicate that  
7 there are a bunch of things that are supposed to happen, but there are no details about those things from the  
8 petitioners; therefore, deny the permit and allow them to reapply with the required information. He said that  
9 the petitioners have been informed that they cannot conduct the crushing outdoors, but they have indicated  
10 that they will construct a building. Mr. Bequette stated that he asked the petitioners about ventilation and  
11 the safety of their employees, and they indicated that the building would be an open-air building. He said  
12 that no plans have been offered for review that indicates a loading berth, paving, parking accommodations,  
13 restroom facilities, septic system, accessibility, etc., or how much all of this is going to cost. He said that  
14 there are many things that are required for the facility to work, but there is no evidence indicating that it will,  
15 so he requested that the Board denies the request now and let them come back with the correct information.  
16 He said that the petitioners have had adequate time to come before this Board with a proposal, and they did  
17 not provide any more information than what was included in the application itself. He said that this is a  
18 large-scale storage facility for materials.

19  
20 Mr. Bequette stated that he is the attorney for Tuscola and Arcola, and he used to be the attorney for the  
21 Village of Longview. He said that landscape and land waste permitting is a huge thing, because in Tuscola  
22 there is a facility where they only take yard waste and it is a big deal to make sure that they are doing that  
23 correctly, but nothing has happened at the proposed facility for five years other than the fact that they just  
24 want to do it but are not providing the information that this Board needs. He said that the petitioners did  
25 indicate that they spoke with the IEPA about the type of particulates that they might be emitting into the air,  
26 but you are supposed to have a particulate release plan and they have not done that. He said that he wanted  
27 to ask the petitioners what other methods they were doing or intended to do for keeping the dust down, but  
28 he was not allowed to ask that sort of thing. He said that there are many questions that the petitioners must  
29 answer. He said that the petitioners may appear to be nice people and the Board may trust that they will do  
30 what they say they will do, but this is an academic exercise for everyone in this room, except for the  
31 Jacobson family, because they have to live with it night and day for the rest of their lives with their property  
32 value continuing to go down. He said that the Board does not have enough information to make a decision  
33 tonight, because this is an incomplete application. He said that in the Board's materials there is list of all of  
34 the things that must be done prior to the Board being able to consider approving the use, and none of those  
35 things were included in the petitioner's presentation. He said that one of the Board members mentioned that  
36 the planting of six-foot trees would not hide the operations that are occurring on the subject property, and he  
37 would agree. He said that he was going to ask the petitioners to indicate the type and size of the trees that  
38 they intended to plant, because it is possible that they will not survive with all of the concrete dust that is  
39 created on the site. He said that he would like to know more about the employees and their safety, such as  
40 ear protection devices, assurance that the piles would not collapse and fall on someone. He said that he  
41 would challenge any facility like this in Champaign County where we know so little about what is going on  
42 out there. He said that he wanted to ask questions about how much material was brought to the property this  
43 year, and the year before, and the year before that, and then the next, so that we could get a feel as to how  
44 much this use has grown and what kind of a scale we are actually looking at.

45  
46 Mr. Bequette stated that he appreciates everyone's time, but again, this is an academic exercise for everyone  
47 tonight, but the Jacobson family has to live there, and it isn't right or fair. He said that the petitioners  
48 should have come before this Board before they started their business with a proposal as to what they

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1 intended to do on the subject property, but instead they did whatever they wanted because it is easier  
2 sometimes to ask for forgiveness later rather than ask for permission before, and he asked that the Board not  
3 allow them to do that. He asked the Board to think about the people that are forced to live next to the  
4 proposed use, and for the Board to ask themselves if they would want this use across the street from their  
5 home. He said that Mr. Jacobson did not move next to a concrete recycling facility, but next to a farmstead  
6 which housed crops and cattle, but now they are being told that they are forced to live next to a concrete  
7 facility. He said that the petitioners do not live near the facility but reside in Broadlands and Philo, although  
8 they are going to bring whatever junk they want to their property across the street from Mr. Jacobson to look  
9 at and then head back home. He requested that the Board does not allow the proposed request and consider  
10 whether they would want to live next to it.

11  
12 Mr. Wood asked the Board and staff if there were any questions for Mr. Bequette, and there were none.

13  
14 Mr. Wood asked the audience if anyone desired to cross-examine Mr. Bequette, and there was no one.

15  
16 Mr. Wood asked the audience if anyone else desired to sign the witness register to present testimony  
17 regarding this case, and there was no one.

18  
19 Mr. Wood closed the witness register.

20  
21 Mr. Wood asked the Board how they would like to proceed.

22  
23 Mr. Hall suggested that since there are other cases on the agenda for tonight, that Case 967-S-19 be  
24 continued to a later meeting. He said that there have been a lot of questions and concerns voiced tonight and  
25 the Board has received new information that they have not had time to thoroughly review; therefore, he  
26 recommended that the case be continued to the next earliest meeting.

27  
28 **Mr. Randol moved, seconded by Ms. Lee, to continue Case 967-S-19 to the earliest open meeting. The**  
29 **motion carried.**

30  
31 Mr. Hall noted that the Board must continue Case 967-S-19 to a date certain, which could be March 12<sup>th</sup> or  
32 March 26<sup>th</sup>, but with the questions and concerns that were voice tonight he would recommend the earliest  
33 continuance date for this case as March 26<sup>th</sup>.

34  
35 **Mr. Roberts moved, seconded by Mr. Randol, to continue Case 967-S-19 to the March 26, 2020,**  
36 **meeting. The motion carried by voice vote.**

37  
38 Mr. Hall asked Mr. Block if he had any conflicts with the continuance to March 26<sup>th</sup>.

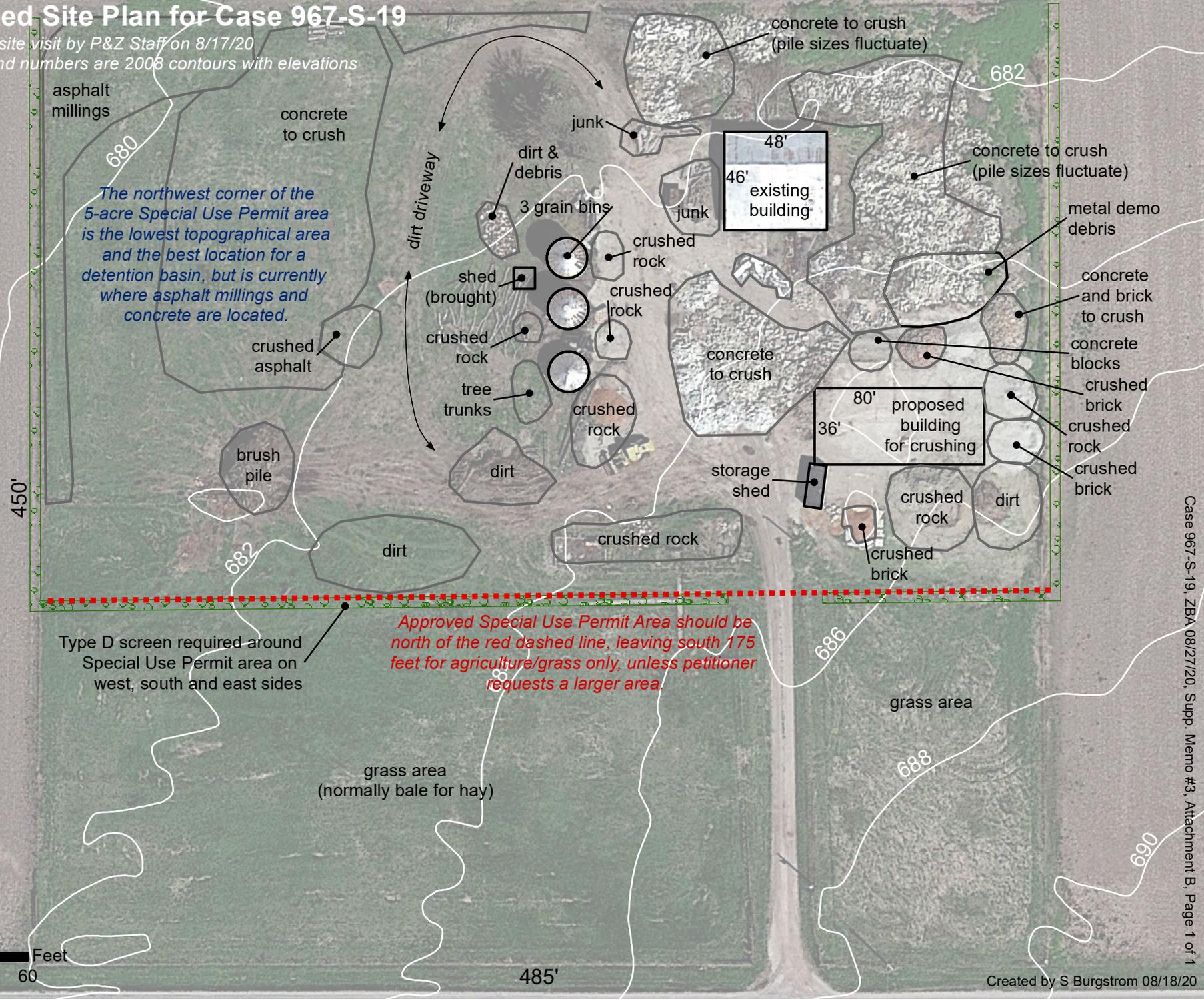
39  
40 Mr. Block stated that a continuance to March 26<sup>th</sup> would be fine.

41  
42 Ms. Lee stated that as an attorney, when she took her oath of office, she is obligated to follow the rules of  
43 the United States, and the cannabis law is contrary to what the statutes are in the United States and she does  
44 not want to have any issues with her legal licenses; therefore, she has a conflict and must recuse herself  
45 these cases. She said that there is immunity for state employees, but no immunity is available for anyone  
46 else under the statute that she saw on Page 52 of 610.

47  
48

# Annotated Site Plan for Case 967-S-19

Notes reflect site visit by P&Z Staff on 8/17/20  
White lines and numbers are 2008 contours with elevations



The northwest corner of the 5-acre Special Use Permit area is the lowest topographical area and the best location for a detention basin, but is currently where asphalt millings and concrete are located.

Approved Special Use Permit Area should be north of the red dashed line, leaving south 175 feet for agriculture/grass only, unless petitioner requests a larger area.

Type D screen required around Special Use Permit area on west, south and east sides

**Susan Burgstrom**

---

**From:** Bruce Block <bpb61@hotmail.com>  
**Sent:** Saturday, March 7, 2020 6:56 AM  
**To:** Susan Burgstrom  
**Subject:** Re: IEPA permits for materials recycling

RECEIVED

MAR 07 2020

CAUTION: External email, be careful when opening.

CHAMPAIGN COUNTY DEPARTMENT

Ok. We will look into that.

Sent from my iPad

On Mar 6, 2020, at 2:41 PM, Susan Burgstrom <[sburgstrom@co.champaign.il.us](mailto:sburgstrom@co.champaign.il.us)> wrote:

Hi Bruce,

Based on the ZBA meeting, it looks like the Board will want more information on what permits you have. We have seen the ROSS permit for air pollution, but we will also need you to contact IEPA regarding a Land Pollution Control Permit. The following is a helpful link on their website:

<https://www2.illinois.gov/epa/topics/small-business/publications/pollution-control-permit/Pages/lpc.aspx>

The Board will need to see verification that you have spoken with IEPA, are aware of what permits are necessary, and the status of any permit applications you submit. I believe that they will not want to make a decision on your case unless they are comfortable with the land pollution permit approvals.

We'll see you on April 30<sup>th</sup>.

Thanks,  
Susan

**Susan Burgstrom, AICP**  
Senior Planner  
Champaign County Department of Planning & Zoning  
1776 East Washington Street  
Urbana, IL 61802

P: 217-384-3708  
F: 217-819-4021

## Bureau of Land – Field Operations Section Evaluation Report

General Facility Information			
BOL ID:	0198000001	Region:	Champaign
USEPA ID:	Not Applicable	County:	Champaign
Site Name:	Block, Bruce	Phone:	217/841-3080
Address:	.25 M W of 2500E & 400N	Latitude:	39.93837
City/State/Zip:	Broadlands, IL 61816	Longitude:	-87.99991
Permit No(s):	None		
Regulated As:	Open Dump		

Owner	Operator
Block, Bruce 200 W Diller, PO Box 80 Broadlands, IL 61816	Block, Bruce 200 W. Diller P.O. Box 80 Broadlands, IL 61816

Evaluation Details	
Evaluation Type:	Open Dump Inspection
Evaluation Date:	11/1/2019
Inspector(s):	O'Hearn, Jennifer
Person(s) Interviewed:	Bruce Block
Previous Inspection Date:	12/10/2018

Observations	
Time:	1:55-3:05PM
Weather Conditions (Description):	Sunny, 16 mph winds out of the south-southwest
Temperature (°F):	48
Samples Collected (Yes/No):	N
Number of Samples Collected (Count):	NA
Photos Taken (Yes/No):	Y
Amount of Waste (Cubic Yards):	350

IEPA - DIVISION OF RECORDS MANAGEMENT  
RELEASABLE

JAN 30 2020

REVIEWER: JMR

RECEIVED

MAR 17 2020

CHAMPAIGN CO. P & Z DEPARTMENT

RECEIVED

JAN 15 2020

IEPA/BOL

## Executive Summary

On November 1, 2019, I conducted an open dump inspection at the Bruce Block site located 0.25 miles west of the intersection of 2500 E. C.R. & 400 N. C.R. on the north side of the road about two miles north of Broadlands in Ayers Township in Champaign County. I observed apparent continuing violations.

## Evaluation Narrative

### General Comments:

This inspection was conducted to determine the regulatory status and evaluate compliance with the solid waste provisions of the Environmental Protection Act (Act) and Title 35 Illinois Administrative Code, Subtitle G: Land Pollution (Regulations). Bruce Block was present during the inspection. The site is a fenced pasture lot which is surrounded by row-crop fields. There is a 3-sided loafing shed, some grain bins, an L-shaped concrete foundation and a few trees.

I drove into the site, parked and began the inspection. I observed a brick pile, a brick mixed with concrete pile, a concrete pile and apparent new crushed concrete pile (photo 1). I then viewed apparent new concrete piles (photo 2). Next, I observed an apparent crushed concrete pile as observed previously and one pile of crushed brick and another pile of concrete previously observed, now gone. I saw cut tree trunks and branches, and further back, a new ground asphalt pile (photo 3). Then, I observed a new heavy-duty crusher (photo 4). Next, I viewed new large pieces of concrete, new ground asphalt and a new pile of larger chunk asphalt (photo 5). I then saw new reclaimed asphalt pavement piles and further back, new concrete piles (photo 6). I then observed piles of concrete that have been at the site since August 11, 2015 (photos 7, 8, 10, 11, 12, 16, 17 & 18). I also observed a new concrete pile towards the front (photo 7) and a new metal pile (photo 9). Then, I observed a pile of some new metal and some old metal mixed with some dimensional lumber as observed previously (photo 10). I next viewed the previous location of a pile with clay field tile, now gone and new piles with brick, concrete, crushed brick, and one piece of dimensional lumber observed as well as two new crushed or partially broken brick piles (photo 12). Next, I observed new piles of brick with a moldy green color on some and a couple pieces of dimensional lumber (photo 13). Then, I viewed new piles of brick and concrete with some brick with apparent green mold, new crushed brick piles as in photo 12, a new crushed concrete pile as in photo 19 and apparent newly spread crushed brick (photo 14). I then observed a new pile of asphalt, brick and concrete, with some pieces of concrete block with apparent blue paint (photo 15). I observed an apparent new pile of crushed concrete and apparent crushed concrete pile as observed previously (photo 19).

In summary, much activity has occurred at the site. Two new 15 cubic yard piles of crushed concrete (photos 1 & 19), and about three cubic yards of new crushed asphalt (photo 5) were observed. A 20 cubic yard pile of crushed brick and 20 cubic yard pile of crushed concrete previously observed are gone now (photo 3). An approximately 40 cubic yard pile of clay field tile, brick and concrete is no longer at the site. Two new piles of crushed or partially broken brick estimated at 40 cubic yards are now not far from the former clay tile combination pile location. Around 100 cubic yards of new brick and brick mixed with concrete has come into the site. However, north and east of the barn show no signs of improvement with around 120 cubic yards of concrete that have been at the site since August 11, 2015. Directly south of the barn there is one ten cubic yard mixed waste pile that remains. An estimated 40 cubic yards of material has left the site, with another around 75 cubic yards being crushed or partially broken. Around 100 cubic yards of concrete have come into the site, while a large 50 cubic yard pile of concrete is gone from the south-central area. Around 30 cubic yards of new metal has also come into the site. Around 35 cubic yards of new asphalt has come in to the original inspection area of the site. To

the west of the grain bins a couple hundred cubic yards of ground asphalt (photo 3) were brought into the site.

Not including the area west of the grain bins, 235 cubic yards of new, unprocessed concrete, brick and asphalt has come into site. Around 120 cubic yards of old concrete remains. Around 90 cubic yards of brick and concrete have left the site and around 75 cubic yards appears to have been newly crushed or partially broken. Around 35 cubic yards of metal in total are at the site.

**Note: Any painted concrete or brick should be tested by TCLP or SPLP extraction to confirm the paint does not exceed the Class I groundwater quality standards at 35 Illinois Administrative Code 620.410 for arsenic, cadmium, chromium(total), lead, mercury and zinc before recycling the material. Material contaminated with paint containing heavy metals should be disposed at a permitted landfill.**

**Interviews-Block, Bruce, owner of property**

I called Mr. Block on the morning of November 1, 2019 and he said he would be working out at the site crushing concrete. I said I would see him out there this afternoon.

When I went to the site Mr. Block was there working. He said that the front pile would take four days to get through and they plan on working on it into the winter. He said around a year ago they got a \$250,000 crusher to get through the larger chunks and the machine separates material into sizes. I asked about the new large ground asphalt pile on the west side of the site. He said it was off of the side of Route 49. He said Open Road hauled the asphalt in to the site. He said the company did not have a DOT permit for the asphalt and would be back to pick it up. I said I could see a lot of activity had occurred at the site, but I needed to see the concrete north and east of the shed processed. He said he would get to work on the old stuff.

Summary of Apparent Violation(s)			
Status	Date Cited	Violation	Narrative
Continuing	8/3/2016	21(p)(7)	Cause or allow open dumping of any waste in a manner which results in deposition of general or clean construction or demolition debris
Continuing	8/11/2015	21(a)	Cause or allow open dumping
Continuing	8/11/2015	21(e)	Dispose, treat, store, abandon any waste, or transport any waste into Illinois at or to sites not meeting requirements of the Act
Continuing	8/11/2015	21(p)(1)	Cause or allow open dumping of any waste in a manner which results in litter

Attachment Listing		
ID	Type	Description
No Attachments		

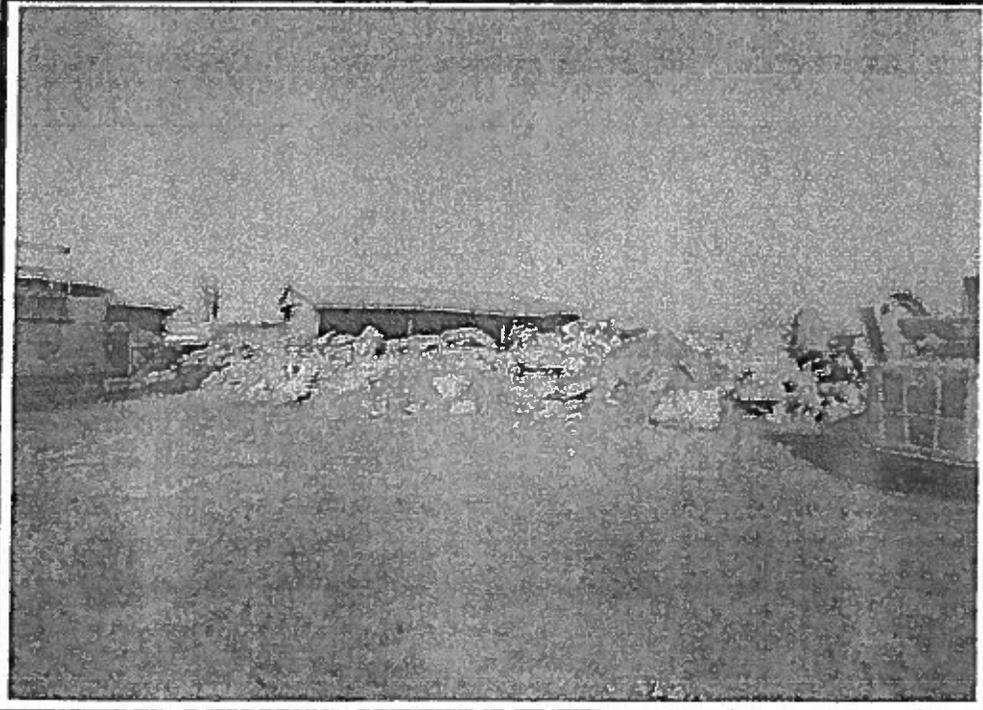
Digital Photographs



Site: Block, Bruce (0198000001)  
Champaign County

Photo ID: 1  
Photo Date: 11/1/2019  
Photo Time: 14:11:16  
Direction: NE  
Taken By: Jennifer O'Hearn

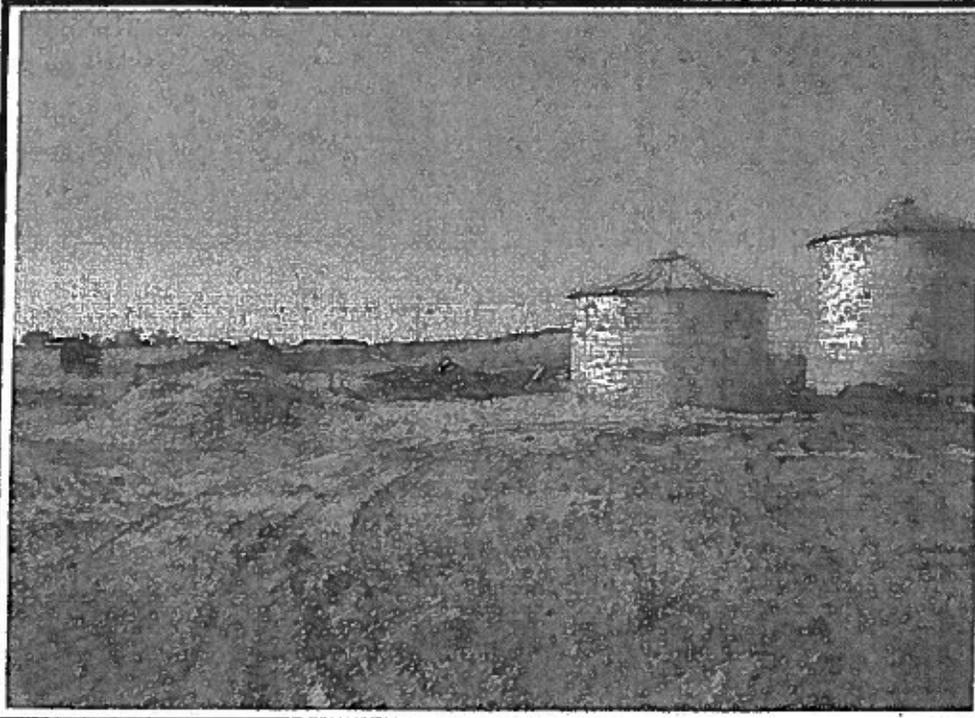
View of brick pile, brick mixed with concrete pile, concrete pile and apparent new crushed concrete pile.



Site: Block, Bruce (0198000001)  
Champaign County

Photo ID: 2  
Photo Date: 11/1/2019  
Photo Time: 14:11:24  
Direction: NE  
Taken By: Jennifer O'Hearn

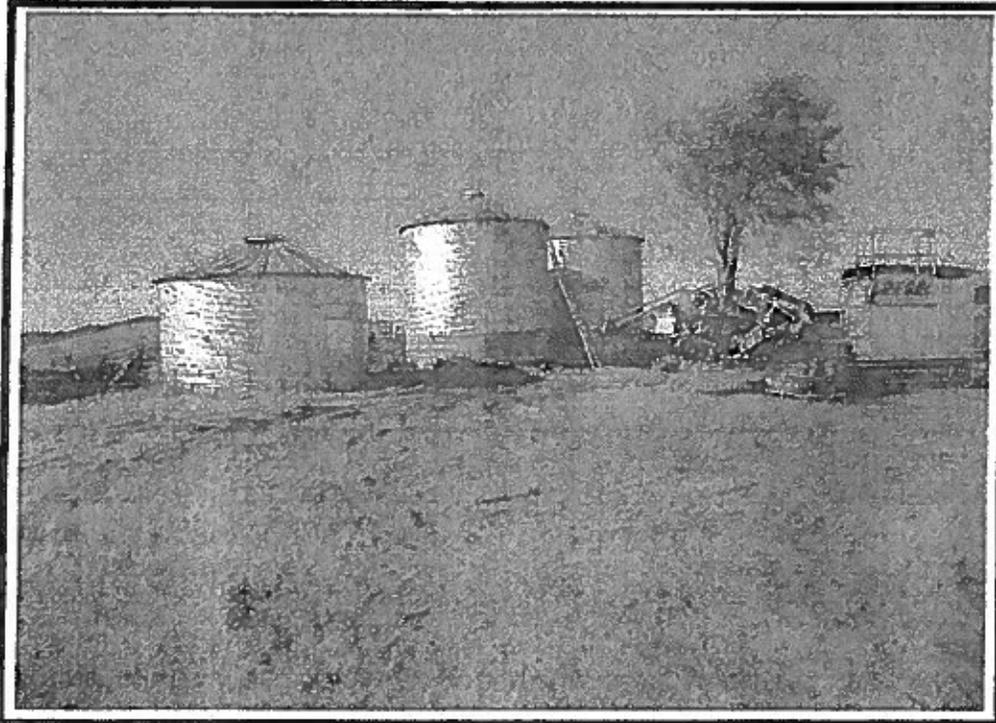
View of apparent new concrete piles.



Site: Block, Bruce (0198000001)  
Champaign County

Photo ID: 3  
Photo Date: 11/1/2019  
Photo Time: 14:11:35  
Direction: NW  
Taken By: Jennifer O'Hearn

View of apparent crushed concrete pile as observed previously, one pile of crushed brick and another pile of concrete previously observed now gone. View of cut tree trunks and branches, and further back, new ground asphalt pile.



Site: Block, Bruce (0198000001)  
Champaign County

Photo ID: 4  
Photo Date: 11/1/2019  
Photo Time: 14:12:03  
Direction: NW  
Taken By: Jennifer O'Hearn

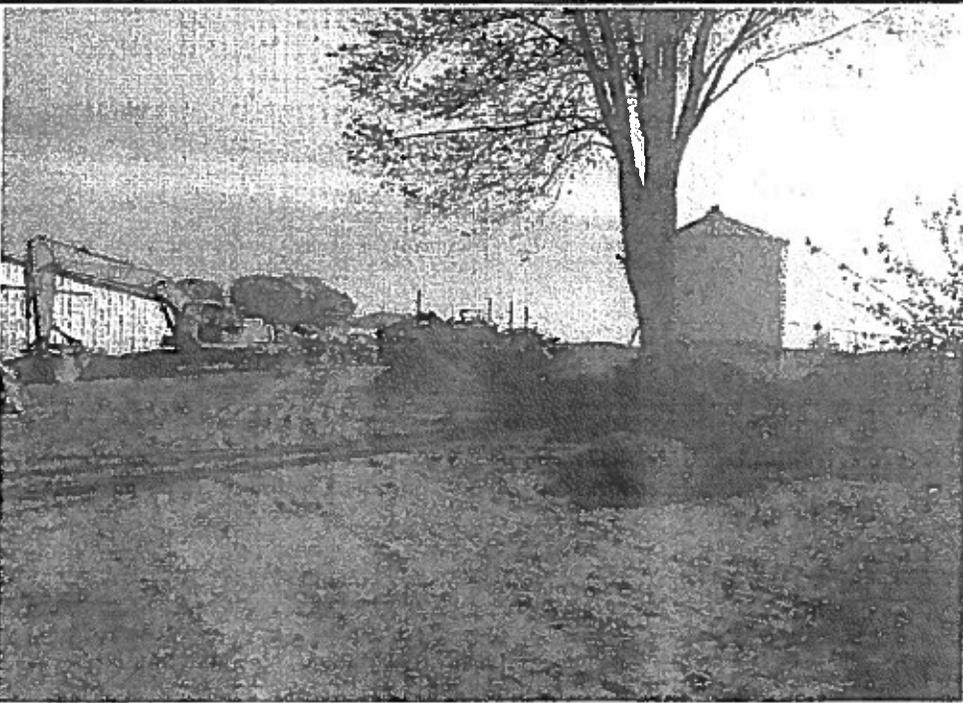
View of new heavy duty crusher.



Site: Block, Bruce (0198000001)  
Champaign County

Photo ID: 5  
Photo Date: 11/1/2019  
Photo Time: 14:13:32  
Direction: NW  
Taken By: Jennifer O'Hearn

View of new large pieces of concrete, new ground asphalt and a new pile of larger chunk asphalt.



Site: Block, Bruce (0198000001)  
Champaign County

Photo ID: 6  
Photo Date: 11/1/2019  
Photo Time: 14:14:42  
Direction: S  
Taken By: Jennifer O'Hearn

View of new reclaimed asphalt pavement piles and further back, new concrete piles.



Site: Block, Bruce (0198000001)  
Champaign County

Photo ID: 7  
Photo Date: 11/1/2019  
Photo Time: 14:16:03  
Direction: E  
Taken By: Jennifer O'Hearn

View of an apparent new concrete pile at the front and older piles of concrete further back with vegetation growing in between.



Site: Block, Bruce (0198000001)  
Champaign County

Photo ID: 8  
Photo Date: 11/1/2019  
Photo Time: 14:17:22  
Direction: E  
Taken By: Jennifer O'Hearn

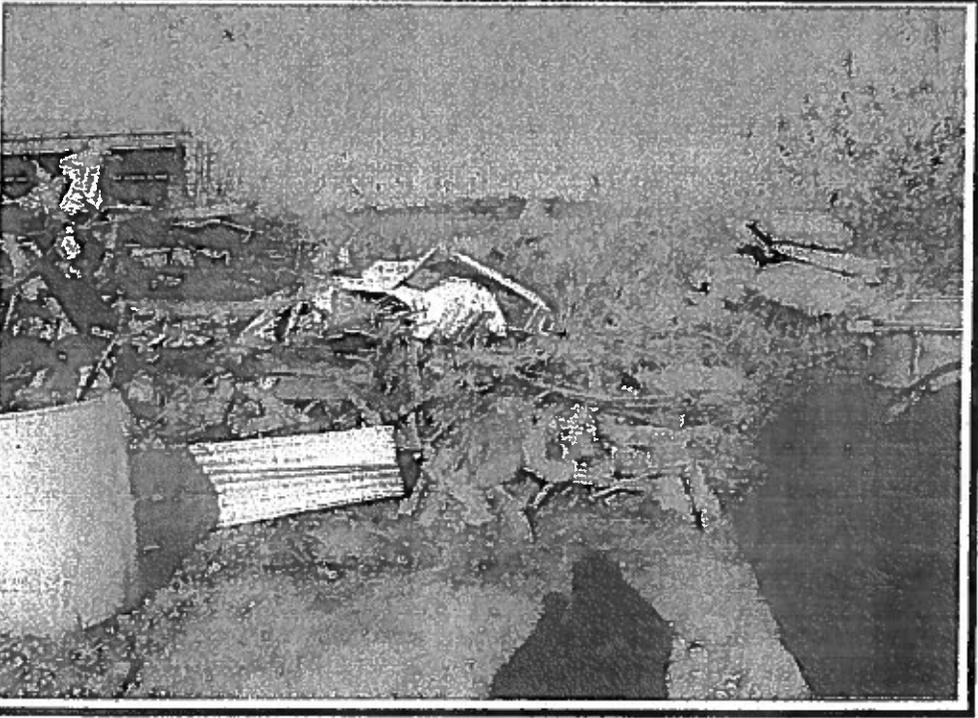
View of concrete piles with vegetation growing in between as observed previously.



Site: Block, Bruce (01980000P1)  
Champaign County

Photo ID: 9  
Photo Date: 11/1/2019  
Photo Time: 14:27:19  
Direction: E  
Taken By: Jennifer O'Hearn

View of new metal pile.



Site: Block, Bruce (0198000001)  
Champaign County

Photo ID: 10  
Photo Date: 11/1/2019  
Photo Time: 14:28:30  
Direction: NE  
Taken By: Jennifer O'Hearn

View of pile of some new and some old metal mixed with some dimensional lumber as observed previously. View of concrete piles with vegetation growing around them as observed previously.



Site: Block, Bruce (0198000001)  
Champaign County

Photo ID: 11  
Photo Date: 11/1/2019  
Photo Time: 14:29:17  
Direction: E  
Taken By: Jennifer O'Hearn

View of piles of concrete as observed previously.



Site: Block, Bruce (0198000001)  
Champaign County

Photo ID: 12  
Photo Date: 11/1/2019  
Photo Time: 14:30:13  
Direction: E  
Taken By: Jennifer O'Hearn

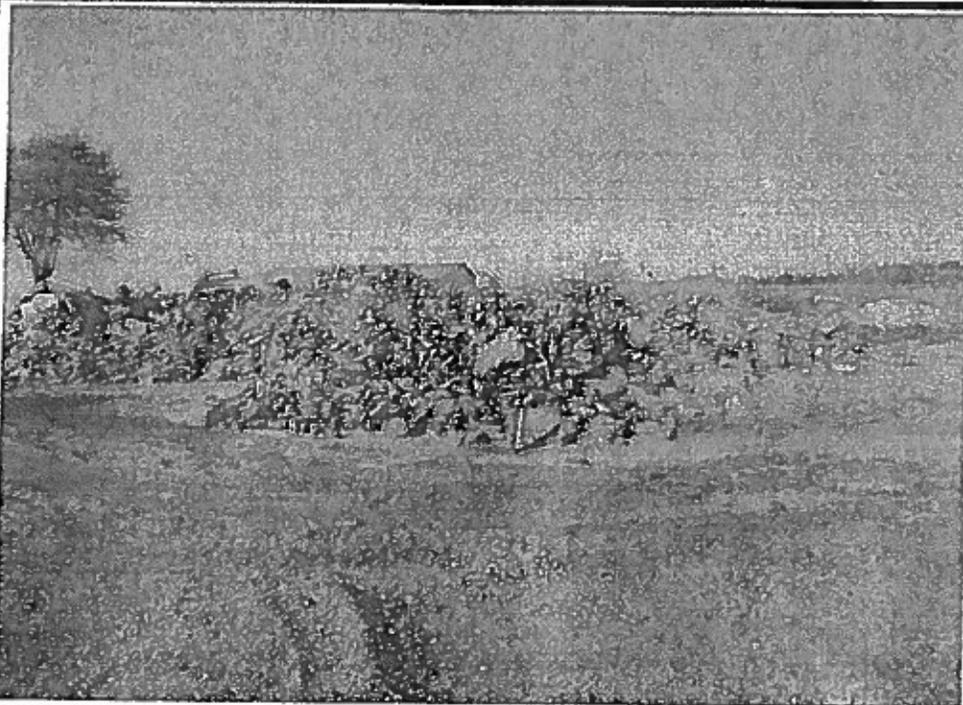
View of previous location of pile with clay field tile, now gone and new piles with brick, concrete, crushed brick, and one piece of dimensional lumber observed. View of two new crushed or partially broken brick piles.



Site: Block, Bruce (0198000001)  
Champaign County

Photo ID: 13  
Photo Date: 11/1/2019  
Photo Time: 14:32:48  
Direction: E  
Taken By: Jennifer O'Hearn

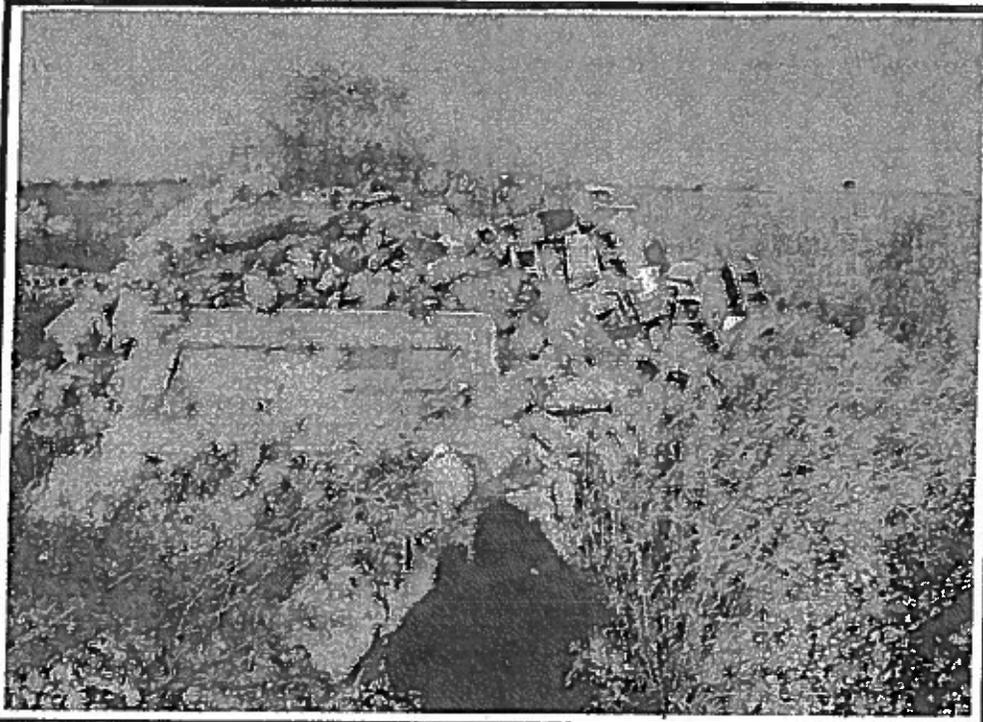
View of new piles of brick with a moldy green color and a couple pieces of dimensional lumber.



Site: Block, Bruce (0198000001)  
Champaign County

Photo ID: 14  
Photo Date: 11/1/2019  
Photo Time: 14:34:23  
Direction: NW  
Taken By: Jennifer O'Hearn

View of new piles of brick and concrete with some brick with apparent green mold. View of new crushed or partially broken brick piles as in photo 12 and new crushed concrete pile as in photo 19. View of apparent newly spread crushed brick.



Site: Block, Bruce (0198000001)  
Champaign County

Photo ID: 15  
Photo Date: 11/1/2019  
Photo Time: 14:35:25  
Direction: NE  
Taken By: Jennifer O'Hearn

View of new pile of asphalt,  
brick and concrete, some  
pieces of concrete block with  
apparent blue paint.



Site: Block, Bruce (0198000001)  
Champaign County

Photo ID: 16  
Photo Date: 11/1/2019  
Photo Time: 14:36:52  
Direction: NW  
Taken By: Jennifer O'Hearn

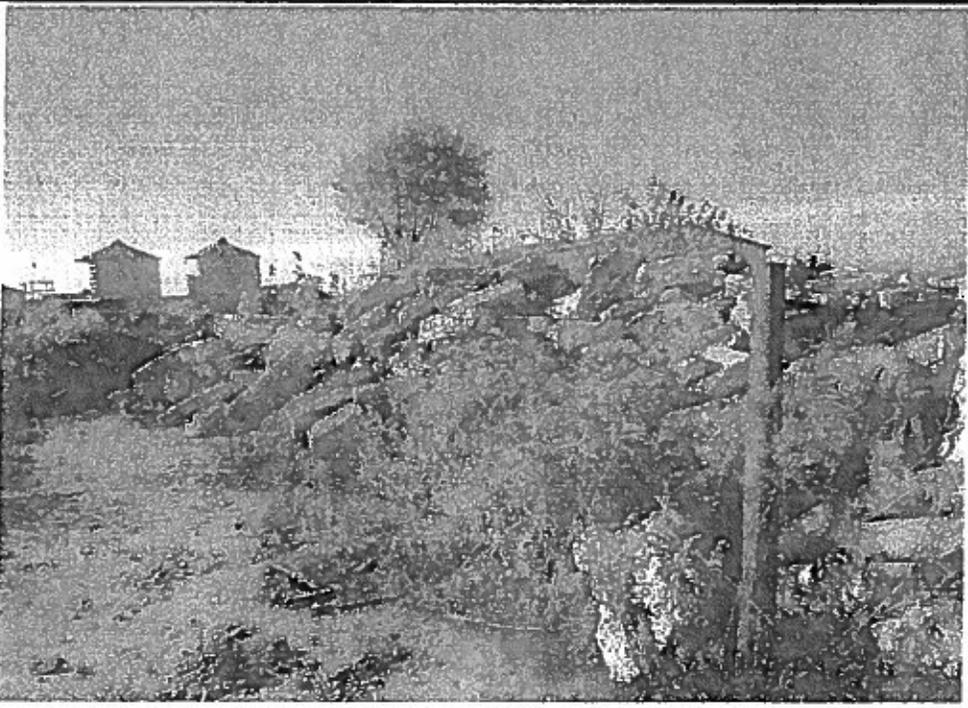
View of concrete piles with  
vegetation as previously  
observed.



Site: Block, Bruce (0198000001)  
Champaign County

Photo ID: 17  
Photo Date: 11/1/2019  
Photo Time: 14:38:04  
Direction: NW  
Taken By: Jennifer O'Hearn

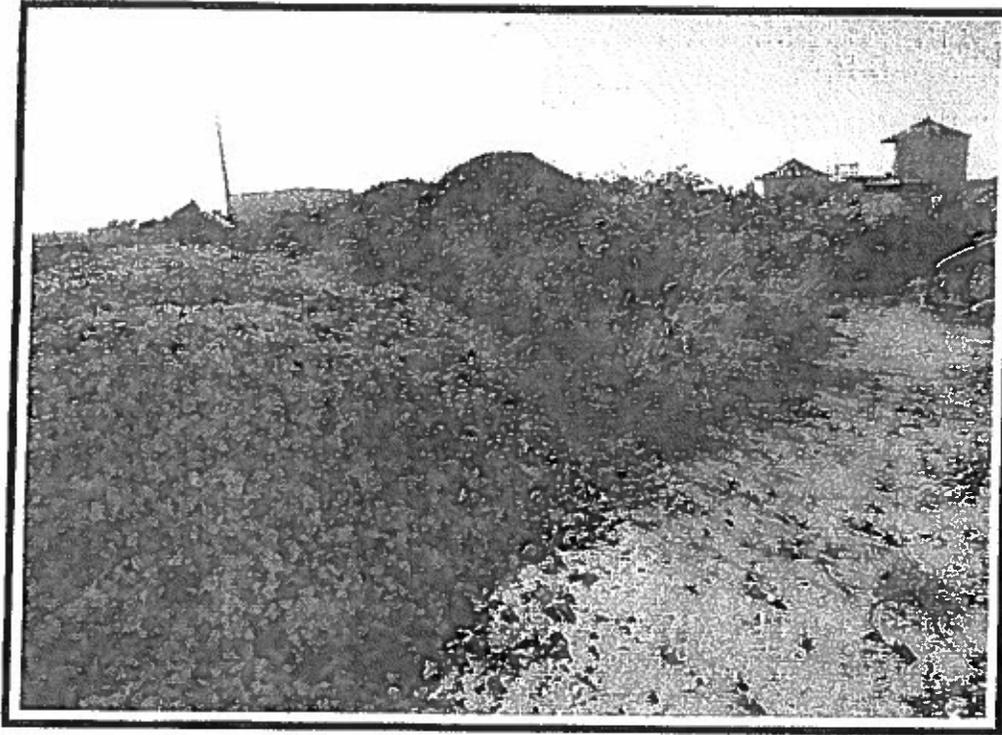
View of concrete piles with  
vegetation as previously  
observed.



Site: Block, Bruce (0198000001)  
Champaign County

Photo ID: 18  
Photo Date: 11/1/2019  
Photo Time: 14:39:24  
Direction: NW  
Taken By: Jennifer O'Hearn

View of concrete piles with  
vegetation as previously  
observed.



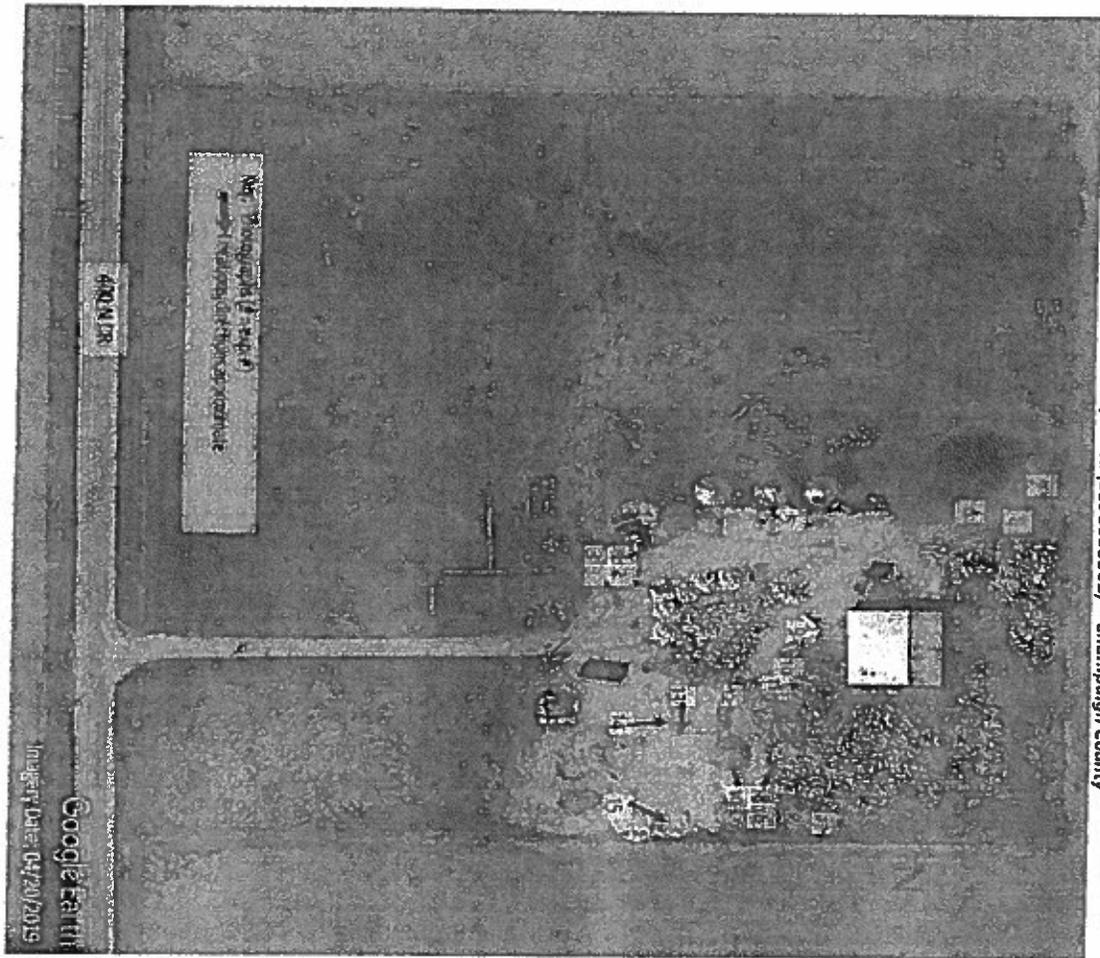
Site: Block, Bruce (0198000001)  
Champaign County

Photo ID: 19  
Photo Date: 11/1/2019  
Photo Time: 14:39:29  
Direction: SW  
Taken By: Jennifer O'Hearn

View of apparent new pile of  
crushed concrete.

State of Illinois  
Environmental Protection Agency  
Site Sketch

Site #: 019800001 County: Champaign  
Site Name: Broadlands/Block, Bruce  
City: Broadlands Inspector: J. O'Hearn  
Date of Inspection: 11/01/2019



Site Diagram 1: November 1, 2019 • Block, Bruce (019800001) • Champaign County

Site Diagram(s)

Google Earth  
Imagery Date: 04/20/2019

**Susan Burgstrom**

**From:** Bruce Block <bpb61@hotmail.com>  
**Sent:** Wednesday, May 27, 2020 12:27 PM  
**To:** Susan Burgstrom  
**Subject:** Re: IEPA permits for materials recycling

**RECEIVED**

**MAY 27 2020**

**CHAMPAIGN CO P & Z DEPARTMENT**

CAUTION: External email, be careful when opening.

They said I didn't need the permit for recycling concrete and asphalt. They are supposed to be sending me a letter from Springfield office stating that. Has been slow getting done as everyone has been working from home. When I talked to Tom Hubbard last week he thought they would have the letter to me by then. I'll forward to you as soon as I receive it.

Bruce

Sent from my iPad

On May 27, 2020, at 9:20 AM, Susan Burgstrom <[sburgstrom@co.champaign.il.us](mailto:sburgstrom@co.champaign.il.us)> wrote:

Hi Bruce,

Ramping up for your June 11<sup>th</sup> ZBA meeting. Do you have information from the IEPA Bureau of Land as mentioned in my email below?

Thanks,  
Susan

---

**From:** Bruce Block <bpb61@hotmail.com>  
**Sent:** Saturday, March 7, 2020 6:56 AM  
**To:** Susan Burgstrom <[sburgstrom@co.champaign.il.us](mailto:sburgstrom@co.champaign.il.us)>  
**Subject:** Re: IEPA permits for materials recycling

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Ok. We will look into that.

Sent from my iPad

On Mar 6, 2020, at 2:41 PM, Susan Burgstrom <[sburgstrom@co.champaign.il.us](mailto:sburgstrom@co.champaign.il.us)> wrote:

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<https://www2.illinois.gov/epa/topics/small-business/publications/pollution-control-permit/Pages/lpc.aspx>

The Board will need to see verification that you have spoken with IEPA, are aware of what permits are necessary, and the status of any permit applications you submit. I believe that they will not want to make a decision on your case unless they are comfortable with the land pollution permit approvals.

We'll see you on April 30<sup>th</sup>.

Thanks,  
Susan

**Susan Burgstrom, AICP**  
Senior Planner  
Champaign County Department of Planning & Zoning  
1776 East Washington Street  
Urbana, IL 61802

P: 217-384-3708  
F: 217-819-4021

## Susan Burgstrom

---

**From:** Hubbard, Thomas <Thomas.Hubbard@Illinois.gov>  
**Sent:** Thursday, May 28, 2020 2:32 PM  
**To:** Susan Burgstrom  
**Cc:** O'Hearn, Jennifer  
**Subject:** RE: IEPA permits for materials recycling

Susan,

1. If the site is only recycling concrete and asphalt, no permit from the Bureau of Land is required.
2. No, violations do not necessarily require a permit to correct. If the site is recycling materials other than concrete and asphalt, they would need an STPR (storage, treatment, processing, or recycling) permit to continue operating in that manner.
3. Generally if a site is operating without a permit and needs a permit, then the permit application is part of the compliance commitment agreement (CCA) between the site and the Illinois EPA, Field Operations Section. However, if they are only recycling concrete and asphalt, a permit is not needed. Another option is if they were conducting some waste management that required a permit, like accepting general C&D (i.e. anything from a demolition site), then they could agree as part of the CCA to stop that and only take source separated concrete and asphalt.
4. The most basic tracking would be material received and material sold. If the site can document that they sell at least 25% of their stockpile every year, then the average retention time of the material is less than 4 years. Another option would be segregating the piles yearly (i.e. all the material received in 2019 is one pile and all the material received in 2020 is another pile, etc.) then showing that no pile is more than 4 years old.

Regards,

Thomas W. Hubbard, P.E., Manager  
Disposal Alternative Unit  
Permit Section/Bureau of Land  
[Thomas.hubbard@illinois.gov](mailto:Thomas.hubbard@illinois.gov)  
217/524-3286

RECEIVED

MAY 28 2020

CHAMPAIGN CO P & Z DEPARTMENT



**From:** Susan Burgstrom <[sburgstrom@co.champaign.il.us](mailto:sburgstrom@co.champaign.il.us)>  
**Sent:** Thursday, May 28, 2020 12:53 PM  
**To:** Hubbard, Thomas <[Thomas.Hubbard@Illinois.gov](mailto:Thomas.Hubbard@Illinois.gov)>  
**Cc:** O'Hearn, Jennifer <[Jennifer.OHearn@illinois.gov](mailto:Jennifer.OHearn@illinois.gov)>  
**Subject:** [External] IEPA permits for materials recycling

Mr. Hubbard,

The Champaign County Department of Planning & Zoning has a Special Use Permit case underway for Bruce Block. He has established a construction materials recycling/concrete crushing facility at 0.25 miles west of CR 2500E & CR 400N, Broadlands.

I have several questions regarding permit requirements, and would greatly appreciate your assistance with them.

1. Mr. Block provided the response below (see yellow highlight) about the need for a permit from the Bureau of Land. Could you please verify whether his statement is true?
2. On November 1, 2019, Jennifer O'Hearn inspected the site and identified 4 continuing violations. Do her findings and violations get consideration in the permit requirements from your bureau?
3. Is Mr. Block required to remedy these violations in order to receive a permit to operate?
4. Could you please educate me about how recycled asphalt must be tracked in order to comply with the IEPA regulation about moving 25% of one calendar year's material off site in the next calendar year?

If it all possible, I would appreciate a response by June 3<sup>rd</sup> to be able to include your responses for the upcoming public hearing.

Thanks for your time,  
Susan

**Susan Burgstrom, AICP**  
Senior Planner  
Champaign County Department of Planning & Zoning  
1776 East Washington Street  
Urbana, IL 61802

P: 217-384-3708  
F: 217-819-4021

**From:** Bruce Block <[bbp61@hotmail.com](mailto:bbp61@hotmail.com)>  
**Sent:** Wednesday, May 27, 2020 12:27 PM  
**To:** Susan Burgstrom <[sburgstrom@co.champaign.il.us](mailto:sburgstrom@co.champaign.il.us)>  
**Subject:** Re: IEPA permits for materials recycling

They said I didn't need the permit for recycling concrete and asphalt. They are supposed to be sending me a letter from Springfield office stating that. Has been slow getting done as everyone has been working from home. When I talked to Tom Hubbard last week he thought they would have the letter to me by then. I'll forward to you as soon as I receive it.

Bruce

Sent from my iPad



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 · (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217/524-3301

JUN 02 2020

Mr. Bruce Block  
P.O. Box 80  
Broadlands, IL 61816

Re: 0190000000 -- Champaign County  
Permit Log No. PS20-021  
General Correspondence File  
Permit Corr

Dear Mr. Block:

This letter is in response to your letter dated May 21, 2020 and received May 26, 2020 regarding whether a permit from the Illinois EPA, Bureau of Land (BOL) is required for a business crushing and recycling concrete and asphalt pavement. Section 3.160(b)(ii) of the Illinois Environmental Protection Act (Act) specifically excludes clean construction or demolition debris, which includes concrete and asphalt pavement, that is recycled such that it is separated or processed and returned to the economic mainstream in the form of raw materials or products if it is not speculatively accumulated and, if used as a fill material, it is used in accordance with Section 3.160(b)(i) of the Act from being classified as a waste. Therefore, the concrete/asphalt recycling would not need a permit from the BOL. However, the crusher that you mentioned in your letter may need a permit from the Illinois EPA, Bureau of Air (BOA) for particulate emissions and, if you are disturbing more than an acre, a NPDES permit from the Bureau of Water (BOW) may be required. The BOA/Permit Section telephone number is 217/782-2113. The BOW/Water Pollution Control/Permit Section telephone number is 217/782-0610. Please contact them for clarification on whether a permit is needed from the BOW or BOA.

Any questions about this letter should be directed to Tom Hubbard at 217/524-3286.

Sincerely,

Kenneth E. Smith, P.E. Manager  
Permit Section  
Division of Land Pollution Control  
Bureau of Land

KES:TWH:0190000000-PS20-021-response

4302 N. Main Street, Rockford, IL 61103 (815) 987-7760  
595 S. State Street, Elgin, IL 60123 (847) 608-3131  
2125 S. First Street, Champaign, IL 61820 (217) 278-5800  
2009 Mall Street Collinsville, IL 62234 (618) 346-5120

9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000  
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022  
2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200  
100 W. Randolph Street, Suite 4-500, Chicago, IL 60601

## Susan Burgstrom

---

**From:** Gary Jacobson <gary@mcginc.us>  
**Sent:** Tuesday, August 4, 2020 11:06 PM  
**To:** Susan Burgstrom  
**Cc:** Andrew Bequette; Andrew Hall  
**Subject:** Block's Dump  
**Attachments:** Video.mov; ATT00001.htm; Video\_1.mov; ATT00002.htm

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

**CAUTION:** External email, be careful when opening.

Susan,

Is there anything that can be done to curtail activity at Block's dump? They are now operating seven days a week 12+ hours per day.

Today there were 30 (at least) trucks beginning at 6:30 AM and work continued beyond 8 PM.

Attached find two 30 second videos from today. The first at 6:30 AM the second at 8:30 PM.

RECEIVED

AUG 04 2020

CHAMPAIGN CO. P & Z DEPARTMENT

**967-S-19 Site Images taken 8/17/20**



967-S-19 Block  
08/17/20

**East of driveway – storage shed and crushed brick, crushed concrete, and dirt**



967-S-19 Block  
08/17/20

**Between storage shed and existing building – materials to be crushed and demolition debris**

**967-S-19 Site Images taken 8/17/20**



**Breaking down concrete for crushing south of existing building**



**Miscellaneous debris west of existing building**

**967-S-19 Site Images taken 8/17/20**



**North of grain bins – crushed concrete, miscellaneous machinery, portable toilet**



**Dirt and crushed concrete stockpiles on west side of 5 acres**

**967-S-19 Site Images taken 8/17/20**



**Remaining milled asphalt from Rt 49 project and concrete for crushing  
in NW corner of 5 acres**



**Brush pile on west side of 5 acres**

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

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

Date: ***{August 27, 2020}***

Petitioners: **Bruce and Brody Block, d.b.a., Block Field Tiling, LLC**

Request: **Authorize a Contractor’s Facility with Outdoor Storage and Outdoor Operations as a Special Use in the AG-1 Agriculture Zoning District.**

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**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 27, 2020** and August 27, 2020, the Zoning Board of Appeals of Champaign County finds that:

1. Co-petitioner Bruce Block owns the subject property and is co-owner of Block Field Tiling, LLC. His son, Brody Block, is co-owner. They are the sole officers and shareholders in Block Field Tiling, LLC.
2. The subject property is a 35-acre tract in the South Half of the Southeast Quarter of Section 7, Township 17 North, Range 11 East of the Third Principal Meridian in Ayers Township with an address of 2460 CR 400N, Broadlands.
  - A. The Special Use Permit area is approximately five acres located on the former home site on the subject property, as shown on the case maps.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - A. The subject property is not located within the one and one-half mile extraterritorial of a municipality with zoning.
  - B. The subject property is located in Ayers Township, which does not have a Plan Commission.

**GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY**

4. Land use and zoning on the subject property and in the vicinity adjacent to the subject property are as follows:
  - A. The 35-acre subject property is zoned AG-1 Agriculture and is approximately 30 acres in agricultural production and five acres in asphalt, brick, and concrete crushing and recycled material sales.
  - B. Land to the north, east, south and west of the subject property is zoned AG-1 Agriculture and is in agricultural production. There is one residence located southeast of the subject property.

**GENERALLY REGARDING THE PROPOSED SPECIAL USE**

5. Regarding the site plan and operations of the proposed Special Use:
  - A. The preliminary Site Plan received November 5, 2019, includes the following existing and proposed features:
    - (1) Existing features include:
      - a. A 475 feet by 450 feet (5 acres) operations area;
      - b. A 44 feet by 48 feet (2,112 square feet) pole barn used for machinery storage;
      - c. Three grain bins;
      - d. A driveway accessing CR 400N and an oval interior driveway in the west half of the operations area;
      - e. A stockpile of concrete east of the pole shed;

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- f. A stockpile of concrete to be crushed south of the pole building; and
  - g. Grass areas in the western and southern parts of the Special Use Permit area.
- (2) Proposed features include:
- a. One 36 feet by 80 feet (2,880 square feet) building located approximately where the house once stood; and
  - b. A natural barrier of ornamental grass and pine trees on the east, south, and west sides of the Special Use Permit area.
  - c. There is no mention of restrooms or a septic system on the Site Plan received November 5, 2019.
- B. Regarding operations, in an email received October 9, 2019, Bruce Block stated the following:
- (1) We operate a demolition business and bring some concrete and bricks to this site that we recycle into rock with our crusher. We also have crushed some asphalt with our machine.
  - (2) We have concrete, bricks and asphalt stored here as well as the material that has been crushed which we are starting to sell.
  - (3) Normally our crusher is stored here. It is a 2108 Rebel Crusher. It is a jaw crusher which doesn't make much noise other than the engine running. We usually have 2 Kubota 90-2 skid loaders there and sometimes a Caterpillar 315 excavator. We also park our semi-trucks there sometimes. We have 2 International trucks and a Volvo truck and some dump trailers. Our crusher is portable and we move it to other job sites at different times.
  - (4) We operate on Monday through Friday normally 8-5. We don't operate every day here. We run the crusher sometimes 2 or 3 days at a time and then may not run it at all for a couple of weeks.
  - (5) We also still operate a farm here and store some grain in our grain bins there. Sometimes we have farm equipment parked here and some of our farm drainage equipment which we also do.
  - (6) My son and I work here and have a couple of part time employees.
- C. Regarding operations, the following details were provided at the February 27, 2020 ZBA meeting:
- (1) Mr. Bruce Block stated that they purchased a small crusher of their own to install onto their skid loader, although it was quickly determined that it was not big enough to serve their needs, so they purchased a larger portable machine. He said that the new machine will crush approximately 30 tons per hour, and that they crushed for 140 hours at the subject property in the last 1.5 years.

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- (2) Concrete crushing would occur in the proposed new fabric hoop building that would be open on one side; the south and east sides would be closed, the west side would be closed with a door, and the north side would be open.
- (3) On January 29, 2020, Mr. Bruce Block received confirmation from the Illinois Environmental Protection Agency (IEPA) Bureau of Air that the site is a participant in the IEPA Registration of Smaller Sources (ROSS) Program, which is for businesses with a low level of emissions. Should the site exceed an emissions level stipulated by the ROSS Program, the petitioners would have to apply for a higher-level permit. The site must renew its registration yearly.
- a. Mr. Block stated that the ROSS registration is the only permit they had obtained for the site.
- (4) “Mr. Bruce Block stated that physically, they can only do so much because they are a small operation and they can’t handle much more than they are doing currently. He said that he and his son do most of the work with a small amount of part-time help. He said that they do not operate at the site every day and currently their crusher is in Paris, Illinois for a job. He said that the crusher is small enough that it can be hauled on a semi-trailer and generally they are at other sites completing contracted jobs. He said that when they get caught up with their off-site work, they start crushing the concrete that is at the site and move it off the property. He said that there are times when they do not work at the subject site for two weeks in a row, and at other times they may work three or four days in a row, or a couple of afternoons a week. He said that their operation at the subject site is not a full-time everyday operation that starts at 8:00 a.m. and ends at 5:00 p.m. He said that out of respect for others, they do not usually operate at the site on Saturdays or Sundays so that everyone can enjoy their weekend being quiet.”
- (5) Mr. Bruce Block said that they sometimes have one or two part-time employees onsite.
- (6) Mr. Bruce Block stated that they have asphalt, brick, concrete and metal onsite.
- D. An Annotated Site Plan created by P&Z Staff on August 18, 2020, includes the following information, based on a site visit conducted by Susan Burgstrom on August 17, 2020:
- (1) Estimated locations and sizes of material stockpiles;
- (2) Estimated location for a proposed 36 feet by 80 feet building for crushing concrete;
- (3) 2008 contour lines and elevations;
- (3) A line demarcating where the southern limit of the contractor’s facility storage and operations should be, unless the petitioner requests more area; and
- (4) A note that states, “The northwest corner of the 5-acre Special Use Permit area is the lowest topographical area and the best location for a detention basin , but is currently where the asphalt millings and concrete are located.”

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- E. There are no previous Zoning Use Permits for the subject property.
- F. There are no previous zoning cases for the subject property.

**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS**

- 6. Regarding authorization for contractors' facilities both with and without outdoor operations and storage in the AG-1 Agriculture Zoning DISTRICT in the *Zoning Ordinance*:
  - A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
    - (1) "ACCESSORY BUILDING" is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE.
    - (2) "AGRICULTURE" is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry, and the keeping, raising, and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting, and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning, or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.
    - (3) "BEST PRIME FARMLAND" is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
      - a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
      - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
      - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
    - (4) "BUFFER STRIP" is an area, PROPERTY, LOT or tract of land or portion thereof, either vacant or landscaped with SCREEN PLANTING as herein specified, which shall serve as a separating space between dissimilar USES or DISTRICTS.

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- (5) “BUILDING” is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.
- (6) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
- (7) “OPERATIONS” are processing, assembly, fabrication, or handling of materials or products or movement of bulk materials or products not in containers or pipelines.
- (8) “SCREEN” is a STRUCTURE or landscaping element of sufficient opaqueness or density and maintained such that it completely obscures from view throughout its height the PREMISES upon which the screen is located.
- (9) “SCREEN PLANTING” is a vegetative material of sufficient height and density to filter adequately from view, in adjoining DISTRICTS, STRUCTURES, and USES on the PREMISES upon which the SCREEN PLANTING is located.
- (10) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (11) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (12) “STORAGE” is the presence of equipment, or raw materials or finished goods (packaged or bulk) including goods to be salvaged and items awaiting maintenance or repair and excluding the parking of operable vehicles.
- (13) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
  - (a) MAJOR STREET: Federal or State highways.
  - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
  - (c) MINOR STREET: Township roads and other local roads.
- (14) “SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
  - a. The site features or site location will not detract from the proposed use;
  - b. The site will not create a risk to health, safety or property of the occupants, the neighbors or the general public;
  - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
  - d. Necessary infrastructure is in place or provided by the proposed development; and

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- e. Available public services are adequate to support the proposed development effectively and safely.
- (15) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.
- (16) WELL SUITED OVERALL: A discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be WELL SUITED OVERALL if the site meets these criteria:
- a. The site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public; and
  - b. The site is reasonably well-suited in all respects and has no major defects.
- B Section 5.2: Table of Authorized Principal Uses states that Contractors Facilities with outdoor STORAGE and outdoor OPERATIONS can be established with a Special Use Permit in the AG-1 Agriculture Zoning District.
- C. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
- a. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
  - b. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
  - c. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
  - d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
  - e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer’s documentation of the full-cutoff feature for all exterior light fixtures.
- (2) Subsection 6.1.3 establishes the following standard conditions for Contractors Facilities with or without Outdoor STORAGE and/or Outdoor OPERATIONS:
- a. In all DISTRICTS other than the B-5 DISTRICT, outdoor STORAGE and/or outdoor OPERATIONS are allowed as an ACCESSORY USE subject to subsection 7.6.

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- D. Section 7.4 establishes requirements for off-street PARKING SPACES and LOADING BERTHS:
- (1) Section 7.4.1 A. states, “All off-street PARKING SPACES shall be located on the same LOT or tract of land as the USE served.”
  - (2) For parking purposes, the Zoning Administrator has determined that a Contractor’s Facility is most similar to the parking requirements for industrial uses; those requirements are in Section 7.4.1 D.
  - (3) Section 7.4.1 D.1. states, “One space shall be provided for each three employees based upon the maximum number of persons employed during one work period during the day or night, plus one space for each VEHICLE used in the conduct of such USE. A minimum of one additional space shall be designated as a visitor PARKING SPACE.”
  - (4) Section 7.4.1 D.2. states, “All such spaces shall be surfaced with an all-weather dustless material.”
  - (5) Section 7.4.1 D.3. states, “Required parking SCREENS for industrial USES shall be provided as required in paragraph 7.4.1 C.4.”
    - a. Section 7.4.1 C.4. states, “Required parking SCREENS for commercial ESTABLISHMENTS shall be provided as follows:
      - (a) Parking areas for more than four vehicles of no more than 8,000 pounds gross vehicle weight each, excluding any vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials, located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type A SCREEN except that a TYPE B SCREEN may be erected along the rear LOT LINE of the business PROPERTY.
      - (b) Parking areas for any number of vehicles exceeding 8,000 pounds in gross vehicle weight each or any number of vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type D SCREEN.”
  - (6) Section 7.4.2 refers to off-street LOADING BERTHS:
    - a. All LOADING BERTHS shall have vertical clearance of at least 14 feet.
    - b. All LOADING BERTHS shall be designed with appropriate means of vehicular access to a STREET or ALLEY in a manner which will least interfere with traffic movement.

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- c. No VEHICLE repair or service work shall be performed on any LOADING BERTH.
  - d. No LOADING BERTH shall be located less than 10 feet from any FRONT LOT LINE and less than five feet from any side or REAR LOT LINE.
  - e. Section 7.4.2 D. states, “Off-street LOADING BERTHS for Industrial USES shall be provided as follows:
    - (a) All LOADING BERTHS shall be located on the same LOT or tract of land as the Industrial USE served.
    - (b) No such BERTH shall be located within any YARD abutting a residential DISTRICT or located less than 100 feet from the BUILDING RESTRICTION LINE of any LOT in an R DISTRICT or any lot containing a DWELLING conforming as to USE unless such BERTH is screened from public view by a Type D SCREEN.
    - (c) No LOADING BERTH shall be located less than 50 feet from the nearest point of intersection of two STREETS.
    - (d) All LOADING BERTHS shall be improved with a compacted base at least seven inches thick and shall be surfaced with at least two inches of some all-weather dustless material.
    - (e) The schedule of off-street LOADING BERTHS for commercial ESTABLISHMENTS shall also apply to Industrial USES.
      - i. For an establishment with a floor area of less than 9,999 square feet, one 12 feet by 40 feet loading berth is required.
- E. Subsection 7.6 establishes the following conditions for Outdoor Storage and/or Outdoor Operations:
- (1) Paragraph 7.6.1 states: “Outdoor STORAGE and/or OPERATIONS shall be allowed in all DISTRICTS only as ACCESSORY USES unless permitted as a principal USE in Section 5.2 and shall be allowed in any YARD in all DISTRICTS subject to the provisions of Section 7.2 without a permit provided that outdoor STORAGE and/or outdoor OPERATIONS shall not be located in any required off-street PARKING SPACES or LOADING BERTHS.”
  - (2) Paragraph 7.6.2 states: “A Type D SCREEN shall be located so as to obscure or conceal any part of any YARD used for outdoor STORAGE and/or outdoor OPERATIONS which is visible within 1,000 feet from any of the following circumstances:
    - a. Any point within the BUILDING RESTRICTION LINE of any LOT located in any R DISTRICT or any LOT occupied by a DWELLING conforming as to USE or occupied by a SCHOOL; church or temple; public park or recreational facility; public library, museum, or gallery; public fairgrounds; nursing home or HOSPITAL; recreational business USE with outdoor facilities; or
    - b. Any designated urban arterial street or MAJOR STREET.”

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- F. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
  - (2) That the Special Use is so designed, located, and proposed as 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 welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
    - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
    - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
    - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
  - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
  - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
  - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- G. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

**GENERALLY REGARDING WHETHER THE SPECIAL USE IS NECESSARY FOR THE PUBLIC CONVENIENCE AT THIS LOCATION**

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioner has testified on the application, **“There are no other places within 30 miles to dispose of broken concrete. It is expensive to haul concrete slabs very far because you can’t get a lot on the trucks.”**
  - B. The Petitioner’s site plan appears to be the same area as the original five-acre farmstead that existed prior to 1973. The reuse of this already developed part of the 35-acre property will not take additional land out of production.

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- C. The nearest companies known to P&Z Staff that crush concrete are located north of Urbana and in Mahomet, at least 27 miles from the subject property.

**GENERALLY REGARDING WHETHER THE SPECIAL USE WILL BE INJURIOUS TO THE DISTRICT OR OTHERWISE INJURIOUS TO THE PUBLIC WELFARE**

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
- A. The Petitioner has testified on the application: **“We do the crushing towards the back of the property which is 250 feet off the road. We are planning to plant natural barriers along the property to cut down on any noise we make.”**
- B. Regarding surface drainage:
- (1) The subject property is relatively flat, and generally drains northwest to the Little Vermilion Ditch.
- C. Regarding traffic in the subject property area:
- (1) The subject property has an existing driveway on the north side of CR 400N.
  - (2) CR 400N is a two-lane township road that is approximately 18 feet wide.
  - (3) The subject property is located about two road miles west of IL Route 49 (CR 2700E), approximately 1.75 miles north of the Village of Broadlands.
  - (4) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2016 near the subject property. CR 400N had an ADT of 125 adjacent to the subject property.
  - (5) The petitioners have indicated that they have a couple of part time employees, three semi-trucks and dump trailers. It is not known how many trips their vehicles make on any given day.
  - (6) The Ayers Township Highway Commissioner has been notified of this case. In a letter received February 27, 2020, Shawn Walker, Ayers Township Highway Commissioner, stated the following:
    - a. He understands that neighbors are concerned about what will happen if CR 400N is torn up or permanently damaged because of the added heavy truck traffic. According to the Township attorney, if a person or business is operating illegally and there is permanent damage to the road, the Township has recourse to pursue legal action against them.
    - b. Mr. Walker said there are concerns in general for larger equipment on roads, but did not identify specific concerns about business on the subject property.
    - c. At this time, there is no plan to place load weight limits on any of their roads, or limit the size of vehicles allowed on the roads. As long as they are

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operating within the legal limits of the law, traffic will be allowed to continue.

d. The Township will continue to monitor use of CR 400N, and do what they can to maintain it with the resources they have.

- D. Regarding fire protection on the subject property, the subject property is located approximately 2.9 road miles north of the Broadlands Fire Protection District station in Broadlands. The Fire Chief was notified of this case and no comments have been received.
- E. No part of the subject property is located within a mapped floodplain.
- F. The 35-acre subject property is considered BEST PRIME FARMLAND. The soil on the subject property consists of 152A Drummer silty clay loam, 198A Elburn silt loam, 481A Raub silt loam and 679B Blackberry silt loam, and has an average LE of 98.
- (1) The five-acre Special Use Permit area consists of 152A Drummer silty clay loam, 481A Raub silt loam, and 198A Elburn silt loam, and has an average LE of 99.
  - (2) No land has been taken out of production because the Special Use Permit area is on a former homestead that was later a hay field and cattle feed lot prior to the current use.
  - (3) Section 5.3 of the Zoning Ordinance states that the following maximum LOT AREA requirements apply in the CR, AG-1 and AG-2 DISTRICTS:
    - a. LOTS that meet all of the following criteria may not exceed a maximum LOT AREA of three acres:
      - (a) The LOT is RRO-exempt;
      - (b) The LOT is made up of soils that are BEST PRIME FARMLAND; and
      - (c) The LOT is created from a tract that had a LOT AREA greater than or equal to 12 acres as of January 1, 1998.
    - (4) Should the five-acre contractor facility ever be divided from the 35 acres, the 5-acre lot and the 30-acre lot will each need a variance for a lot area of more than three acres on best prime farmland. A special condition has been added to ensure compliance.
- G. Regarding outdoor lighting on the subject property:
- (1) No outdoor lighting was indicated on the Site Plan. A special condition has been added regarding any future outdoor lighting for the Special Use Permit area.
- H. Regarding wastewater treatment and disposal on the subject property:
- (1) No septic information was provided with the application.
- I. Regarding comments received related to existing operations on the subject property:
- (1) A complaint was received on May 24, 2019 about operations on the subject property. They mentioned the site being noisy and an eyesore.
  - (2) A complaint from a second party was received on October 10, 2019 about operations on the subject property. They mentioned noise from jack hammers,

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grinders, and trucks; dirt and dust, rats, and significantly increased truck traffic posing a safety hazard.

- (3) A follow-up email from the second party on October 13, 2019, stated that waste materials were being disposed of from the Illinois Route 49 construction project. P&Z Staff requested information about where the Route 49 project materials were being taken, and were informed that the subject property was the recipient of these materials. IDOT staff stated that District 5 did not receive a waste site submittal for the subject property, and therefore the site was rejected and the material associated with the State project would be removed and taken to an approved waste site.
- (4) A complaint from the first party was received on October 12, 2019 mentioning a significant increase in activity and truck traffic.

(5) The following is a summary of testimony received at the February 27, 2020 ZBA public hearing:

a. Ben Goeckner, 1303 Christopher Circle, Apt 7, Urbana, stated that saving material from going to the landfill should be acknowledged. He said that whether or not something is zoned accordingly, if they are going through the correct process to do so, it should be more than acknowledged that what they are doing is good for the community and the people who will be here after us. Upon cross-exam, Mr. Goeckner stated that he works part-time for the petitioners.

b. Gary Jacobson, 2475 CR 400N, Broadlands, has lived southeast of the subject property for 19 years. Mr. Jacobson stated that they chose the property because they wanted to live in the country with a piece of property that would accommodate a garden and an orchard, and so that they could enjoy the rural country living atmosphere. He said that the property basically has no neighbors other than the farmer who farms the land around it and that only occurs twice per year. He said that the only neighbor that they have is really the church, and that traffic is generally only during Wednesday evenings and Sunday mornings. He said that the area was pretty quiet and that is what they were searching for. He said that when they first moved there, the 5-acre part of the subject property was used for hay production or as a cattle feed lot, and that they did not mind the cattle being there because they are an expected part of agriculture.

Mr. Jacobson said that currently, there is a lot of semi-truck traffic bringing material onto the property. He said that when the concrete is dumped, it doesn't always come out of the truck until the trailer is extended all the way up, thus the concrete comes out all at once, and it sounds like an explosion when this happens. He said that the dumping, in itself, is a lot of noise, and then the movement of that concrete by the tractors and skid-steers is very noisy, and the most annoying noise is the jackhammer, which the neighbors who are one mile away can hear. He said that it doesn't matter what he is doing inside, but when the Blocks run the jackhammer, he can hear it inside of his home with the windows and doors shut and the television or radio on.

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Mr. Jacobson stated that he had an appraisal done for his own property, which put the value at \$40,000 less than the value of the last refinancing appraisal. He said that he and his wife have spent approximately \$100,000 on improvements, so the value was very disappointing.

Regarding traffic, Mr. Jacobson said that there are a lot of semi-trucks, dump trucks, and other vehicles traveling on the road, but the semi-trucks are his largest concern. He said that truck loaded with concrete taking off from the stop sign east of his street does make a lot of noise when taking off and it makes a lot of noise traveling down the road due to the load that it is carrying. He said that sometimes there are loaded semi-trucks coming in and out of the Block property attempting to get up to speed, thus making a lot of lugging noise. He said that there are a lot more trucks and general traffic than what they are used to, and previously, other than during farming season, the only traffic that the road experienced was due to the church.

Mr. Jacobson provided photos and videos to illustrate operations as they can be seen from his property, which were entered as Documents of Record.

- c. Andrew Bequette, attorney for Gary Jacobson, stated that Mr. Jacobson has lost over \$49,000 already, and if the Block's business is allowed to grow, his loss may increase.

Mr. Bequette said that according to the IEPA, waste is anything that has been discarded or no longer has its original purpose. He said that all waste is referred to as solid waste under IEPA regulations; solid waste and waste means the same thing. He said that if you accept any waste from someone else for treatment, transfer, storage, or disposal, including a facility of your own located at a different address, you have to get a permit from the Bureau of Land. He said that he has not seen anything that is a solid waste permit, and the Blocks have not gone through any of those steps. He said that if you were to build a new structure that would house waste, you have to get a development permit from the IEPA. He said that the Jacobson family drinks water from the well across the street from this facility and there has been no study as to what may be seeping into the ground.

Mr. Bequette said that no plans have been offered for review that indicates a loading berth, paving, parking accommodations, restroom facilities, septic system, accessibility, etc., or how much all of this is going to cost. He said that there are many things that are required for the facility to work, but there is no evidence indicating that it will, so he requested that the Board denies the request now and let them come back with the correct information.

- (6) On August 4, 2020, Susan Burgstrom received an email from neighbor Gary Jacobson that included two attached videos. Mr. Jacobson stated that operations have increased to seven days a week and 12+ hours per day.

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- J. Regarding life safety considerations related to the proposed Special Use:
- (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
    - a. The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
    - b. The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
    - c. The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
    - d. Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
    - e. Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
    - f. The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required.
    - g. The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
    - h. The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
    - i. When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and

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which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.

- j. Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked.
- K. Other than as reviewed in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

**GENERALLY REGARDING WHETHER THE SPECIAL USE CONFORMS TO APPLICABLE REGULATIONS AND STANDARDS AND PRESERVES THE ESSENTIAL CHARACTER OF THE DISTRICT**

- 9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
  - A. The Petitioner has testified on the application: **“The area we are using previously was a feed lot for cattle. We have never raised crops on this 5 acres. The equipment makes no more noise than a farm tractor.”**
  - B. Regarding compliance with the *Zoning Ordinance*:
    - (1) Contractors Facilities with Outdoor STORAGE and/or Outdoor OPERATIONS are authorized by right in the B-1, I-1, and I-2 Zoning DISTRICTS and by right in the B-4 DISTRICT provided that all Outdoor STORAGE is located in the REAR YARD and is completely screened by a Type D SCREEN. They are authorized with a Special Use Permit in the AG-1, AG-2, B-4 (except as noted above), and B-5 Zoning DISTRICTS.
    - (2) Based on the May 24, 2019 complaint mentioned under Item 8.I., P&Z Staff sent a letter to Bruce Block on June 3, 2019, requesting information about his operations on the subject property. The letter requested a response by June 17, 2019.
      - a. Susan Burgstrom contacted Bruce Block by phone on September 12<sup>th</sup> because no information had been received. Mr. Block apologized because the letter got buried on his desk, and stated that he would email her the requested information the following week.
      - b. Susan Burgstrom emailed Bruce Block on October 1, 2019 to remind him to send the information. Mr. Block sent an email with the information on October 9, 2019.
      - c. Based on the details provided on October 9<sup>th</sup>, Susan Burgstrom sent a letter to Mr. Block dated October 16, 2019, in which she stated that a Special Use

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Permit application needed to be received by the P&Z Department no later than November 7, 2019 in order to not receive a Notice of Violation.

- d. Mr. Block applied for the Special Use Permit on November 5, 2019.
- (3) Regarding parking on the subject property for the proposed Special Use:
- a. For parking purposes, the Zoning Administrator has determined that a Contractor's Facility is most similar to the requirements for industrial uses.
    - (a) The business has 3 full-time equivalent employees. One parking space is required for every three employees in the industrial land use, for a total of one required employee parking space.
    - (b) There are at least three semi-trucks and an unknown number of dump trailers. In an email received October 9, 2019, Mr. Block stated, "We usually have 2 Kubota 90-2 skid loaders there and sometimes a Caterpillar 315 excavator. We also park our semi-trucks there sometimes. We have 2 International trucks and a Volvo truck and some dump trailers."
    - (c) Industrial uses also require one visitor parking space.
    - (d) The facility will need a total of five required parking spaces plus one space for every dump trailer, and one of these spaces would need to meet Illinois Accessibility Code standards. Should the number of employee or company vehicles increase, more spaces will be required.
  - b. All parking spaces for industrial uses must be surfaced with an all-weather dustless material. Asphalt and concrete are acceptable all-weather dustless materials; gravel is not. A special condition has been added to ensure compliance. There is sufficient grass parking within the Special Use Permit area for all required parking spaces.
  - c. A Type D screen will be required to screen the parking area per paragraph 7.4.1 C.4.b. A Type D screen is "a landscaped berm, or an opaque fence or wall, or SCREEN PLANTING with a minimum HEIGHT of eight feet as measured from the highest adjacent grade."
- (4) Regarding the required LOADING BERTH:
- a. The petitioner must construct one 12 feet by 40 feet LOADING BERTH per the requirements in Section 7.4.2. A special condition has been added to ensure compliance.
- (5) Regarding outdoor storage and operations, a Type D screen will be required to screen outdoor storage and operations per Section 7.6.2.
- a. The petitioners propose evergreen screening on the east, west, and south sides of the 5-acre facility.
  - b. A special condition has been added to ensure compliance with the screening requirements of the Special Use Permit area.

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- C. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*:
- (1) The subject property must comply with the SWMEC Ordinance because one acre or more of land has been disturbed, as noted during a site visit by P&Z Staff on August 17, 2020.
    - a. The petitioners must apply for an IEPA ILR10 permit. Bruce Block indicated on August 10, 2020 that he is applying for the permit with the IEPA Bureau of Water. A special condition has been added to ensure compliance.
  - (2) The subject property is not exempt from the Storm Water Drainage Plan requirement of the SWMEC Ordinance because more than one acre of impervious area is located within any 90,000 square feet area.
    - a. Storm water detention will be required that is compliant with the SWMEC Ordinance.
    - b. A special condition has been added to ensure compliance.
- D. Regarding the Special Flood Hazard Areas Ordinance, no portion of the subject property is located within the mapped floodplain.
- E. Regarding the Subdivision Regulations, the subject property is located in the County's subdivision jurisdiction and the subject property is in compliance.
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-1 Agriculture Zoning District:
- (1) Contractors Facilities with or without Outdoor Storage and/or Operations are allowed with a Special Use Permit in the AG-1 Agriculture Zoning District.
- G. Regarding operations and compliance with IEPA regulations:
- (1) In an email received December 13, 2019, Bruce Block stated that they do not have a permit and that "people at EPA have told me I didn't need one for crushing the concrete."
    - a. In an email dated December 17, 2019, Susan Burgstrom told Bruce Block that written verification regarding permit requirements for his operations would be needed from Illinois EPA.
  - (2) On January 29, 2020, Mr. Bruce Block received confirmation from the Illinois Environmental Protection Agency (IEPA) Bureau of Air that the site is a participant in the IEPA Registration of Smaller Sources (ROSS) Program, which is for businesses with a low level of emissions. Should the site exceed an emissions level stipulated by the ROSS Program, the petitioners would have to apply for a higher-level permit. The site must renew its registration yearly.
    - a. Mr. Block stated that the ROSS registration is the only permit they had obtained for the site.
  - (3) The Illinois Environmental Protection Act (415 ILCS 5) requires at least 25% of the total amount of reclaimed or other asphalt pavement present at a site during a calendar year be transported off of the site during the next calendar year (415 ILCS 5/3.160(b)).

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- a. At the February 27, 2020 ZBA meeting, the following testimony was received: Mr. Brody Block stated that the IEPA informed him that he only has to remove 25% of the asphalt annually, and the IEPA representative was at the site two weeks ago. Mr. Bequette asked Mr. Brody Block if he doubled the amount of asphalt that was present last year, does he only need to remove 25% of last year's volume, or this year's volume. He asked how the 25% is calculated. Mr. Brody Block stated that he did not know how the 25% is calculated, but Mr. Bequette could ask the IEPA representative. Mr. Bequette asked Mr. Bruce Block to indicate the name of the IEPA representative. Mr. Bruce Block stated that he could not remember the IEPA representative's name at this time. Mr. Brody Block stated that the IEPA representative was from Champaign. Mr. Bequette asked Mr. Bruce Block if the IEPA representative conducted a site visit. Mr. Bruce Block stated yes. Mr. Brody Block stated that the IEPA representative informed them that what they were doing was perfectly legal. Mr. Bequette asked Mr. Brody Block if the IEPA representative was present tonight. Mr. Brody Block stated no. Mr. Bequette asked Mr. Brody Block if they had any written materials to submit to the Board from the IEPA representative indicating that what they were doing on the site was perfect. Mr. Block stated no.
  - b. P&Z Staff emailed IEPA staff on May 28, 2020 to request information regarding how a business could best track asphalt. In an email received May 28, 2020, Thomas Hubbard, Permits Section of IEPA Bureau of Land, stated, "The most basic tracking would be material received and material sold. If the site can document that they sell at least 25% of their stockpile every year, then the average retention time of the material is less than 4 years. Another option would be segregating the piles yearly (i.e. all the material received in 2019 is one pile and all the material received in 2020 is another pile, etc.) then showing that no pile is more than 4 years old."
- (4) On March 17, 2020, P&Z Staff became aware that Jennifer O'Hearn with IEPA completed an Open Dump Inspection of the subject property on November 1, 2019. Highlights of the report include the following:
- a. Bruce Block was present during the inspection.
  - b. Ms. O'Hearn observed four apparent continuing violations on the subject property dated from August 2015 and August 2106, as noted on page 3 of the report:
    - (a) Cause or allow open dumping of any waste in a manner which results in deposition of general or clean construction or demolition debris;
    - (b) Cause or allow open dumping;
    - (c) Dispose, treat, store, abandon any waste, or transport any waste into Illinois at or to sites not meeting requirements of the Act; and
    - (d) Cause or allow open dumping of any waste in a manner which results in litter.

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- c. Ms. O’Hearn noted, “Not including the area west of the grain bins, 235 cubic yards of new, unprocessed concrete, brick and asphalt has come into site. Around 120 cubic yards of old concrete remains. Around 90 cubic yards of brick and concrete have left the site and around 75 cubic yards appears to have been newly crushed or partially broken. Around 35 cubic yards of metal in total are at the site” (page 3, first full paragraph).
  - d. The remainder of the report includes photos with descriptors.
  - e. On August 10, 2020, Susan Burgstrom emailed Thomas Hubbard and Jennifer O’Hearn requesting an update on the status of these violations. Ms. Burgstrom submitted a FOIA request for this on August 13, 2020.
- (5) In an email dated August 3, 2020, Bruce Block submitted a copy of a letter from Kenneth Smith, of the IEPA Bureau of Land, Division of Land Pollution Control, which included the following information:
- a. Section 3.160(b)(ii) of the Illinois Environmental Protection Act (Act) specifically excludes clean construction or demolition debris, which includes concrete and asphalt pavement, that is recycled such that it is separated or processed and returned to the economic mainstream in the form of raw materials or products if it is not speculatively accumulated and, if used as a fill material, it is used in accordance with Section 3.160(b)(i) of the Act from being classified as a waste. Therefore, the concrete/asphalt recycling would not need a permit from the BOL.
  - b. The crusher Mr. Block mentioned in his inquiry might need a permit from the IEPA Bureau of Air.
    - (a) The petitioners are registered in the IEPA Bureau of Air ROSS program as of January 29, 2020.
  - c. If more than one acre is being disturbed, a NPDES permit may be needed from the IEPA Bureau of Water.
    - (a) On August 10, 2020, Susan Burgstrom requested an update from Bruce Block regarding additional IEPA permits. Mr. Block responded that he is applying for the permit from the IEPA Bureau of Water.
- H. The proposed Special Use must comply with the Illinois Accessibility Code, which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.

**GENERALLY REGARDING WHETHER THE SPECIAL USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE**

10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use be in harmony with the general intent and purpose of the Ordinance:

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- A. Section 5.2: Table of Authorized Principal Uses states that Contractors Facilities (with or without outdoor STORAGE and/or outdoor OPERATIONS) can be established with a Special Use Permit in the AG-1 Agriculture Zoning District.
- B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
- (1) Subsection 5.1.1 of the Ordinance states, “The AG-1 Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURE pursuits.”
  - (2) The types of uses authorized in the AG-1 District are in fact the types of uses that have been determined to be acceptable in the AG-1 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
- C. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:
- (1) Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.
 

This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements.
  - (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.
 

Gary Jacobson has provided a professional real estate appraisal for his own property located southeast of the subject property. The appraisal indicates that Mr. Jacobson’s property is worth \$49,000 less than it was in a previous appraisal, despite having invested over \$100,000 in improvements to his property. It is not clear whether the proposed special use will have any impact on the value of nearby properties without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.
  - (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.
    - a. The proposed Special Use is likely to increase traffic on CR 400N and on CR 2500E (County Highway 13). The increase is not predictable because operations depend on diverse contracts for area construction waste materials (i.e. asphalt, concrete, etc.).

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- b. In a letter received February 27, 2020, Shawn Walker, Ayers Township Highway Commissioner, did not identify specific concerns about the volume of traffic related to the business on the subject property.
- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.
- a. Regarding erosion concerns, the Natural Resource Report completed by the Champaign County Soil and Water Conservation District received December 17, 2019, states: “Construction sites can experience 20 to 200 tons/acre/year of soil loss, which is greater than other land uses, like agriculture, averaging 4-5 tons/acre/year. It is extremely important that the developer employ Best Management Practices, like the ones listed below, to help reduce soil erosion and protect water quality during and after construction.
- (a) Silt Fencing: A woven geotextile fabric stretched across and attached to supporting posts used to intercept sediment-laden runoff from small drainage areas of disturbed soil. The purpose is to filter out sediment from runoff before it enters a water body.
- (b) Construction Road Stabilization: The stabilization of temporary construction access routes, subdivision roads, on-site vehicle transportation routes, and construction parking areas with stone immediately after grading the area to reduce erosion.
- (c) Vegetative Cover: One of the most important means to control runoff is to plant temporary vegetation around the perimeter of the construction site. This provides a natural buffer to filter sediment and chemicals. The CCSWCD recommends that temporary grass be planted (i.e. smooth bromegrass, oats, cereal rye) to help protect soil from erosion during construction.”
- b. The subject property must comply with the SWMEC Ordinance because one acre or more of land has been disturbed, as noted during a site visit by P&Z Staff on August 17, 2020.
- (a) The petitioners must apply for an IEPA ILR10 permit. Bruce Block indicated on August 10, 2020 that he is applying for the permit with the IEPA Bureau of Water. A special condition has been added to ensure compliance.
- (b) The subject property is not exempt from the Storm Water Drainage Plan requirement of the SWMEC Ordinance because more than one acre of impervious area is located within any 90,000 square feet area.
- i. Storm water detention will be required that is compliant with the SWMEC Ordinance.
- ii. A special condition has been added to ensure compliance.

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- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.
- a. Complaints have been received from neighbors since May 24, 2019 regarding the site being an eyesore; noise from jack hammers, grinders, and trucks; dirt and dust; rats; and significantly increased truck traffic posing a safety hazard.
  - b. Testimony was received at the February 27, 2020 ZBA meeting; a summary of testimony can be found under Item 8.I.(5).
  - c. Regarding compliance with IEPA:
    - (a) The petitioners secured an IEPA Registration of Smaller Sources (ROSS) Program confirmation related to air emissions dated November 29, 2020; this registration must be renewed annually.
    - (b) Violations related to open dumping exist on the subject property, as listed in Item 9.G. above. On August 10, 2020, Susan Burgstrom requested an update from IEPA Bureau of Land on the status of those violations.
    - (c) The petitioners received a letter dated June 2, 2020 from the IEPA Bureau of Land that no permit is necessary if certain conditions are met.
    - (d) On August 10, 2020, Bruce Block indicated that they are applying for the required ILR10 permit from the IEPA Bureau of Water. A special condition has been added to ensure compliance.
  - d. On August 4, 2020, Susan Burgstrom received an email from neighbor Gary Jacobson that included two attached videos. Mr. Jacobson stated that operations have increased to seven days a week and 12+ hours per day.
- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.
- These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those limits.
- (7) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified

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industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the ordinance; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate any problematic conditions.

- (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

This purpose is directly related to maintaining compliance with the Zoning Ordinance requirements for the District and the specific types of uses and the proposed Special Use will have to be conducted in compliance with those requirements.

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.
- a. The proposed Special Use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
  - b. Soils on the subject property are BEST PRIME FARMLAND. The proposed Special Use Permit will not take any land out of agricultural production. A special condition has been added limiting the Special Use to the five-acre area shown on the Site Plan received November 5, 2019.

- (10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The subject property does not contain any natural features.

- (11) Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

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The proposed Special Use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.

- (12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

The proposed Special Use Permit will not take any land out of agricultural production. A special condition has been added limiting the Special Use to the five-acre area shown on the Site Plan received November 5, 2019.

- (13) Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed Special Use will not hinder the development of renewable energy sources.

**GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE**

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:
- A. The Petitioner has testified on the application: **“It will give it the proper permitting for what we are using it for.”**
  - B. The existing use on the property is not a nonconforming use.

**GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL**

12. Regarding proposed special conditions of approval:
- A. A Change of Use Permit shall be applied for within 30 days of the approval of Case 967-S-19 by the Zoning Board of Appeals. In order to receive a Zoning Compliance Certificate for the Change of Use Permit, the petitioners must complete the following:**
    - (1) Within six months of approval of Case 967-S-19, a complete Storm Water Drainage Plan that conforms to the requirements of the Storm Water Management and Erosion Control Ordinance shall be submitted and approved.**
    - (2) Within 12 months of Change of Use Permit approval, the petitioners must complete the following:**
      - a. Construction of the necessary storm water improvements shall be completed on the five-acre Special Use Permit site, and all required certifications in the SWMEC Ordinance shall be submitted.**

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- b. The petitioners must plant sufficient vegetative screening on the subject property to screen the Special Use Permit outdoor storage and parking areas from the residential lot located southeast of the subject property. Per standard Department practice, a sufficient vegetative screen must be four to six feet high at the time of planting, and if recommended spacing of a single row of the selected species will not provide 50% screen in two years, then the screen must be planted in staggered rows.**
- c. The petitioner must construct paved parking spaces and one loading berth meeting the requirements of Section 7.4 on the subject property.**
- d. All crushing of concrete or asphalt on the subject property must be done inside a building with four walls, OR all crushing must cease on the subject property.**
- e. The petitioner must demonstrate that the proposed Special Use complies with the Illinois Accessibility Code.**

The special condition stated above is required to ensure the following:  
**The establishment of the proposed use shall comply with State and local requirements.**

- B. 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.**

- C. The Special Use Permit area will be limited to no more than five acres, as reflected in the Annotated Site Plan created by P&Z Staff on August 18, 2020 and approved by the ZBA on August 27, 2020.**

The special condition stated above is required to ensure the following:  
**To protect best prime farmland from being converted to a non-agricultural use.**

- D. Should the five-acre contractor facility ever be divided from the 35-acre property, the lot 5-acre lot and the 30-acre lot will each need a variance for a lot area of more than three acres on best prime farmland.**

The special condition stated above is required to ensure the following:  
**That any division of the subject property is compliant with the Zoning Ordinance.**

- E. The only solid waste that may be brought to the property is “clean construction or demolition debris” as defined by the Illinois Environmental Protection Agency, and/or landscape waste, and must be from demolition projects by Block Field Tiling**

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**LLC. Clean construction or demolition debris and/or landscape waste cannot be brought to the property from demolition projects by others.**

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

**To ensure that the subject property does not become a waste transfer station or other type of solid waste facility.**

- F. All handling and crushing of clean construction or demolition debris must be in conformance with the requirements of the Illinois Environmental Protection Agency and the petitioners must provide copies of all communications from Illinois EPA to the Zoning Administrator upon request.**

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

**To ensure compliance with IEPA requirements to ensure public health and safety.**

- G. Unloading of dump trucks and/or breaking and/or crushing of asphalt and/or concrete may only occur on the property between the hours of 8 a.m. to 5 p.m. on Monday through Friday.**

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

**To minimize nuisance conditions for neighbors.**

**DOCUMENTS OF RECORD**

1. Application for Special Use Permit received November 5, 2019, with attachment:
  - A Site Plan
2. Letter from P&Z Staff to Bruce Block dated June 3, 2019
3. Email from Bruce Block received October 9, 2019
4. Letter from P&Z Staff to Bruce Block dated October 16, 2019
5. Email from Bruce Block received December 13, 2019
6. Natural Resources Report from Champaign County Soil and Water Conservation District received December 17, 2019
7. Preliminary Memorandum dated January 23, 2020, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Site Plan received November 5, 2019
  - C Aerial photography from 1973, 1988, 2005, 2008, 2014, 2016, 2017, and 2019
  - D Letter from P&Z Staff to Bruce Block dated June 3, 2019
  - E Email from Bruce Block received October 9, 2019
  - F Letter from P&Z Staff to Bruce Block dated October 16, 2019
  - G Email from Bruce Block received December 13, 2019
  - H Natural Resources Report from Champaign County Soil and Water Conservation District received December 17, 2019
  - I Site Visit Photos taken December 12, 2019
  - J Case 967-S-19 Preliminary Summary of Evidence, Finding of Fact, and Final Determination dated January 30, 2020
8. Supplemental Memorandum #1 dated February 20, 2020, with attachments:
  - A ROSS Program registration confirmation letter dated January 29, 2020 and received February 20, 2020
  - B ROSS Program Fact Sheet
9. Supplemental Memorandum #2 dated February 27, 2020, with attachments:
  - A Appraisal Report by Phillip Trautman, received February 26, 2020, from Andrew Hall, Attorney on behalf of Gary Jacobson
  - B Annotated aerial photo received February 26, 2020, from Andrew Hall, Attorney on behalf of Gary Jacobson
  - C Affidavit of Robert G. Lewis received February 26, 2020, from Andrew Hall, Attorney on behalf of Robert Lewis
  - D Letter from Robert Lewis received February 26, 2020, from Andrew Hall, Attorney on behalf of Robert Lewis
  - E Photos received February 26, 2020, from Andrew Hall, Attorney on behalf of Gary Jacobson
  - F List of Illinois concrete disposal sites received February 26, 2020, from Andrew Hall, Attorney
  - G Letter from Shawn Walker, Ayers Township Highway Commissioner, received February 27, 2020

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10. Videos and images of subject property submitted at the February 27, 2020 ZBA meeting by Andrew Hall, Attorney on behalf of Gary Jacobson
11. Email from Bruce Block received March 7, 2020
12. IEPA Bureau of Land Inspection Report dated November 1, 2019 and received March 17, 2020
13. Email from Bruce Block received May 27, 2020
14. Email string between Susan Burgstrom and Thomas Hubbard, IEPA Bureau of Land, dated May 28, 2020
15. Email from Bruce Block received August 3, 2020, with attachment: IEPA Bureau of Land letter
16. Email from Gary Jacobson received August 4, 2020, with attachments: 2 videos
17. Site visit photos dated August 17, 2020
18. Supplemental Memorandum #3 dated August 19, 2020, with attachments:
  - A Excerpt of approved minutes from February 27, 2020
  - B Annotated Site Plan created by P&Z Staff on August 18, 2020
  - C Email from Bruce Block received March 7, 2020
  - D Evaluation Report by IEPA Bureau of Land received March 17, 2020
  - E Email from Bruce Block received May 27, 2020
  - F Email string between Susan Burgstrom and Thomas Hubbard, IEPA Bureau of Land, dated May 28, 2020
  - G Email from Bruce Block received August 3, 2020, with attachment: IEPA Bureau of Land letter dated June 2, 2020
  - H Email from Gary Jacobson received August 4, 2020, with attachments: 2 videos (posted on the ZBA meetings website: [http://www.co.champaign.il.us/CountyBoard/meetings\\_ZBA.php](http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php))
  - I Site visit photos dated August 17, 2020
  - J Revised Summary of Evidence, Finding of Fact and Final Determination dated August 27, 2020

**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **967-S-19** held on **February 27, 2020** and August 27, 2020, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location because:
2. 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 / WILL}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
  - a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE / INADEQUATE}* visibility.
  - b. Emergency services availability is *{ADEQUATE / INADEQUATE}* *{because\*}*:
  - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because\*}*:
  - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* *{because\*}*:
  - e. Public safety will be *{ADEQUATE / INADEQUATE}* *{because\*}*:
  - f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* *{because\*}*:
  - g. The property *{IS/IS NOT}* WELL SUITED OVERALL for the proposed improvements *{because\*}*:
  - h. Existing public services *{ARE/ARE NOT}* available to support the proposed SPECIAL USE without undue public expense *{because\*}*:
  - i. Existing public infrastructure together with the proposed development *{IS/IS NOT}* adequate to support the proposed development effectively and safely without undue public expense *{because\*}*:

*(Note the Board may include other relevant considerations as necessary or desirable in each case.)*

\*The Board may include additional justification if desired, but it is not required.

- 3a. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located because:
  - a. The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes.
  - b. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.
  - c. Public safety will be *{ADEQUATE / INADEQUATE}*.
4. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:
  - a. The Special Use is authorized in the District.
  - b. The requested Special Use Permit *{IS/ IS NOT}* necessary for the public convenience at this location.

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- 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 / 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 / DOES NOT}* preserve the essential character of the DISTRICT in which it is located.
5. The requested Special Use *IS NOT* an existing nonconforming use.
6. *{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:*

**A. A Change of Use Permit shall be applied for within 30 days of the approval of Case 967-S-19 by the Zoning Board of Appeals. In order to receive a Zoning Compliance Certificate for the Change of Use Permit, the petitioners must complete the following:**

- (1) Within six months of approval of Case 967-S-19, a complete Storm Water Drainage Plan that conforms to the requirements of the Storm Water Management and Erosion Control Ordinance shall be submitted and approved.**
- (2) Within 12 months of Change of Use Permit approval, the petitioners must complete the following:**
- a. Construction of the necessary storm water improvements shall be completed on the five-acre Special Use Permit site, and all required certifications in the SWMEC Ordinance shall be submitted.**
- b. The petitioners must plant sufficient vegetative screening on the subject property to screen the Special Use Permit outdoor storage and parking areas from the residential lot located southeast of the subject property. Per standard Department practice, a sufficient vegetative screen must be four to six feet high at the time of planting, and if recommended spacing of a single row of the selected species will not provide 50% screen in two years, then the screen must be planted in staggered rows.**
- c. The petitioner must construct paved parking spaces and one loading berth meeting the requirements of Section 7.4 on the subject property.**
- d. All crushing of concrete or asphalt on the subject property must be done inside a building with four walls, OR all crushing must cease on the subject property.**
- e. The petitioner must demonstrate that the proposed Special Use complies with the Illinois Accessibility Code.**

The special condition stated above is required to ensure the following:  
**The establishment of the proposed use shall comply with State and local requirements.**

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- B. **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.**

- C. **The Special Use Permit area will be limited to no more than five acres, as reflected in the Annotated Site Plan created by P&Z Staff on August 18, 2020 and approved by the ZBA on August 27, 2020.**

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

**To protect best prime farmland from being converted to a non-agricultural use.**

- D. **Should the five-acre contractor facility ever be divided from the 35-acre property, the ~~lot 5-acre lot and the 30-acre lot~~ will each need a variance for a lot area of more than three acres on best prime farmland.**

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

**That any division of the subject property is compliant with the Zoning Ordinance.**

- E. **The only solid waste that may be brought to the property is “clean construction or demolition debris” as defined by the Illinois Environmental Protection Agency, and/or landscape waste, and must be from demolition projects by Block Field Tiling LLC. Clean construction or demolition debris and/or landscape waste cannot be brought to the property from demolition projects by others.**

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

**To ensure that the subject property does not become a waste transfer station or other type of solid waste facility.**

- F. **All handling and crushing of clean construction or demolition debris must be in conformance with the requirements of the Illinois Environmental Protection Agency and the petitioners must provide copies of all communications from Illinois EPA to the Zoning Administrator upon request.**

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- G. **Unloading of dump trucks and/or breaking and/or crushing of asphalt and/or concrete may only occur on the property between the hours of 8 a.m. to 5 p.m. on Monday through Friday.**

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

**To minimize nuisance conditions for neighbors.**

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Page 33 of 34****FINAL DETERMINATION**

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

The Special Use requested in Case 967-S-19 is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicants, **Bruce and Brody Block, d.b.a., Block Field Tiling, LLC**, to authorize the following:

**Authorize a Contractor's Facility with Outdoor Storage and Outdoor Operations as a Special Use in the AG-1 Agriculture Zoning District.**

*{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:}*

- A. A Change of Use Permit shall be applied for within 30 days of the approval of Case 967-S-19 by the Zoning Board of Appeals. In order to receive a Zoning Compliance Certificate for the Change of Use Permit, the petitioners must complete the following:**
- (1) Within six months of approval of Case 967-S-19, a complete Storm Water Drainage Plan that conforms to the requirements of the Storm Water Management and Erosion Control Ordinance shall be submitted and approved.**
  - (2) Within 12 months of Change of Use Permit approval, the petitioners must complete the following:**
    - a. Construction of the necessary storm water improvements shall be completed on the five-acre Special Use Permit site, and all required certifications in the SWMEC Ordinance shall be submitted.**
    - b. The petitioners must plant sufficient vegetative screening on the subject property to screen the Special Use Permit outdoor storage and parking areas from the residential lot located southeast of the subject property. Per standard Department practice, a sufficient vegetative screen must be four to six feet high at the time of planting, and if recommended spacing of a single row of the selected species will not provide 50% screen in two years, then the screen must be planted in staggered rows.**
    - c. The petitioner must construct paved parking spaces and one loading berth meeting the requirements of Section 7.4 on the subject property.**
    - d. All crushing of concrete or asphalt on the subject property must be done inside a building with four walls, OR all crushing must cease on the subject property.**
    - e. The petitioner must demonstrate that the proposed Special Use complies with the Illinois Accessibility Code.**

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- B. **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.**
  
- C. **The Special Use Permit area will be limited to no more than five acres, as reflected in the Annotated Site Plan created by P&Z Staff on August 18, 2020 and approved by the ZBA on August 27, 2020.**
  
- D. **Should the five-acre contractor facility ever be divided from the 35-acre property, the ~~lot~~ 5-acre lot and the 30-acre lot will each need a variance for a lot area of more than three acres on best prime farmland.**
  
- E. **The only solid waste that may be brought to the property is “clean construction or demolition debris” as defined by the Illinois Environmental Protection Agency, and/or landscape waste, and must be from demolition projects by Block Field Tiling LLC. Clean construction or demolition debris and/or landscape waste cannot be brought to the property from demolition projects by others.**
  
- F. **All handling and crushing of clean construction or demolition debris must be in conformance with the requirements of the Illinois Environmental Protection Agency and the petitioners must provide copies of all communications from Illinois EPA to the Zoning Administrator upon request.**
  
- G. **Unloading of dump trucks and/or breaking and/or crushing of asphalt and/or concrete may only occur on the property between the hours of 8 a.m. to 5 p.m. on Monday through Friday.**

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

SIGNED:

ATTEST:

Ryan Elwell, Chair  
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date