

**MINUTES OF REGULAR MEETING**

**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

**1776 E. Washington Street  
Urbana, IL 61802**

**DATE: April 13, 2023 PLACE: Shields-Carter Meeting Room  
1776 East Washington Street  
Urbana, IL 61802**

**MEMBERS PRESENT:** Ryan Elwell, Larry Wood, Lee Roberts, Tom Anderson, Nolan Herbert,  
Thaddeus Bates, Jim Randol

**MEMBERS ABSENT:** None

**STAFF PRESENT:** John Hall, Susan Burgstrom, Stephanie Berry

**OTHERS PRESENT:** Jeff Jenkins, Deanna Zehr, Jim Weickersheimer, Kipp Weickersheimer

**1. Call to Order**

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

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

The roll was called, and a quorum declared present.

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

**3. Correspondence - None**

**4. Minutes – March 16, 2023**

Mr. Elwell asked if there was any discussion on the March 16, 2023 minutes.

**Mr. Wood moved, seconded by Mr. Randol, to approve the March 16, 2023 minutes. The motion carried by voice vote.**

**5. Audience participation with respect to matters other than cases pending before the Board - None**

**6. Continued Public Hearings**

Mr. Elwell asked Ms. Burgstrom if Supplemental Memo #6 is the most current memo for tonight’s case.

Ms. Burgstrom said Memorandum #6 is the most current in terms of the special conditions listed. She said that Supplemental Memorandum #5 that went out in the mail has the most current Findings of Fact.

**Case 035-AM-21**

**Petitioner: Jeffrey Jenkins d.b.a. Walnut Grove MHC**

1 Request: **Amend the Zoning Map to change the zoning district designation from the AG-1**  
2 **Agriculture Zoning District to the R-5 Manufactured Home Park Zoning District in**  
3 **order to operate the proposed Special Use with waivers in related Zoning Case 036-**  
4 **S-21.**

5  
6 **Case 036-S-21**

7 Petitioner: **Jeffrey Jenkins d.b.a. Walnut Grove MHC**

8  
9 Request: **Authorize the expansion and use of an existing nonconforming manufactured home**  
10 **park with 12 existing plus 8 proposed manufactured home sites in the R-5**  
11 **Manufactured Home Park Zoning District, contingent upon the rezoning of the**  
12 **subject property in related case 035-AM-21 and including the waivers of standard**  
13 **conditions as listed on the legal advertisement (other waivers may be necessary).**

14  
15 **Case 041-V-22**

16 Petitioner: **Jeffrey Jenkins d.b.a. Walnut Grove MHC**

17  
18 Request: **Authorize a variance for a 9.68-acre lot in lieu of the maximum allowed 3 acres in**  
19 **area for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning**  
20 **District, per Section 5.3 of the Champaign County Zoning Ordinance.**

21  
22 Location: **A 9.68-acre tract in the Northwest Quarter of the Northwest Quarter of Section 10,**  
23 **Township 20 North, Range 9 East of the Third Principal Meridian in Somer**  
24 **Township and commonly known as Walnut Grove MHC with an address of 1513 CR**  
25 **2300N, Urbana.**

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

30  
31 Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County allows  
32 anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a  
33 show of hands from those who would like to cross-examine, and each person will be called upon. He said  
34 that those who desire to cross-examine do not have to sign the Witness Register but will be asked to clearly  
35 state their name before asking any questions. He noted that no new testimony is to be given during the  
36 cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are  
37 exempt from cross-examination. He asked if the petitioner would like to outline the nature of their request  
38 prior to introducing evidence.

39  
40 Mr. Jeffrey Jenkins, 13426 Maverick Rd, Marion, Illinois, said it seems as though we've pretty much  
41 covered everything. He said that Ms. Burgstrom had highlighted page 3 of the memo and he guesses it is  
42 just basically confirming that he does deal with EPA. He said monthly prior to the 25<sup>th</sup> of the month he  
43 has to submit a DMR report to EPA. He said it is extremely technical; one little riff in that report and it  
44 won't approve, which is pretty much how EPA handles things. He said he is very used to that through the  
45 years; he has been certified with EPA since 1994 so he knows their function. He said he did send forward  
46 his IEPA permit that is on the loose paper that is not in the docket. He said as far as that goes, when he  
47 first purchased the property on June 10, 2019, he was informed by EPA how he needed to register, how  
48 he needed to handle his DMRs and they got introduced to each other very quick. He said he met the  
49 Springfield inspector thereafter and he came out to the community. He said the inspector additionally

1 came out to the community three years in a row; he said this is not normal, EPA just needed to confirm  
2 all the functions of the community. He said the last time the inspector came out was March 20, 2022, and  
3 Dodge, his nickname, got transferred to Springfield from Champaign. He said they went out to the  
4 drainage ditch system and dug through the hillside and found the discharge. He said he wanted to prove  
5 to the inspector that it was dry. He said he climbed halfway down that hill and pulled the weeds around  
6 and stuck his forearm up in the hole and pulled his hand out and it was dry. He said the inspector said  
7 okay, that's what he needed to know. He said that was 2022 and the inspector said their subsequent  
8 meetings were every two years from there on out. He said the inspector documented everything, and his  
9 next meeting will be early 2024 with inspection of the sewage treatment plant. He said aside from that it  
10 seems we have pretty much covered everything. He said we were close to done last meeting, but  
11 unfortunately time ran out.

12

13 Mr. Elwell asked if there were any questions from the Board.

14

15 Mr. Randol said he didn't have a question but had a comment. He told Mr. Jenkins that if he would have  
16 provided this type of information months ago, it would have helped shorten this whole issue up and been  
17 a lot speedier for him. He said definitely after the first meeting, anything that he had like this from the  
18 EPA, any of his inspections, would have been a major help rather than dragging on like it has. He said in  
19 the future, let this be a good lesson when he's dealing with this Board.

20

21 Mr. Elwell asked if there were any further questions from the Board or Staff.

22

23 Mr. Hall asked Mr. Jenkins when he got his IEPA permit for the septic system.

24

25 Mr. Jenkins said that would be September of 2019.

26

27 Mr. Hall said he appreciated knowing that; Staff called around to IDPH and local County Health  
28 Department to see if anyone had records of his system, and no one did. He said Staff didn't call EPA  
29 because it has been his understanding that since about 2013, the USEPA is the approving body for all  
30 surface discharge systems, so he is very surprised that Mr. Jenkins has an IEPA permit. He said he would  
31 be even more surprised if that same IEPA permit would apply when Mr. Jenkins expands from 12 units to  
32 20 units like Mr. Jenkins has proposed. He said that is why Staff was thinking it would be a USEPA permit  
33 at that point. He said from a staff level, all we're really concerned about is that Mr. Jenkins has proper  
34 authorizations. He said it seems from what Mr. Jenkins has said tonight that he is up to date with all his  
35 EPA permits, and asked why he isn't up to date with his IDPH permit and license. He asked Mr. Jenkins  
36 if the letter Staff presented to this Board in the Preliminary Memorandum is no longer valid that says  
37 IDPH said he is not compliant.

38

39 Mr. Jenkins said he is registered.

40

41 Mr. Hall asked if he is compliant with the license; he has added units without getting IDPH license  
42 approval.

43

44 Mr. Jenkins said he is compliant.

45

46 Mr. Hall said let him re-ask that. He asked if it was true that Mr. Jenkins added units without adding them  
47 to his IDPH license.

48

49 Mr. Jenkins said the procedure as he understands it, reiterated with Jeff Heste, said once you get approval

1 from ZBA, then he has to go to them to get approval from them too. He said he understands that they have  
2 environmental inspections, and he understands that it was approved for the 20 homes, but it has not been  
3 approved by them.

4  
5 Mr. Hall asked if he was talking about the EPA environmental inspection for the septic system permit.  
6

7 Mr. Jenkins said the environmental inspection that he submits for these meetings.  
8

9 Mr. Hall asked if he was referring to the Bacon Farmer Workman document that he had previously  
10 submitted.

11  
12 Mr. Jenkins said yes, thank you.  
13

14 Mr. Hall asked Mr. Jenkins when he does the expansion to 20 units, he will then be considered a  
15 community water system, is that correct.

16  
17 Mr. Jenkins said absolutely.  
18

19 Mr. Hall asked if the well house would have to be modified to deal with the chlorination equipment and  
20 stuff like that that will be necessary.

21  
22 Mr. Jenkins said the fact that it has a well house is actually unique. He said he has never seen it, and that  
23 is another reason why he bought the community. He said Charles Hepler did too much subsurface stuff,  
24 and even had a well house. He said the well house has a two-inch riser from a five-horsepower pump that  
25 comes up two feet and it goes over six feet and down two feet into the ground to get to the pressure tank.  
26 He said that is all that is in that room along with an air pump that's in there to put more air into the system  
27 for the pressure tank – that's all that's in that whole room.

28  
29 Mr. Hall asked if Mr. Jenkins thinks that well house will be adequate to house any new equipment he will  
30 need for a community water supply.

31  
32 Mr. Jenkins said absolutely, yes, as you enter, you have about three feet of working area to that two-inch  
33 pipe that is right by your knees. He said across from there you have about four feet of open area in there.  
34 He said in his first mobile home community that he purchased in 1994, a few years thereafter it was on a  
35 well system and he put a chlorination pump in there. He said God bless Charles Hepler, because that's  
36 why he did that; that's why he put the building up, he ran the pipe across because you simply have to put  
37 a tap into that two-inch steel to pump chlorine into it. He said it pumps when the well goes on; they're  
38 simultaneous and then they both shut down. He said it's a great system, and it will eat up the bacteria that  
39 eats iron.

40  
41 Mr. Hall asked once Mr. Jenkins has a community water supply, how often will IEPA require samples to  
42 be taken and results submitted.

43  
44 Mr. Jenkins said quarterly. He said he's pretty sure it's quarterly because they're done by Michael  
45 Flanagan.  
46

47 Mr. Hall asked Mr. Jenkins how often he is submitting the results of water samples now to IDPH.  
48

49 Mr. Jenkins said that Michael Flanagan taps them in his routes.

1 Mr. Hall asked how often Mr. Flanagan does them now.  
2  
3 Mr. Jenkins said every quarter, every three months, no coliform.  
4  
5 Mr. Hall asked Mr. Jenkins if he plans to be the licensed operator for that community water supply.  
6  
7 Mr. Jenkins said yes.  
8  
9 Mr. Hall said but Mr. Jenkins lives in Marion. He asked if an operator can have an assistant that works  
10 remotely.  
11  
12 Mr. Jenkins said he is up here every weekend and he's up here if ever there's a problem, sometimes two  
13 or three times a week but that's rare. He said he's up every weekend for at least a day, whether it's lawn  
14 care or whatever, he's here. He said he's not negligent.  
15  
16 Mr. Hall said okay, thank you.  
17  
18 Mr. Jenkins said thank you.  
19  
20 Mr. Elwell asked if there were any other questions from the Board.  
21  
22 Mr. Herbert asked if Staff had any information on the water samplings that were done for some residents  
23 by Culligan that indicated e. coli. He asked if there was any official documentation on that.  
24  
25 Ms. Burgstrom said no.  
26  
27 Mr. Herbert asked if Mr. Jenkins was aware of that.  
28  
29 Mr. Jenkins said if he's talking about David and Jamie Burke playing around with the water system, that's  
30 probably something we shouldn't talk about because they potentially right now are in a lawsuit for turning  
31 into this Board what they turned in. He said the Burkes were told they could never come onto that property  
32 again by his attorney, Lauren McQueen of Meyer Capel, and given to their attorney. He said they're never  
33 to come onto that property again and that is a real sore spot with him because they do. He said that is who  
34 is producing this. He said there is not a problem with the water, the problem that needs to be addressed is  
35 not anything that can hurt a human being, it's just high in iron; it's well water. He said the activity that  
36 happens in the water that's high in iron is that it gets eaten by bacteria, and that bacteria can put off some  
37 odors with the water. He said the chlorine being pumped into the system kills that bacteria and very  
38 minimally cleans up the iron, but it is a better system with it. He said unfortunately for over a year now,  
39 he has been financially completely crunched with this community because he is on a cease-and-desist. He  
40 said he feels awful for this lady who has to drive past the community every day and see a mobile home  
41 that has just been brought in that he will not interfere with the County's command; he won't take the hitch  
42 off; he won't put skirting on it – it's ugly. He said she has to see it every day. He said he feels bad about  
43 that, but he is not going to violate this Board whatsoever. He said he did not even put a deck on that home  
44 to go in and out because now it's a storage place, he just shoves things in the door and steps on some  
45 blocks to get in. He said with all due respect, he would love to have had a chlorination system in there by  
46 now because they have proved out well for him in the past, but that takes money. He said when in a year  
47 he loses \$52,000 for a cease-and-desist, it's really hard to buy a chlorination system, but he'll get there in  
48 time.  
49

1 Mr. Herbert said the roof appeared to be falling in on the well house; what about the people that live next  
2 to that. He said he guesses Mr. Jenkins is worried about a hitch.  
3  
4 Mr. Jenkins said this is all coming from Jamie and David Burke who were evicted from their community  
5 after terrorizing their community for a year.  
6  
7 Mr. Herbert asked if the picture he held up shows the well house.  
8  
9 Mr. Jenkins said that is his well house.  
10  
11 Mr. Herbert asked if that was the roof falling off.  
12  
13 Mr. Jenkins said that is a roof that was caved in by the tree.  
14  
15 Mr. Herbert asked if it was still caved in.  
16  
17 Mr. Jenkins asked if he could please finish his statement. He said that roof was caved in by a branch that  
18 fell off the neighbor's tree that right now is with State Farm and State Farm does not want to pay out of  
19 Rantoul. He said that's potentially going to have to go to a \$5,000 small claims to get that. He said he  
20 can't tamper with that when it's in negotiation on that. He said if he went and fixed it, that's his own  
21 nickel. He said again, the temperature in that well house all winter was 60 degrees, regardless of what that  
22 tree did to it, it's a rubber roof, that is a rubber membrane up there and no water ever came into that. He  
23 said insulation is stuffed around the ugly parts so he could hold the temperature inside the room. He said  
24 again, David and Jamie Burke making a say in this meeting upsets him. He said you can hear a pin drop  
25 in their community now, better than ever.  
26  
27 Mr. Elwell asked if there were any other questions from the Board.  
28  
29 Mr. Bates asked Mr. Jenkins if he owns all the trailers that are on the property.  
30  
31 Mr. Jenkins said he does not.  
32  
33 Mr. Bates asked if he just owns the property and others bring the trailers in, so he is not responsible for  
34 maintaining the trailers on the property.  
35  
36 Mr. Jenkins said only the ones he owns.  
37  
38 Mr. Bates asked if Mr. Jenkins owns the one on lot 11.  
39  
40 Mr. Jenkins said yes, former home of David and Jamie Burke, if that's where this is going.  
41  
42 Mr. Bates said he's just trying to ask questions on the pictures that were presented; he thinks it's worth  
43 asking so Mr. Jenkins has his say as well. He asked Mr. Jenkins about his thoughts on the outlet that is in  
44 the photo.  
45  
46 Mr. Jenkins said he doesn't respect what they are doing.  
47  
48 Mr. Bates told Mr. Jenkins that he is not trying to upset him, he is just trying to understand what is  
49 happening here.

1 Mr. Jenkins said you have no idea the hell they went through with those monsters in their community,  
2 doing that to the entire community and terrorizing everybody in the community. He said his son lived  
3 across the street from them; he did not sleep at night because they were up to something. He said the yard  
4 looked like Cabrini Green. He said it was nonsense; he drove his lawn tractor through everybody's back  
5 yards over and over for hours with a choo-choo train of his kids. He said then Furnace Doctor, the guy  
6 who ripped out the guts of his furnace and then claimed and told Mr. Hall that his furnace was condemned  
7 and he was negligent. He said he finally got a guy to go over there and fix it, and the guy said all the wires  
8 had been cut in there, and somebody stuck a screwdriver in the blower and ovalled it out to blow a straight  
9 stream, then took the pilot and bent the flange up so the pilot blew up. He said this was sabotage, and it  
10 was Furnace Doctor. He said the Furnace Doctor guy rides the minibike behind their tractor through  
11 everybody's yards. He said he doesn't like insurrectionists, he despises them; he said he confronts them  
12 and when you can't do anything about it you get to live like this. He said to go look at his signature over  
13 there; he can't write his name properly right now, after all this stuff that has gone on in here. He said it's  
14 not fair what's happening, but he accepts all of this because in 2020 he talked to Michael Flanagan when  
15 they walked through their inspection of the whole community and he wrote him up for this and that, and  
16 he said Michael, I have an acre over here and two empty lots here, what do you think about increasing the  
17 permit to 20. He said Mr. Flanagan said it shouldn't be a problem; Mr. Flanagan knows the water system,  
18 he knew the sewer system, he knew all about that community through the years. He said so he got a permit  
19 for 20 homes, and he thought he was done. He said he doesn't know that that point has ever been made in  
20 this meeting. He said again, he's sorry, but he's been gun-shy about this meeting and he's not in his  
21 territory. He said he's just trying to make good of a community that's been run down for a long time. He  
22 said it's been a sort of flophouse and he wants to make it better. He said it would be nice if he could make  
23 a dollar or two every month, because he hasn't in four years; it's been a total loss and now this is absolutely  
24 killing him. He said back to the question, he's sorry about the rant. He said about that receptacle, when  
25 they moved in, David Burke hung over his back the whole time while he replaced all the cover plates and  
26 tightened up all the receptacles. He said Mr. Burke told him to do this and that, and didn't he know  
27 electrical. He said the Burkes smelled something in their bedroom, and rather than call an electrician and  
28 pull the cover plate off and see the loose wire on the receptacle, Mr. Burke called the fire department, the  
29 guys he used to work with. He said he got a whole fire crew out there for that, a loose wire on a receptacle.  
30 He said he made a big extravaganza about it but that's David Burke.

31

32 Mr. Bates said that's all he was asking and appreciated his clarification.

33

34 Mr. Elwell asked if there were any other questions from the Board.

35

36 Mr. Hall asked Mr. Jenkins if there is a reason that he hasn't at least submitted an application to IDPH or  
37 does he at least have one prepared and ready to submit that he could show this Board.

38

39 Mr. Jenkins said he really doesn't understand; does he mean because Mr. Hall wasn't able to find his  
40 permit.

41

42 Mr. Hall said no, he means because of the letter that is in the Preliminary Memorandum from Andrew  
43 Friedrich, who asked for an application. He said he would have thought by now that Mr. Jenkins would  
44 have drafted an application or begun working on one.

45

46 Mr. Jenkins said all of that has concluded.

47

48 Mr. Hall asked Mr. Jenkins if he submitted to IDPH for 20 sites.

49

1 Mr. Jenkins said oh, for 20 sites, no. He said IEPA is the next step after ZBA. He said if he can't put 20  
2 homes in, then why is he applying for 20 homes.

3  
4 Mr. Hall said he just thought maybe Mr. Jenkins would have started preparing an application, because he  
5 would imagine it takes a while to get one prepared; he knows this hearing has taken much longer than it  
6 should have, and if the approval process with IDPH takes as long as this, Mr. Jenkins won't meet the  
7 conditions that Staff has proposed. He said that's why he was wondering if he had a draft application.

8  
9 Mr. Jenkins said it will all get done, but he's doing it subsequent. He said he expected a few meetings with  
10 the ZBA, and here we are at four, five or six. He said we're taking baby steps, we will get there, he  
11 promises.

12  
13 Mr. Hall said okay, thank you.

14  
15 Mr. Elwell asked if there were any other questions from the Board or Staff. Seeing none, he asked if  
16 anyone would like to cross-examine this witness. Seeing no one, he thanked Mr. Jenkins. Mr. Elwell called  
17 Deanna Zehr to testify.

18  
19 Deanna Zehr, 1532B CR 2300N, Urbana, said that this has been a very educational thing watching the  
20 workings of the zoning board through this process. She said she appreciates the Board taking the time to  
21 address the addition of the trailer park. She said she is happy to see that units 17 through 20 will be up to  
22 code. She said she dearly hopes that the additional requirements, green space, lighting, etc. are enforced.  
23 She said she is disappointed that the illegally placed trailers will get a waiver with no consequences for  
24 ignoring zoning rules. She said thank you for laying out an outline of other agencies that need to be  
25 addressed before continuing this development. She said she watched this Board deny waivers from a  
26 company that came to them before building and that did everything that was asked of them but was denied  
27 because it was too close to Homer. She said you have a contractor who stated he was unaware of zoning  
28 rules for this county, and the Board is possibly granting him waivers for illegally placing trailers. She said  
29 with that said she is pleased that the Board is asking him to follow the rules for the remaining development.  
30 She said she wanted to reiterate that she is not against the expansion of the mobile home park. She said  
31 she just wants it built to code to avoid some of the disastrous developments that this county has had in the  
32 past. She thanked them for their time and patience.

33  
34 Mr. Elwell thanked Ms. Zehr and asked if there were any questions from the Board. He asked Ms. Zehr if  
35 she could provide a copy of what she read to Staff. He asked if there were any questions from Staff. Seeing  
36 none, he asked if anyone would like to cross-examine this witness. Seeing no one, he thanked Ms. Zehr.

37  
38 Ms. Zehr said thank you for your time.

39  
40 Mr. Elwell asked if anyone else would like to testify in this case. Seeing no one, he asked for a motion to  
41 close the Witness Register.

42  
43 **Mr. Roberts moved, seconded by Mr. Herbert, to close the Witness Register. The motion passed by**  
44 **voice vote.**

45  
46 Mr. Elwell asked Mr. Jenkins to step back up to the microphone. He asked the Board how they would like  
47 to proceed.

48  
49 Mr. Elwell asked Mr. Hall if he would be able to describe to the Board what some of those, like the IDPH,



1 if the Board says yes, is Mr. Jenkins going to have to have that going towards the Board.

2  
3 Mr. Hall said yes, if the Board approves both of these cases, Mr. Jenkins will not get a permit for any  
4 construction until he has an IDPH permit for the expansion of the park and documents that the relevant  
5 authority, IEPA or USEPA, has approved the septic system for the expansion and that IEPA has approved  
6 the expansion of the water system. He said all that has to be done before he can get a permit; we're not  
7 going to issue a permit and then expect that to be done by the end of that permit. He said it has to be in  
8 hand before we approve the permit. He said the conditions that we've mailed out to date put a one-year  
9 deadline on that; that doesn't seem feasible to him, but if Mr. Jenkins is happy with the one-year deadline,  
10 that'd be great because that means we're going to get it done in a year and everything will be copacetic.  
11 He said but that's a lot to get done in one year.

12  
13 Mr. Elwell asked if that would be a year from potentially today's date.

14  
15 Ms. Burgstrom said she would say a year from approval of the Map Amendment.

16  
17 Mr. Hall said yes, we can be that flexible going to a year from the Map Amendment, which if the Board  
18 takes action today, the Map Amendment will be at the County Board on May 18<sup>th</sup>. He said so by May 18,  
19 2024, we'd have to have those three approvals in hand.

20  
21 Mr. Randol asked Mr. Hall if, at the end of a year, we know how the government works, say he gets his  
22 paperwork submitted within a month and in a year from now he does not have the results back finalized  
23 from the IEPA, which at that point wouldn't really be his fault, would he come back and ask for an  
24 extension, or how would that be handled. He said if he would show Staff that his paperwork is submitted,  
25 then we know that's been done, but it's not completed at the end of the year, how do we handle that then.

26  
27 Mr. Hall said we won't really know how well his part has been done, particularly after sitting through this  
28 public hearing. He said we had a complete application in the beginning, but it wasn't really complete as it  
29 turned out, so he is going to be hardline on that deadline; that might be a good reason to expand it to two  
30 years. He said but whatever this Board says, there's not going to be any way to determine who's at fault  
31 for the deadline not being met. He said the deadline the Board sets has to be a rigid deadline because we're  
32 never going to know who's right and who's wrong.

33  
34 Mr. Randol said then the one-year deadline is set by this Board, so if the Board didn't feel confident that  
35 he could have all this done based on how we've progressed since this all started, the Board could say he  
36 has a year and a half to get this completed and that would go down as a condition then. He said if Mr.  
37 Jenkins gets it done in a year, then it's his plus.

38  
39 Mr. Hall said yes.

40  
41 Mr. Elwell asked Mr. Jenkins how he feels about the year, potentially looking at May of 2024.

42  
43 Mr. Jenkins said when he and Jeff talked today actually, he said he had four on his table right now, and  
44 Mr. Jenkins is not going to jump in among those four. He told Jeff he wasn't asking for that. He said Jeff  
45 said they'll work this out, they'll do due process and go through it all. He said he told Jeff who the  
46 environmental engineer was, and he was aware of them, but he's by the book and he gets that.

47  
48 Mr. Elwell asked again if Mr. Jenkins is okay with a year.

1 Mr. Jenkins said he is, absolutely. He said he'd be on Jeff in a heartbeat.

2  
3 Mr. Bates asked Mr. Hall if he was understanding correctly that there is no additional construction, no  
4 moving of anything going in on this property until this is done, is that correct.

5  
6 Mr. Hall said that's right, and the homes that have been established are not approved until we get those  
7 approvals. He said maybe it's two from IEPA and one from IDPH, but good Mr. Jenkins is happy with a  
8 year, that's great.

9  
10 Mr. Jenkins said if he could bend a rule or ask for something, he does feel awful for the people that drive  
11 past that community and see that ugly home with no skirting, no deck, crappy doors with plastic hanging  
12 on them, it's ugly. He said he's not saying he wants to rent it out, he's not saying he wants to complete it  
13 and make money on it, he just wants to clean up his community. He said if the Board can allow him to put  
14 skirting on it, get the hitch off, and at least put a deck on the front door so he can go in and out storing  
15 things.

16  
17 Mr. Hall said Mr. Jenkins doesn't even have a permit for a storage structure, so no, Mr, Jenkins cannot  
18 use it until he gets these three State permits and then submit an application to Staff, which we haven't  
19 received yet either, that makes perfect sense. He said Mr. Jenkins has to get his State approvals, then  
20 submit an application to Staff, Staff will review that, which won't happen in a day, which will probably  
21 take a couple of weeks, but at that point Mr. Jenkins could proceed.

22  
23 Mr. Elwell asked Mr. Hall if the storage needs to be addressed.

24  
25 Mr. Hall said he just addressed it.

26  
27 Mr. Elwell said for the current use.

28  
29 Mr. Hall said there should be no current use.

30  
31 Mr. Randol said he can't use it; it's just sitting there.

32  
33 Mr. Elwell said but haven't we heard testimony that he has been using it for storage.

34  
35 Mr. Hall said what he's been doing and what we'll approve, as so often happens, are two different things.

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

38  
39 Mr. Randol moved to proceed with the Summary of Evidence and Findings of Fact and move this along  
40 so that Mr. Jenkins can have his one year to get this finalized. He said if we don't do this, we have a mess  
41 sitting out there, and who knows how long it would sit there. He said if we do this, then he definitely has  
42 one year to get it taken care of.

43  
44 Mr. Hall asked Ms. Burgstrom if the special conditions had been reviewed.

45  
46 Ms. Burgstrom said no.

47  
48 Mr. Elwell asked Ms. Burgstrom to help him with Supplemental Memorandum #5, Attachment C, is that  
49 what we're working from.

1 Ms. Burgstrom said for the special conditions, we need to refer to Supplemental Memorandum #6 because  
2 there's a little bit of change there, but for the actual Findings other than those special conditions, it's  
3 Supplemental Memorandum #5 and it's Attachment B for Case 035-AM-21 and C for Cases 036-S-21  
4 and 041-V-22.

5  
6 Mr. Randol asked if a second was needed on his motion before proceeding with the special conditions.  
7

8 Mr. Elwell asked if the Board would like to go through the special conditions first and then proceed to the  
9 Findings of Fact.

10  
11 Mr. Randol said okay, just so we get moving on this.  
12

13 Mr. Elwell told Mr. Jenkins that he is going to read a set of special conditions that would begin on page 2  
14 of Supplemental Memorandum #6 at the top of the page.

15  
16 Mr. Elwell said the following special conditions are proposed for Map Amendment Case 035-AM-21:  
17

18 **A. The owners of the subject property hereby recognize and provide for the right of**  
19 **agricultural activities to continue on adjacent land consistent with the Right to Farm**  
20 **Resolution 3425.**

21  
22 **The special condition stated above is required to ensure the following:**  
23 **Conformance with Policy 4.2.3 of the Land Resource Management Plan.**  
24

25 Mr. Elwell asked Mr. Jenkins if he agreed with the special condition.  
26

27 Mr. Jenkins agreed.  
28

29 **B. The Map Amendment is contingent upon approval of Case 036-S-21.**

30  
31 **The special condition stated above is required to ensure the following:**  
32 **That the Special Use is consistent with the Zoning Ordinance and ZBA**  
33 **recommendations.**  
34

35 Mr. Elwell asked Mr. Jenkins if he agreed with the special condition.  
36

37 Mr. Jenkins agreed.  
38

39 **C. The petitioner shall achieve full compliance with the Illinois Department of Public**  
40 **Health within one year of approval of Map Amendment Case 035-AM-21 or the**  
41 **rezoning will be void.**

42  
43 **The special condition stated above is required to ensure the following:**  
44 **To ensure compliance with IDPH regulations and licensing that provide a**  
45 **greater assurance of public health and safety and ensure that County**  
46 **regulations and IDPH regulations are coordinated in a reasonable manner.**  
47

48 Mr. Elwell asked Mr. Jenkins if he agreed with the special condition.  
49

1 Mr. Jenkins agreed.

2  
3 Mr. Elwell said the following special conditions are proposed for Special Use Case 036-S-21:

- 4
- 5       A.     **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until**
- 6             **the petitioners have demonstrated that any new or proposed exterior lighting on the**
- 7             **subject property will comply with the lighting requirements of Section 6.1.2.**

8

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

10            **That any proposed exterior lighting is in compliance with the Zoning Ordinance.**

11  
12 Mr. Elwell asked Mr. Jenkins if he agreed with the special condition.

13  
14 Mr. Jenkins agreed.

- 15
- 16       B.     **No parking signs shall be posted along all streets in the manufactured home park.**

17

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

19            **That there is always adequate emergency vehicle access.**

20  
21 Mr. Elwell asked Mr. Jenkins if he agreed with the special condition.

22  
23 Mr. Jenkins agreed.

- 24
- 25       C.     **Each new home on proposed sites 15 through 20 shall be established pursuant to a**
- 26             **Zoning Use Permit that may include all homes on one combined permit or individual**
- 27             **homes on individual permits at a fee of \$33 per each site plus a Zoning Compliance**
- 28             **Certificate fee of \$33 per each site.**

29

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

31            **To clarify the permits that are required to ensure conformance with the**

32            **Zoning Ordinance.**

33  
34 Mr. Elwell asked Mr. Jenkins if he agreed with the special condition.

35  
36 Mr. Jenkins agreed.

- 37
- 38       D.     **Certification from the County Health Department or the Illinois Department of**
- 39             **Public Health that the septic system on the subject property has sufficient capacity**
- 40             **for the existing and proposed homes is a requirement for approval of the Zoning Use**
- 41             **Permit.**

42

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

44            **That the solid waste system conforms to the requirements of the Zoning**

45            **Ordinance and any applicable health regulations.**

46  
47 Mr. Elwell asked Mr. Jenkins if he agreed with the special condition.

48  
49 Mr. Jenkins agreed.

1 E. **The manufactured home park shall be compliant at all times with Illinois Department  
2 of Public Health and US Environmental Protection Agency requirements. At the time  
3 of application for a Zoning Use Permit, the petitioner shall provide a copy of the  
4 following:**

- 5 **(1) Approved IDPH construction permit for homes 15 through 20; and**
- 6 **(2) Approved IDPH license for 20 homes; and**
- 7 **(3) Either documentation that the septic system and water system have been**  
8 **approved by USEPA or documentation that only IDPH approval is required.**

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

11 **To ensure compliance with IDPH and USEPA regulations and licensing that**  
12 **provide a greater assurance of public health and safety and ensure that County**  
13 **regulations, IDPH, and USEPA regulations are coordinated in a reasonable**  
14 **manner.**

15  
16 Mr. Elwell asked Mr. Jenkins if he agreed with the special condition.

17  
18 Mr. Jenkins agreed.

19  
20 Mr. Hall told Mr. Elwell that based on the information received tonight, we need to modify special  
21 condition E to incorporate the possibility that only IEPA approval is necessary for the septic system. He  
22 said he would recommend the following:

23  
24 E. **The manufactured home park shall be compliant at all times with Illinois Department  
25 of Public Health and IEPA requirements and US Environmental Protection Agency  
26 requirements if necessary. At the time of application for a Zoning Use Permit, the  
27 petitioner shall provide a copy of the following:**

- 28 **(1) Approved IDPH construction permit for homes 15 through 20; and**
- 29 **(2) Approved IDPH license for 20 homes; and**
- 30 **(3) Either documentation that the septic system and water system have been**  
31 **approved by IEPA or USEPA if necessary.**

32  
33 The special condition stated above is required to ensure the following:

34 **To ensure compliance with IDPH, IEPA regulations and USEPA regulations**  
35 **if necessary and licensing that provide a greater assurance of public health**  
36 **and safety and ensure that County regulations, IDPH, IEPA and USEPA**  
37 **regulations are coordinated in a reasonable manner.**

38  
39 Mr. Elwell asked Mr. Jenkins if he agreed with the special condition.

40  
41 Mr. Jenkins agreed.

42  
43 F. **Within two years, the petitioner shall develop the recreation area in accordance with**  
44 **the most recent version of the *Illinois Mobile Home Park Act (210 ILCS 115)* and the**  
45 **Illinois Department of Public Health *Manufactured Home Community Code (77 Ill.***  
46 ***Adm. Code 860).***

47  
48 The special condition stated above is required to ensure the following:

49 **That the manufactured home park conforms to State of Illinois requirements.**

1 Mr. Elwell asked Mr. Jenkins if he agreed with the special condition.

2

3 Mr. Jenkins agreed.

4

5 G. **The east road in the manufactured home park shall connect to the existing interior**  
6 **road between home sites 16 and 17.**

7

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

9 **To provide efficient and safe traffic circulation.**

10

11 Mr. Elwell asked Mr. Jenkins if he agreed with the special condition.

12

13 Mr. Jenkins agreed.

14

15 H. **Homes on sites 17 through 20 shall meet the following requirements:**

16 **(1) Homes shall be no larger than 16 feet by 68 feet.**

17

18 **(2) Homes shall be 15 feet from the eastern interior road.**

19

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

21 **That new home sites meet the requirements of the Zoning Ordinance.**

22

23 Mr. Elwell asked Mr. Jenkins if he agreed with the special condition.

24

25 Mr. Jenkins agreed.

26

27 I. **Within one year of the approval of Case 036-S-21, the petitioner shall construct a**  
28 **monolithically paved outdoor area of a minimum 160 square feet in area with a**  
29 **minimum dimension of 8 feet and a two-foot wide monolithically paved sidewalk to**  
30 **the entrance of each home.**

31

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

33 **That all home sites meet the requirements of the Zoning Ordinance.**

34

35 Mr. Elwell asked Mr. Jenkins if he agreed with the special condition.

36

37 Mr. Jenkins agreed.

38

39 J. **The petitioner shall achieve full compliance with the Illinois Department of Public**  
40 **Health within one year of approval of Special Use Permit case 036-S-21 or the Special**  
41 **Use Permit will become void and the P&Z Department will begin enforcement action.**

42

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

44 **To mitigate violations on the subject property.**

45

46 Mr. Elwell asked Mr. Jenkins if he agreed with the special condition.

47

48 Mr. Jenkins agreed.

49

1           **K.     Within 30 days of approval of Special Use Permit case 036-S-21, the petitioner shall**  
 2           **record a Miscellaneous Document at the Champaign County Recorder of Deeds**  
 3           **which states that approvals for the rezoning in Case 035-AM-21 and the Special Use**  
 4           **Permit in Case 036-S-21 will become void if IDPH approval is not received within one**  
 5           **year of approval of cases 035-AM-21 and 036-S-21.**

6  
 7           The special condition stated above is required to ensure the following:

8                   **That future potential purchasers of the subject property are aware of the**  
 9                   **conditions established from the zoning cases.**

10  
 11          Mr. Elwell asked Mr. Jenkins if he agreed with the special condition.

12  
 13          Mr. Jenkins agreed.

14  
 15           **L.     All new “as-built” private accessway paving must be certified by an Illinois Licensed**  
 16           **Professional Engineer to comply with “...Section 16.3.3d. of the Subdivision**  
 17           **Ordinance and the current standard specifications of the Illinois Department of**  
 18           **Transportation.”**

19  
 20          The special condition stated above is required to ensure the following:

21                   **That new roads comply with County ordinances.**

22  
 23          Mr. Elwell asked Mr. Jenkins if he agreed with the special condition.

24  
 25          Mr. Jenkins agreed.

26  
 27           **M.     Any new electrical hook-ups shall be done by a licensed electrical contractor and:**  
 28           **(1)     The installing electrician shall certify in writing that the electrical hook-ups**  
 29           **for home sites 17 through 20 meet the National Electrical Code requirements.**  
 30  
 31           **(2)     The installing electrician shall inspect the electrical hook-ups for home sites 13**  
 32           **through 16 and provide a written opinion on whether the hook-ups appear to**  
 33           **meet the National Electrical Code requirements.**

34  
 35          The special condition stated above is required to ensure the following:

36                   **That electrical hook-ups comply with Zoning Ordinance requirements.**

37  
 38          Mr. Elwell asked Mr. Jenkins if he agreed with the special condition.

39  
 40          Mr. Jenkins agreed.

41  
 42          Mr. Herbert asked what happens if one of these special conditions isn't followed.

43  
 44          Mr. Hall said then the Special Use Permit is not consistent with the approval. He said some of these have  
 45          to occur earlier on in the process, some have to occur later, but they would all have to be met or there  
 46          would be no compliance certificate authorizing use so we'd be back at an enforcement action.

47  
 48          Mr. Herbert asked so when one home is 14 feet from the drive as opposed to the 15 feet that is stated in  
 49          the condition, we're either back at enforcement or we're here for a variance.

1 Mr. Hall said or it needs to be moved.

2

3 Mr. Jenkins said he is a surveyor.

4

5 Mr. Elwell asked Mr. Randol if he had a motion to move to the Findings of Fact for 035-AM-21.

6

7 Mr. Randol asked if he also wanted to include case 041-V-22 there in the same motion.

8

9 Mr. Elwell said since 035-AM-21 is in Attachment B and 036-S-21 and 041-V-22 are in Attachment C,  
10 he was going to take Attachment B first and then C.

11

12 **Mr. Randol moved, seconded by Mr. Wood, to move to the Findings of Fact for Case 035-AM-21.**  
13 **The motion passed by voice vote.**

14

15 Mr. Elwell told Mr. Jenkins that he would be reading from the top of page 2 of Attachment B of  
16 Supplemental Memorandum #5.

17

18 **SUMMARY FINDING OF FACT FOR CASE 035-AM-21**

19

20 From the documents of record and the testimony and exhibits received at the public hearing conducted  
21 on **September 15, 2022, December 1, 2022, February 16, 2023, March 16, 2023 and April 13, 2023,**  
22 the Zoning Board of Appeals of Champaign County finds that:

23

24 1. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the Land Resource  
25 Management Plan because:

26 A. Regarding Goal 3 Prosperity:

27 (1) Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of the  
28 Goal 3 objectives, the proposed rezoning will allow the petitioner to utilize the  
29 property somewhat more intensively and continue business operations in  
30 Champaign County.

31

32 (2) Based on achievement of the above and because it will either not impede or is not  
33 relevant to the other Objectives and Policies under this goal, the proposed map  
34 amendment will **HELP ACHIEVE** Goal 3 Prosperity.

35

36 B. Regarding Goal 4 Agriculture:

37 (1) It will **HELP ACHIEVE** Objective 4.1 requiring minimization of the  
38 fragmentation of farmland, conservation of farmland, and stringent development  
39 standards on best prime farmland because of the following:

40 a. Policy 4.1.1, which states that commercial agriculture is the highest and  
41 best use of land in the areas of Champaign County that are by virtue of  
42 topography, soil and drainage, suited to its pursuit. The County will not  
43 accommodate other land uses except under very restricted conditions or in  
44 areas of less productive soils (see Item 13.A.(1)).

45

46 b. Policy 4.1.6 requiring that the use, design, site and location are consistent  
47 with policies regarding suitability, adequacy of infrastructure and public  
48 services, conflict with agriculture, conversion of farmland, and  
49 disturbance of natural areas (see Item 13.A.(2)).



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49

- c. Policy 4.1.8 requiring that the County consider the LESA rating for farmland protection when making land use decisions regarding a discretionary development (see Item 13.A.(3)).
- (2) It will **NOT IMPEDE** Objective 4.2 requiring discretionary development to not interfere with agriculture because of the following:
  - a. Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 13.B.(1)).
  - c. Policy 4.2.3 requiring that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land (see Item 13.B.(2)).
  - d. Policy 4.2.4 requiring that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary (see Item 13.B.(3)).
- (3) It will **HELP ACHIEVE** Objective 4.3 requiring any discretionary development to be on a suitable site because of the following:
  - a. Policy 4.3.2 requiring a discretionary development on best prime farmland to be well-suited overall (see Item 13.C.(1)).
  - b. Policy 4.3.3 requiring existing public services be adequate to support the proposed development effectively and safely without undue public expense (see Item 13.C.(2)).
  - c. Policy 4.3.4 requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 13.C.(3)).
- (4) It will **HELP ACHIEVE** Objective 4.7 requiring affirmation of the Champaign County Right to Farm Resolution (see Item 13.D.(1)).
- (5) Based on achievement of the above Objectives and Policies, the proposed map amendment will **HELP ACHIEVE** Goal 4 Agriculture.

C Regarding Goal 6 Public Health and Public Safety:

- (1) It will **HELP ACHIEVE** Objective 6.1 requiring that development in unincorporated areas of the County will not endanger public health or safety because of the following:
  - a. Policy 6.1.2 requiring sufficient and safe wastewater disposal (see Item 15.A.(1)).

D. Regarding Goal 7 Transportation:

- (1) The proposed amendment will **HELP ACHIEVE** Goal 7 Transportation because it will **HELP ACHIEVE** the following:
  - a. Policy 7.1.1 requiring traffic impact analyses for projects with significant

1 traffic generation. (see Item 16.A.(1)).

2  
3 E. The proposed amendment will **NOT IMPEDE** the following LRMP goal(s):

- 4 • Goal 1 Planning and Public Involvement
- 5 • Goal 2 Governmental Coordination
- 6 • Goal 5 Urban Land Use
- 7 • Goal 8 Natural Resources
- 8 • Goal 9 Energy Conservation
- 9 • Goal 10 Cultural Amenities

10  
11 F. Overall, the proposed map amendment will **HELP ACHIEVE** the Land Resource  
12 Management Plan.

13  
14 2. The proposed Zoning Ordinance map amendment **IS CONSISTENT** with the *LaSalle* and  
15 *Sinclair* factors because of the following:

- 16 A. It is impossible to establish property values without a formal real estate appraisal, which  
17 has not been requested nor provided, and so any discussion of values is necessarily  
18 general.
- 19  
20 B. There has been no evidence submitted regarding property values. This area is primarily  
21 agricultural and residential in use, and the subject property has been a manufactured  
22 home park since 1972.
- 23  
24 C. The gain to the public of the proposed rezoning would be allow the petitioner to provide  
25 lower cost housing for the community.
- 26  
27 D. The subject property is occupied and in use as a manufactured home park.
- 28  
29 E. The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** the  
30 Champaign County Land Resource Management Plan.

31  
32 3. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the purpose of the  
33 Zoning Ordinance because:

- 34 A. Establishing the special use as proposed by the Petitioner, which requires rezoning to R-  
35 5, **WILL** lessen and avoid congestion in the public streets (Purpose 2.0 (c) see Item  
36 21.C.).
- 37  
38 B. Establishing the R-5 District at this location **WILL** help classify, regulate, and restrict the  
39 location of the uses authorized in the R-5 District (Purpose 2.0 (i) see Item 21.G.).
- 40  
41 C. The proposed rezoning and proposed Special Use **WILL NOT** hinder the development of  
42 renewable energy sources (Purpose 2.0(r) Item 21.M).

43  
44 4. The proposed Zoning Ordinance map amendment is subject to the following special conditions:

- 45 A. **The owners of the subject property hereby recognize and provide for the right of**  
46 **agricultural activities to continue on adjacent land consistent with the Right to**  
47 **Farm Resolution 3425.**

The special condition stated above is required to ensure the following:  
**Conformance with Policy 4.2.3 of the Land Resource Management Plan.**

**B. The Map Amendment is contingent upon approval of Case 036-S-21.**

The special condition stated above is required to ensure the following:  
**That the Special Use is consistent with the Zoning Ordinance and ZBA recommendations.**

**C. The petitioner shall achieve full compliance with the Illinois Department of Public Health within one year of approval of Map Amendment Case 035-AM-21 or the rezoning will be void.**

The special condition stated above is required to ensure the following:  
**To ensure compliance with IDPH regulations and licensing that provide a greater assurance of public health and safety and ensure that County regulations and IDPH regulations are coordinated in a reasonable manner.**

**Mr. Wood moved, seconded by Mr. Randol, to accept the Summary Findings of Fact as presented for Case 035-AM-21. The motion passed by voice vote.**

Ms. Burgstrom said there are some documents of record that need to be added that are applicable to all three cases. She said the first one is the emails from the Burkes with the photos, the second is Supplemental Memorandum #6 with attachments dated April 11, 2023, and the third is the handout from Mr. Jenkins received tonight regarding the IEPA permit number.

Mr. Elwell asked if there was a motion to adopt the Summary of Evidence, Documents of Record, and the Findings of Fact as amended.

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

Mr. Elwell asked if there was a motion to move to Final Determination for Case 035-AM-21.

**Mr. Wood moved, seconded by Mr. Roberts, to move to Final Determination. The motion passed by voice vote.**

Mr. Elwell told Mr. Jenkins he would be reading from Attachment B page 26 of 26 as follows:

**FINAL DETERMINATION FOR CASE 035-AM-21**

**Mr. Wood moved, seconded by Mr. Randol, that pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:**

**The Zoning Ordinance Amendment requested in Case 035-AM-21 should BE ENACTED by the County Board in the form attached hereto.**

**SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:**

- 1           A.     **The owners of the subject property hereby recognize and provide for the right of**
- 2                   **agricultural activities to continue on adjacent land consistent with the Right to Farm**
- 3                   **Resolution 3425.**
- 4
- 5           B.     **The Map Amendment is contingent upon approval of Case 036-S-21.**
- 6
- 7           C.     **The petitioner shall achieve full compliance with the Illinois Department of Public**
- 8                   **Health within one year of approval of Map Amendment Case 035-AM-21 or the**
- 9                   **rezoning will be void.**

10  
11 Mr. Elwell requested a roll call vote.

12  
13 The vote was called as follows:

14				
15	<b>Randol- Yes</b>	<b>Roberts- Yes</b>	<b>Anderson- Yes</b>	<b>Herbert- Yes</b>
16	<b>Elwell- Yes</b>	<b>Wood – Yes</b>	<b>Bates- Yes</b>	
17				

18 Mr. Elwell told Mr. Jenkins that he received seven affirmative votes. He asked if there was a motion to  
19 move to the Summary of Evidence for Cases 036-S-21 and 041-V-22.

20  
21 **Mr. Randol moved, seconded by Mr. Roberts, to move to the Summary of Evidence for Cases 036-**  
22 **S-21 and 041-V-22. The motion carried by voice vote.**

23  
24 Mr. Elwell said he would be reading from page 43 of 65, draft Summary Findings of Fact as follows:

25  
26 **FINDINGS OF FACT FOR CASE 036-S-21**

27 From the documents of record and the testimony and exhibits received at the public hearing for zoning  
28 cases **036-S-21 and 041-V-22** held on **September 15, 2022, December 1, 2022, February 16, 2023,**  
29 **March 16, 2023 and April 13, 2023**, the Zoning Board of Appeals of Champaign County finds that:

- 30
- 31 **1.     The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this**
- 32 **location because:**
- 33

34 Mr. Wood said the requested Special Use Permit IS necessary for the public convenience at this location  
35 because: the manufactured home has been on the site since the 1970s.

- 36
- 37 **2.     The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED***
- 38 ***HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL NOT / WILL}***
- 39 **be injurious to the district in which it shall be located or otherwise detrimental to the public**
- 40 **health, safety, and welfare because:**

- 41       **a.     The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance**
- 42 **location has *{ADEQUATE / INADEQUATE}* visibility because:**
- 43

44 Mr. Randol said the street has ADEQUATE traffic capacity and the entrance location has ADEQUATE  
45 visibility because: the traffic generated by the proposed use will not significantly increase with the addition  
46 of four home sites.

- 47
- 48       **b.     Emergency services availability is *{ADEQUATE / INADEQUATE}* because:**
- 49

1 Mr. Randol said that emergency services availability is ADEQUATE because: the subject property is  
2 located approximately 1.9 road miles from the Thomasboro Fire Protection District station, and no  
3 comments have been received from the Fire Protection District.

4  
5 **c. The Special Use {WILL / WILL NOT} be compatible with adjacent uses because:**

6  
7 Mr. Randol said that the Special Use WILL be compatible with adjacent uses.

8  
9 **d. Surface and subsurface drainage will be {ADEQUATE / INADEQUATE} because:**

10  
11 Mr. Randol said surface and subsurface drainage will be ADEQUATE because: the subject property is  
12 not in a floodplain and its expansion is exempt from the SWMEC Ordinance.

13  
14 **e. Public safety will be {ADEQUATE / INADEQUATE} because:**

15  
16 Mr. Randol said public safety will be ADEQUATE because: relevant jurisdictions have been notified of  
17 this case, and no comments have been received.

18  
19 **f. The provisions for parking will be {ADEQUATE / INADEQUATE} {because\*}:**

20  
21 Mr. Randol said provisions for parking will be ADEQUATE because: there are two parking spaces  
22 provided for each home, provided construction requirements are met.

23  
24 **g. The property {IS/IS NOT} WELL SUITED OVERALL for the proposed  
25 improvements {because\*}:**

26  
27 Mr. Randol said the property IS well suited overall for the proposed improvements because: the site is one  
28 on which the proposed development can be safely and soundly accommodated using simple engineering  
29 and common, easily maintained construction methods with no unacceptable negative effects on neighbors  
30 or the general public.

31  
32 **h. Existing public services {ARE/ARE NOT} available to support the proposed  
33 SPECIAL USE without undue public expense {because\*}:**

34  
35 Mr. Randol said existing public services ARE available to support the proposed Special Use without undue  
36 public expense because: no additional public services are required for the existing manufactured home  
37 park or the proposed expansion.

38  
39 **i. Existing public infrastructure together with the proposed development {IS/IS NOT}  
40 adequate to support the proposed development effectively and safely without undue  
41 public expense {because\*}:**

42  
43 Mr. Randol said existing public infrastructure together with the proposed development IS adequate to  
44 support the proposed development effectively and safely without undue public expense because: no new  
45 infrastructure is required for the existing manufactured home park and its proposed expansion.

46  
47 Mr. Randol said therefore the requested Special Use Permit, subject to the special conditions imposed  
48 herein, is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district  
49 in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

1  
 2 **3a. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**  
 3 **HEREIN} {DOES / DOES NOT} conform to the applicable regulations and standards of the**  
 4 **DISTRICT in which it is located.**  
 5

6 Mr. Wood said the requested Special Use Permit, subject to the special conditions imposed herein, DOES  
 7 conform to the applicable regulations and standards of the district in which it is located.  
 8

9 **3b. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**  
 10 **HEREIN} {DOES / DOES NOT} preserve the essential character of the DISTRICT in which**  
 11 **it is located because:**

12 **a. The Special Use will be designed to {CONFORM / NOT CONFORM} to all relevant**  
 13 **County ordinances and codes.**  
 14

15 Mr. Wood said the Special Use will be designed to CONFORM to all relevant County ordinances and  
 16 codes.  
 17

18 **b. The Special Use {WILL / WILL NOT} be compatible with adjacent uses.**  
 19

20 Mr. Wood said the Special Use WILL be compatible with adjacent uses.  
 21

22 **c. Public safety will be {ADEQUATE / INADEQUATE}.**  
 23

24 Mr. Wood said public safety will be ADEQUATE and therefore the requested Special Use Permit, subject  
 25 to the special conditions imposed herein, DOES preserve the essential character of the district in which it  
 26 is located.  
 27

28 **4. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**  
 29 **HEREIN} {IS / IS NOT} in harmony with the general purpose and intent of the Ordinance**  
 30 **because:**

31 **a. The Special Use is authorized in the District.**  
 32

33 Mr. Elwell said the Special Use is authorized in the District.  
 34

35 **b. The requested Special Use Permit {IS/ IS NOT} necessary for the public convenience**  
 36 **at this location.**  
 37

38 Mr. Wood said the requested Special Use Permit IS necessary for the public convenience at this location.  
 39

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

45 Mr. Wood said the requested Special Use Permit, subject to the special conditions imposed herein, is so  
 46 designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in which  
 47 it shall be located or otherwise detrimental to the public health, safety, and welfare.  
 48

49 **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.**

Mr. Wood said the requested Special Use Permit, subject to the special conditions imposed herein, DOES preserve the essential character of the district in which it is located and therefore IS in harmony with the general purpose and intent of the Ordinance.

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

Mr. Elwell said the requested Special Use is NOT an existing nonconforming use.

**6. SUBJECT TO THE FOLLOWING WAIVERS OF STANDARD CONDITIONS: Per Section 7.15 of the Champaign County ZBA Bylaws, “waivers may be approved individually or en masse by the affirmative vote of a majority of those members voting on the issue, and shall be incorporated into the Findings of Fact with the reason for granting each waiver described.”**

**Mr. Wood moved that he is comfortable with all the waivers listed, and suggested that as opposed to reading through several pages of material that we’ve already been over many times that we go ahead and approve it en masse. Mr. Roberts seconded the motion. The motion passed by voice vote.**

- A. Regarding Part A of the proposed waivers, for not having 24 or more home sites:
  - (1) The waiver **IS** in accordance with the general purpose and intent of the Zoning Ordinance and **WILL NOT** be injurious to the neighborhood or to the public health, safety, and welfare because: relevant jurisdictions have been notified of the case, and no comments have been received.
  - (2) Special conditions and circumstances **DO** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because: the petitioner only proposes a total of 20 sites.
  - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **WILL** prevent reasonable or otherwise permitted use of the land or structure or construction because: the petitioner would have to invest in additional sites that might not be financially feasible.
  - (4) The special conditions, circumstances, hardships, or practical difficulties **DO NOT** result from actions of the applicant because: home sites 1 through 14 were developed prior to the petitioner’s purchase of the property; homes on sites 15 and 16 were placed by the petitioner prior to his knowledge of the County’s requirements for MANUFACTURED HOME PARKS, and home sites 17 through 20 are not yet developed.
  - (5) The requested waiver **IS** the minimum variation that will make possible the reasonable use of the land/structure because: the petitioner’s financial feasibility is for 20 home sites.

- B. Regarding Part B of the proposed waivers, for not providing screening along all boundary

lines abutting existing residential development:

- (1) The waiver **IS** in accordance with the general purpose and intent of the Zoning Ordinance and **WILL NOT** be injurious to the neighborhood or to the public health, safety, and welfare because: relevant jurisdictions have been notified of the case, and no comments have been received, and no complaints have been received from the adjacent residents.
- (2) Special conditions and circumstances **DO** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because: the existing home sites where screening would be required were developed prior to adoption of the Zoning Ordinance on October 10, 1973.
- (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **WILL** prevent reasonable or otherwise permitted use of the land or structure or construction because: without Part B of the proposed waivers, the petitioner would have to invest in screening on the west side of home sites 1, 2 and 3.
- (4) The special conditions, circumstances, hardships, or practical difficulties **DO NOT** result from actions of the applicant because: home sites 1 through 14 were developed prior to the petitioner’s purchase of the property; homes on sites 15 and 16 were placed by the petitioner prior to his knowledge of the County’s requirements for MANUFACTURED HOME PARKS, and home sites 17 through 20 are not yet developed.
- (5) The requested waiver **IS** the minimum variation that will make possible the reasonable use of the land/structure.

C. Regarding Part C of the proposed waivers, for a minimum setback (yard) of 15 feet in lieu of 20 feet between the entrance side of the manufactured home and the manufactured home site boundary for home site 2:

- (1) The waiver **IS** in accordance with the general purpose and intent of the Zoning Ordinance and **WILL NOT** be injurious to the neighborhood or to the public health, safety, and welfare because: relevant jurisdictions have been notified of the case, and no comments have been received.
- (2) Special conditions and circumstances **DO** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because: homes placed prior to 1973 were only required to have “open space of at least 10 feet adjacent to the sides of every mobile home and at least 5 feet adjacent to the ends of every mobile home,” per the Illinois Mobile Home Park Act (210 ILCS 115/9.3).
- (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **WILL** prevent reasonable or otherwise permitted use of the land or structure or construction because: without Part C of the proposed waivers, the petitioner would have to move existing home 3 to the south, which is in the septic system area.



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(4) The special conditions, circumstances, hardships, or practical difficulties **DO NOT** result from actions of the applicant because: home sites 1 through 14 were developed prior to the petitioner’s purchase of the property; homes on sites 15 and 16 were placed by the petitioner prior to his knowledge of the County’s requirements for MANUFACTURED HOME PARKS, and home sites 17 through 20 are not yet developed.

(5) The requested waiver **IS** the minimum variation that will make possible the reasonable use of the land/structure.

D. Regarding Part D of the proposed waivers, for a minimum side yard of 9 feet in lieu of 10 feet for home site 3:

(1) The waiver **IS** in accordance with the general purpose and intent of the Zoning Ordinance and **WILL NOT** be injurious to the neighborhood or to the public health, safety, and welfare because: relevant jurisdictions have been notified of the case, and no comments have been received.

(2) Special conditions and circumstances **DO** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because: homes placed prior to 1973 were only required to have “open space of at least 10 feet adjacent to the sides of every mobile home and at least 5 feet adjacent to the ends of every mobile home,” per the Illinois Mobile Home Park Act (210 ILCS 115/9.3). Regarding side yard requirements, in the December 10, 2015, approved minutes for Case 818-S-15 for the Woods Edge MHP adjacent to Loral Park, Mr. Hall stated, “testimony is that they (Illinois Department of Public Health) have required no more than 5 feet, with 10 feet between buildings from day one. He added that we have had testimony that in our own Zoning Ordinance, in this same area, we would require no more than 5 feet separation if these were private homes in the R-3 District, and those homes would not meet any standard. He stated that these homes (the manufactured homes) are absolutely built to a standard and inspected.”

(3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **WILL** prevent reasonable or otherwise permitted use of the land or structure or construction because: the petitioner would have to move existing home 3 to the south, which is in the septic system area.

(4) The special conditions, circumstances, hardships, or practical difficulties **DO NOT** result from actions of the applicant because: home sites 1 through 14 were developed prior to the petitioner’s purchase of the property; homes on sites 15 and 16 were placed by the petitioner prior to his knowledge of the County’s requirements for MANUFACTURED HOME PARKS, and home sites 17 through 20 are not yet developed.

(5) The requested waiver **IS** the minimum variation that will make possible the reasonable use of the land/structure.

E. Regarding Part E of the proposed waivers, for not having a manufactured home stand or pad on each home site made of concrete slabs or runways with ground anchors:

- 1 (1) The waiver **IS** in accordance with the general purpose and intent of the Zoning  
2 Ordinance and **WILL NOT** be injurious to the neighborhood or to the public  
3 health, safety, and welfare because: relevant jurisdictions have been notified of the  
4 case, and no comments have been received.  
5
- 6 (2) Special conditions and circumstances **DO** exist which are peculiar to the land or  
7 structure involved, which are not applicable to other similarly situated land and  
8 structures elsewhere in the same district because: sites 1 through 12 of the  
9 MANUFACTURED HOME PARK were developed prior to adoption of the  
10 Zoning Ordinance on October 10, 1973, and the petitioner was not aware of this  
11 requirement.  
12
- 13 (3) Practical difficulties or hardships created by carrying out the strict letter of the  
14 regulations sought to be varied **WILL** prevent reasonable or otherwise permitted  
15 use of the land or structure or construction because: without Part E of the proposed  
16 waivers, the petitioner would have to move 16 homes to install the runways.  
17
- 18 (4) The special conditions, circumstances, hardships, or practical difficulties **DO NOT**  
19 result from actions of the applicant because: home sites 1 through 14 were  
20 developed prior to the petitioner’s purchase of the property; homes on sites 15 and  
21 16 were placed by the petitioner prior to his knowledge of the County’s  
22 requirements for MANUFACTURED HOME PARKS, and home sites 17 through  
23 20 are not yet developed.  
24
- 25 (5) The requested waiver, **SUBJECT TO THE PROPOSED SPECIAL**  
26 **CONDITION, IS** the minimum variation that will make possible the reasonable  
27 use of the land/structure.  
28

29 F. Regarding Part F of the proposed waivers, for no outdoor paved living space in lieu of an  
30 outdoor living space of at least 160 square feet with a minimum dimension of 8 feet:

- 31 (1) The waiver **IS** in accordance with the general purpose and intent of the Zoning  
32 Ordinance and **WILL NOT** be injurious to the neighborhood or to the public  
33 health, safety, and welfare because: relevant jurisdictions have been notified of the  
34 case, and no comments have been received.  
35
- 36 (2) Special conditions and circumstances **DO** exist which are peculiar to the land or  
37 structure involved, which are not applicable to other similarly situated land and  
38 structures elsewhere in the same district because: there was no mention of required  
39 paved outdoor space in the Illinois Mobile Home Park Act (210 ILCS 115), and the  
40 petitioner was not aware of this requirement.  
41
- 42 (3) Practical difficulties or hardships created by carrying out the strict letter of the  
43 regulations sought to be varied **WILL** prevent reasonable or otherwise permitted  
44 use of the land or structure or construction because: without Part J of the proposed  
45 waivers, the petitioner would have to invest in pouring concrete for all homes.  
46
- 47 (4) The special conditions, circumstances, hardships, or practical difficulties **DO NOT**  
48 result from actions of the applicant because: home sites 1 through 14 were  
49 developed prior to the petitioner’s purchase of the property; homes on sites 15 and

16 were placed by the petitioner prior to his knowledge of the County’s requirements for MANUFACTURED HOME PARKS and home sites 17 through 20 are not yet developed.

(5) The requested waiver, **SUBJECT TO THE PROPOSED SPECIAL CONDITION, IS** the minimum variation that will make possible the reasonable use of the land/structure.

G. Regarding Part G of the proposed waivers, for a minimum pavement width of 19 feet for existing private accessways in lieu of the minimum required 24 feet for minor streets:

(1) The waiver **IS** in accordance with the general purpose and intent of the Zoning Ordinance and **WILL NOT** be injurious to the neighborhood or to the public health, safety, and welfare because: relevant jurisdictions have been notified of the case, and no comments have been received.

(2) Special conditions and circumstances **DO** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because: the primary road in the Manufactured Home Park was constructed prior to adoption of the Zoning Ordinance on October 10, 1973, and there was no mention of required street width in the Illinois Mobile Home Park Act (210 ILCS 115).

(3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **WILL** prevent reasonable or otherwise permitted use of the land or structure or construction because: without Part G of the proposed waivers, a minimum pavement width of 19 feet for existing private accessways in lieu of the minimum required 24 feet for minor streets, the petitioner would have to invest in more gravel for the entire street system, which would reduce required front yards of most homes.

(4) The special conditions, circumstances, hardships, or practical difficulties **DO NOT** result from actions of the applicant because: home sites 1 through 14 were developed prior to the petitioner’s purchase of the property; homes on sites 15 and 16 were placed by the petitioner prior to his knowledge of the County’s requirements for MANUFACTURED HOME PARKS, and home sites 17 through 20 are not yet developed.

(5) The requested waiver, **SUBJECT TO THE PROPOSED SPECIAL CONDITION, IS** the minimum variation that will make possible the reasonable use of the land/structure.

H. Regarding Part H of the proposed waivers, with respect to paving materials, curbs and gutters, grading, intersections, offsets, and radii of curvature, for which the provisions of the Subdivision Ordinance shall apply:

(1) The waiver **IS** in accordance with the general purpose and intent of the Zoning Ordinance and **WILL NOT** be injurious to the neighborhood or to the public health, safety, and welfare because: relevant jurisdictions have been notified of the case, and no comments have been received.

- 1 (2) Special conditions and circumstances **DO** exist which are peculiar to the land or
- 2 structure involved, which are not applicable to other similarly situated land and
- 3 structures elsewhere in the same district because: streets in the Manufactured Home
- 4 Park were constructed prior to adoption of the Subdivision Ordinance on May 17,
- 5 1977 with the exception of the east entrance to sites 15 through 20, and the
- 6 petitioner was not aware of this requirement.
- 7
- 8 (3) Practical difficulties or hardships created by carrying out the strict letter of the
- 9 regulations sought to be varied **WILL** prevent reasonable or otherwise permitted
- 10 use of the land or structure or construction because: without Part H of the proposed
- 11 waivers, the petitioner would have to invest in the design and pavement for a new
- 12 street system.
- 13
- 14 (4) The special conditions, circumstances, hardships, or practical difficulties **DO NOT**
- 15 result from actions of the applicant because: home sites 1 through 14 were
- 16 developed prior to the petitioner’s purchase of the property; homes on sites 15 and
- 17 16 were placed by the petitioner prior to his knowledge of the County’s
- 18 requirements for MANUFACTURED HOME PARKS, and home sites 17 through
- 19 20 are not yet developed.
- 20
- 21 (5) The requested waiver, **SUBJECT TO THE PROPOSED SPECIAL**
- 22 **CONDITION, IS** the minimum variation that will make possible the reasonable
- 23 use of the land/structure.
- 24
- 25 I. Regarding Part I of the proposed waivers, for not having individual walks to each
- 26 manufactured home stand that are paved and a minimum of two feet in width:
- 27 (1) The waiver **IS** in accordance with the general purpose and intent of the Zoning
- 28 Ordinance and **WILL NOT** be injurious to the neighborhood or to the public
- 29 health, safety, and welfare because: relevant jurisdictions have been notified of the
- 30 case, and no comments have been received.
- 31
- 32 (2) Special conditions and circumstances **DO** exist which are peculiar to the land or
- 33 structure involved, which are not applicable to other similarly situated land and
- 34 structures elsewhere in the same district because: sites 1 through 12 of the
- 35 MANUFACTURED HOME PARK were developed prior to adoption of the
- 36 Zoning Ordinance on October 10, 1973, and the petitioner was not aware of this
- 37 requirement.
- 38
- 39 (3) Practical difficulties or hardships created by carrying out the strict letter of the
- 40 regulations sought to be varied **WILL** prevent reasonable or otherwise permitted
- 41 use of the land or structure or construction because: without Part I of the proposed
- 42 waivers, the petitioner would have to invest in paving a sidewalk for each home.
- 43
- 44 (4) The special conditions, circumstances, hardships, or practical difficulties **DO NOT**
- 45 result from actions of the applicant because: home sites 1 through 14 were
- 46 developed prior to the petitioner’s purchase of the property; homes on sites 15 and
- 47 16 were placed by the petitioner prior to his knowledge of the County’s
- 48 requirements for MANUFACTURED HOME PARKS, and home sites 17 through
- 49 20 are not yet developed.

- 1
- 2 (5) The requested waiver, **SUBJECT TO THE PROPOSED SPECIAL**
- 3 **CONDITION, IS** the minimum variation that will make possible the reasonable
- 4 use of the land/structure.
- 5
- 6 J. Regarding Part J of the proposed waivers, for an electrical system that does not comply
- 7 with the latest edition of the National Electric Code:
- 8 (1) The waiver **IS** in accordance with the general purpose and intent of the Zoning
- 9 Ordinance and **WILL NOT** be injurious to the neighborhood or to the public
- 10 health, safety, and welfare because: relevant jurisdictions have been notified of the
- 11 case, and no comments have been received.
- 12
- 13 (2) Special conditions and circumstances **DO** exist which are peculiar to the land or
- 14 structure involved, which are not applicable to other similarly situated land and
- 15 structures elsewhere in the same district because: the electrical system was
- 16 developed prior to adoption of the Zoning Ordinance on October 10, 1973, and the
- 17 petitioner was not aware of this requirement.
- 18
- 19 (3) Practical difficulties or hardships created by carrying out the strict letter of the
- 20 regulations sought to be varied **WILL** prevent reasonable or otherwise permitted
- 21 use of the land or structure or construction because: without Part J of the proposed
- 22 waivers, for an electrical system that does not comply with the latest edition of the
- 23 National Electric Code: the petitioner would have to either prove that the electrical
- 24 system meets the NEC or invest in rewiring the MANUFACTURED HOME
- 25 PARK.
- 26
- 27 (4) The special conditions, circumstances, hardships, or practical difficulties **DO NOT**
- 28 result from actions of the applicant because: home sites 1 through 14 were
- 29 developed prior to the petitioner’s purchase of the property; homes on sites 15 and
- 30 16 were placed by the petitioner prior to his knowledge of the County’s
- 31 requirements for MANUFACTURED HOME PARKS, and home sites 17 through
- 32 20 are not yet developed.
- 33
- 34 (5) The requested waiver, **SUBJECT TO THE PROPOSED SPECIAL**
- 35 **CONDITION, IS** the minimum variation that will make possible the reasonable
- 36 use of the land/structure.
- 37

- 38 7. Regarding the variance:
- 39 a. **Special conditions and circumstances {DO / DO NOT} exist which are peculiar to the**
- 40 **land or structure involved, which are not applicable to other similarly situated land**
- 41 **and structures elsewhere in the same district because:**
- 42

43 Mr. Wood said special conditions and circumstances DO exist which are peculiar to the land or structure  
 44 involved, which are not applicable to other similarly situated land and structures elsewhere in the same  
 45 district because: the 4.68-acre lot was an illegally created lot and needs to be at least 5 acres to be legal,  
 46 and should the 9.68-acre subject property receive approval for the rezoning in Case 035-AM-21, the 3-  
 47 acre maximum does not apply in the R-5 Manufactured Home Park Zoning District.

- 48
- 49 b. **Practical difficulties or hardships created by carrying out the strict letter of the**

1 regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise  
2 permitted use of the land or structure or construction because:

3  
4 Mr. Wood said practical difficulties or hardships created by carrying out the strict letter of the regulations  
5 sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or  
6 construction because: without the proposed variance, the petitioners would have to complete a Plat of  
7 Subdivision approval process to reduce the size of the lots to no more than 3 acres.

8  
9 c. The special conditions, circumstances, hardships, or practical difficulties *{DO / DO*  
10 *NOT}* result from actions of the applicant because:

11  
12 Mr. Wood said the special conditions, circumstances, hardships, or practical difficulties DO NOT result  
13 from actions of the applicant because: the petitioner was unaware of the 3-acre limit on Best Prime  
14 Farmland.

15  
16 d. The requested variance *{IS / IS NOT}* in harmony with the general purpose and intent  
17 of the Ordinance because:

18  
19 Mr. Wood said the requested variance IS in harmony with the general purpose and intent of the Ordinance  
20 because: the 9.68-acre lot provides adequate light and air for the residences.

21  
22 e. The requested variance *{WILL / WILL NOT}* be injurious to the neighborhood or  
23 otherwise detrimental to the public health, safety, or welfare because:

24  
25 Mr. Wood said the requested variance WILL NOT be injurious to the neighborhood or otherwise  
26 detrimental to the public health, safety, or welfare because: notice of the proposed variance was sent to  
27 relevant jurisdictions, and no comments have been received from them.

28  
29 f. The requested variance *{IS / IS NOT}* the minimum variation that will make possible  
30 the reasonable use of the land/structure because:

31  
32 Mr. Wood said the requested variance IS the minimum variation that will make possible the reasonable  
33 use of the land/structure.

34  
35 8. THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE  
36 PARTICULAR PURPOSES DESCRIBED BELOW:

37  
38 The following are proposed special conditions for Special Use Permit Case 036-S-21:

39 A. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until  
40 the petitioners have demonstrated that any new or proposed exterior lighting on the  
41 subject property will comply with the lighting requirements of Section 6.1.2.

42 The special condition stated above is required to ensure the following:  
43 That any proposed exterior lighting is in compliance with the Zoning Ordinance.

44  
45 B. No parking signs shall be posted along all streets in the manufactured home park.

46  
47 The special condition stated above is required to ensure the following:  
48 That there is always adequate emergency vehicle access.  
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C. **Each new home on proposed sites 15 through 20 shall be established pursuant to a Zoning Use Permit that may include all homes on one combined permit or individual homes on individual permits at a fee of \$33 per each site plus a Zoning Compliance Certificate fee of \$33 per each site.**

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

**To clarify the permits that are required to ensure conformance with the Zoning Ordinance.**

D. **Certification from the County Health Department or the Illinois Department of Public Health that the septic system on the subject property has sufficient capacity for the existing and proposed homes is a requirement for approval of the Zoning Use Permit.**

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

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

E. **The manufactured home park shall be compliant at all times with Illinois Department of Public Health and IEPA requirements and US Environmental Protection Agency requirements if necessary. At the time of application for a Zoning Use Permit, the petitioner shall provide a copy of the following:**

- (1) Approved IDPH construction permit for homes 15 through 20; and**
- (2) Approved IDPH license for 20 homes; and**
- (3) Either documentation that the septic system and water system have been approved by IEPA or USEPA if necessary.**

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

**To ensure compliance with IDPH, IEPA regulations and USEPA regulations if necessary and licensing that provide a greater assurance of public health and safety and ensure that County regulations, IDPH, IEPA and USEPA regulations are coordinated in a reasonable manner.**

F. **Within two years, the petitioner shall develop the recreation area in accordance with the most recent version of the *Illinois Mobile Home Park Act (210 ILCS 115)* and the Illinois Department of Public Health *Manufactured Home Community Code (77 Ill. Adm. Code 860)*.**

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

**That the manufactured home park conforms to State of Illinois requirements.**

G. **The east road in the manufactured home park shall connect to the existing interior road between home sites 16 and 17.**

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

**To provide efficient and safe traffic circulation.**

H. **Homes on sites 17 through 20 shall meet the following requirements:**

- 1           **(1) Homes shall be no larger than 16 feet by 68 feet.**
- 2           **(2) Homes shall be 15 feet from the eastern interior road.**

3

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

5                   **That new home sites meet the requirements of the Zoning Ordinance.**

6

- 7           **I. Within one year of the approval of Case 036-S-21, the petitioner shall construct a**
- 8           **monolithically paved outdoor area of a minimum 160 square feet in area with a**
- 9           **minimum dimension of 8 feet and a two-foot wide monolithically paved sidewalk to**
- 10           **the entrance of each home.**

11

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

13                   **That all home sites meet the requirements of the Zoning Ordinance.**

14

- 15           **J. The petitioner shall achieve full compliance with the Illinois Department of Public**
- 16           **Health within one year of approval of Special Use Permit case 036-S-21 or the Special**
- 17           **Use Permit will become void and the P&Z Department will begin enforcement action.**

18

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

20                   **To mitigate violations on the subject property.**

21

- 22           **K. Within 30 days of approval of Special Use Permit case 036-S-21, the petitioner shall**
- 23           **record a Miscellaneous Document at the Champaign County Recorder of Deeds**
- 24           **which states that approvals for the rezoning in Case 035-AM-21 and the Special Use**
- 25           **Permit in Case 036-S-21 will become void if IDPH approval is not received within one**
- 26           **year of approval of cases 035-AM-21 and 036-S-21.**

27

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

29                   **That future potential purchasers of the subject property are aware of the**

30                   **conditions established from the zoning cases.**

31

- 32           **L. All new “as-built” private accessway paving must be certified by an Illinois Licensed**
- 33           **Professional Engineer to comply with “...Section 16.3.3d. of the Subdivision**
- 34           **Ordinance and the current standard specifications of the Illinois Department of**
- 35           **Transportation.”**

36

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

38                   **That new roads comply with County ordinances.**

39

- 40           **M. Any new electrical hook-ups shall be done by a licensed electrical contractor and:**
- 41           **(1) The installing electrician shall certify in writing that the electrical hook-ups**
- 42           **for home sites 17 through 20 meet the National Electrical Code requirements.**
- 43
- 44           **(2) The installing electrician shall inspect the electrical hook-ups for home sites 13**
- 45           **through 16 and provide a written opinion on whether the hook-ups appear to**
- 46           **meet the National Electrical Code requirements.**

47

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

49                   **That electrical hook-ups comply with Zoning Ordinance requirements.**



1  
2 Mr. Elwell asked if there was a motion to adopt the Summary of Evidence, Documents of Record and  
3 Findings of Fact as amended.

4  
5 **Mr. Randol moved, seconded by Mr. Wood, to adopt the Summary of Evidence, Documents of**  
6 **Record and Findings of Fact as amended. The motion passed by voice vote.**

7  
8 Mr. Elwell told Mr. Jenkins he would be reading from page 61 of 65 as follows:

9  
10 **FINAL DETERMINATION FOR CASE 036-S-21**

11  
12 **Mr. Wood moved, seconded by Mr. Randol, that the Champaign County Zoning Board of Appeals**  
13 **finds that, based upon the application, testimony, and other evidence received in this case, the**  
14 **requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority**  
15 **granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:**

16  
17 **The Special Use requested in Case 036-S-21 is hereby GRANTED WITH SPECIAL**  
18 **CONDITIONS to the applicant, Jeffrey Jenkins, d.b.a. Walnut Grove MHC, to authorize the**  
19 **following as a Special Use:**

20  
21 **Authorize the expansion and use of an existing nonconforming manufactured home park**  
22 **with 12 existing plus 8 proposed manufactured home sites in the R-5 Manufactured Home**  
23 **Park Zoning District, contingent upon the rezoning of the subject property in related case**  
24 **035-AM-21.**

25  
26 **SUBJECT TO THE FOLLOWING WAIVERS:**

27  
28 **Part A: Authorize a waiver from Section 6.2.2. B. for having 20 home sites in lieu of the**  
29 **minimum required 24 home sites in a manufactured home park.**

30  
31 **Part B: Authorize a waiver from Section 6.2.2 C.3. for not providing screening along all**  
32 **boundary lines abutting existing residential development.**

33  
34 **Part C: Authorize a minimum setback (yard) of 15 feet in lieu of 20 feet between the**  
35 **entrance side of the manufactured home and the manufactured home site boundary, per**  
36 **Section 6.2.2 E.2.b., for existing home site 2.**

37  
38 **Part D: Authorize a minimum side yard of 9 feet in lieu of 10 feet, per Section 6.2.2 E.2.c.**  
39 **for existing home site 3.**

40  
41 **Part E: Authorize a waiver from having a manufactured home stand or pad on each**  
42 **home site made of concrete slabs or runways with ground anchors, per Section 6.2.2 E.4.**

43  
44 **Part F: Authorize no outdoor paved living space in lieu of an outdoor living space of at**  
45 **least 160 square feet with a minimum dimension of 8 feet, per Section 6.2.2 E.5. for all**  
46 **existing and proposed home sites.**

47  
48 **Part G: Authorize a minimum pavement width of 19 feet for existing private accessways**  
49 **in lieu of the minimum required 24 feet for minor streets, per Section 6.2.2 F.5.**

1 **Part H: Authorize a waiver from Section 6.2.2 F.6., with respect to paving materials,**  
 2 **curbs and gutters, grading, intersections, offsets, and radii of curvature, that the**  
 3 **provisions of the Subdivision Ordinance shall apply to existing private accessways.**

4  
 5 **Part I: Authorize a waiver from Section 6.2.2 H.1., for not having individual walks to**  
 6 **each manufactured home stand that are paved and a minimum of two feet in width.**

7  
 8 **Part J: Authorize a waiver for the electrical system to comply with the latest edition of**  
 9 **the National Electric Code, per Section 6.2.3 D.1.**

10  
 11 **SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:**

- 12  
 13 A. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until**  
 14 **the petitioners have demonstrated that any new or proposed exterior lighting on the**  
 15 **subject property will comply with the lighting requirements of Section 6.1.2.**
- 16  
 17 B. **No parking signs shall be posted along all streets in the manufactured home park.**
- 18  
 19 C. **Each new home on proposed sites 15 through 20 shall be established pursuant to a**  
 20 **Zoning Use Permit that may include all homes on one combined permit or individual**  
 21 **homes on individual permits at a fee of \$33 per each site plus a Zoning Compliance**  
 22 **Certificate fee of \$33 per each site.**
- 23  
 24 D. **Certification from the County Health Department or the Illinois Department of**  
 25 **Public Health that the septic system on the subject property has sufficient capacity**  
 26 **for the existing and proposed homes is a requirement for approval of the Zoning Use**  
 27 **Permit.**
- 28  
 29 E. **The manufactured home park shall be compliant at all times with Illinois Department**  
 30 **of Public Health and IEPA requirements and US Environmental Protection Agency**  
 31 **requirements if necessary. At the time of application for a Zoning Use Permit, the**  
 32 **petitioner shall provide a copy of the following:**
- 33 (1) **Approved IDPH construction permit for homes 15 through 20; and**  
 34 (2) **Approved IDPH license for 20 homes; and**  
 35 (3) **Either documentation that the septic system and water system have been**  
 36 **approved by IEPA or USEPA if necessary.**
- 37  
 38 F. **Within two years, the petitioner shall develop the recreation area in accordance with**  
 39 **the most recent version of the *Illinois Mobile Home Park Act (210 ILCS 115)* and the**  
 40 **Illinois Department of Public Health *Manufactured Home Community Code (77 Ill.***  
 41 ***Adm. Code 860).***
- 42  
 43 G. **The east road in the manufactured home park shall connect to the existing interior**  
 44 **road between home sites 16 and 17.**
- 45  
 46 H. **Homes on sites 17 through 20 shall meet the following requirements:**
- 47 (1) **Homes shall be no larger than 16 feet by 68 feet.**  
 48  
 49 (2) **Homes shall be 15 feet from the eastern interior road.**

- 1 I. Within one year of the approval of Case 036-S-21, the petitioner shall construct a
- 2 monolithically paved outdoor area of a minimum 160 square feet in area with a
- 3 minimum dimension of 8 feet and a two-foot wide monolithically paved sidewalk to
- 4 the entrance of each home.
- 5
- 6 J. The petitioner shall achieve full compliance with the Illinois Department of Public
- 7 Health within one year of approval of Special Use Permit case 036-S-21 or the Special
- 8 Use Permit will become void and the P&Z Department will begin enforcement action.
- 9
- 10 K. Within 30 days of approval of Special Use Permit case 036-S-21, the petitioner shall
- 11 record a Miscellaneous Document at the Champaign County Recorder of Deeds
- 12 which states that approvals for the rezoning in Case 035-AM-21 and the Special Use
- 13 Permit in Case 036-S-21 will become void if IDPH approval is not received within one
- 14 year of approval of cases 035-AM-21 and 036-S-21.
- 15
- 16 L. All new “as-built” private accessway paving must be certified by an Illinois Licensed
- 17 Professional Engineer to comply with “...Section 16.3.3d. of the Subdivision
- 18 Ordinance and the current standard specifications of the Illinois Department of
- 19 Transportation.”
- 20
- 21 M. Any new electrical hook-ups shall be done by a licensed electrical contractor and:
- 22 (1) The installing electrician shall certify in writing that the electrical hook-ups
- 23 for home sites 17 through 20 meet the National Electrical Code requirements.
- 24
- 25 (2) The installing electrician shall inspect the electrical hook-ups for home sites 13
- 26 through 16 and provide a written opinion on whether the hook-ups appear to
- 27 meet the National Electrical Code requirements.
- 28

29 Mr. Elwell requested a roll call vote.

30 The vote was called as follows:

33	Randol- Yes	Roberts- Yes	Anderson- Yes	Herbert- No
34	Elwell- Yes	Wood – Yes	Bates- Yes	

35  
36 Mr. Elwell asked if there was a motion to move to Final Determination for Case 041-V-22.

37  
38 Mr. Roberts moved, seconded by Mr. Randol, to move to Final Determination for Case 041-V-22.  
39 The motion passed by voice vote.

40  
41 **FINAL DETERMINATION FOR CASE 041-V-22**

42 Mr. Randol moved, seconded by Mr. Roberts, that the Champaign County Zoning Board of Appeals  
43 finds that, based upon the application, testimony, and other evidence received in this case, that the  
44 requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority  
45 granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of  
46 Appeals of Champaign County determines that:

47  
48 The Variance requested in Case 041-V-22 is hereby GRANTED to the applicant, Jeffrey Jenkins,  
49 d.b.a. Walnut Grove MHC, to authorize the following variance:

1 Authorize a variance for a 9.68-acre lot in lieu of the maximum allowed 3 acres in area for a  
2 lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per  
3 Section 5.3 of the Champaign County Zoning Ordinance.  
4

5 Mr. Elwell requested a roll call vote.  
6

7 The vote was called as follows:  
8

9	<b>Randol- Yes</b>	<b>Roberts- Yes</b>	<b>Anderson- Yes</b>	<b>Herbert- Yes</b>
10	<b>Elwell- Yes</b>	<b>Wood – Yes</b>	<b>Bates- Yes</b>	

11  
12 Mr. Elwell told Mr. Jenkins that for all three of his cases he received the four affirmative votes needed.  
13 He said Staff would be in touch with further communication.  
14

15 Mr. Jenkins thanked the Board.  
16

17 **7. New Public Hearings - None**  
18

19 **8. Staff Report - None**  
20

21 **9. Other Business-**  
22

23 Mr. Elwell asked the Board if any absences were coming up.  
24

25 Mr. Wood said he would be absent May 25<sup>th</sup>.  
26

27 **A. Review of Docket**  
28

29 Mr. Elwell asked Mr. Hall about the text amendment. He asked what options the Board has if they do  
30 nothing, or if they do accept the text amendment, what benefit to the County is it.  
31

32 Mr. Hall said the only benefit he can see at this point is that we would be complying with State law.  
33

34 Mr. Elwell thanked Mr. Hall.  
35

36 Mr. Randol said if we don't comply with State law, could they withhold tax revenue from the County.  
37

38 Mr. Hall said he didn't know what the State would do, but he doubts this would happen. He said we  
39 have heard there are two prospective wind farms out there; he assumes they could sue because they  
40 definitely want to go in under this new State rule.  
41

42 Mr. Bates asked if all the Board was doing is either approving or not approving a recommendation  
43 that's going to the County Board, right.  
44

45 Mr. Hall said that's right.  
46

47 Mr. Bates said so we don't have to approve it; what they decide to do is up to them.  
48

49 Mr. Hall said that's true, and in modern times, people don't seem to be quite as concerned about the

1 County Board overriding a ZBA recommendation, in this case because it is a State law that we are  
2 proposing to be compliant with, he thinks they would be able to override if this Board recommends a  
3 denial. He said but this Board does need to make a recommendation one way or the other.  
4

5 Mr. Bates said for sure we do; with that said, are there any implications to this Board by making a  
6 negative recommendation.  
7

8 Mr. Hall said no.  
9

10 Mr. Herbert said another question is, Mr. Hall was waiting to hear back from the State's Attorney on  
11 some things; is there a reason to have the next meeting since without that information what else do we  
12 have.  
13

14 Mr. Hall said he wants the Board to keep the next meeting on the books because he is going to have  
15 to start bugging the State's Attorney about getting an answer and it's easier to justify that the ZBA  
16 meeting is on the 27<sup>th</sup> and we have to have an answer by then. He said we have so few public hearings  
17 for this that we need an answer from them by the 27<sup>th</sup>. He said if we don't get an answer from them,  
18 then there might not be a need to meet for a long time on the 27<sup>th</sup>, but he would like to keep it on the  
19 docket as pressure. He said he knows the State's Attorney wants to get it off of their to-do list, but the  
20 last he heard the one civil attorney that is assigned to work with us, in fact when we went to Springfield  
21 for a meeting about this very amendment, he commented that he was a little busy because he was  
22 filling in for some attorneys in the criminal division who left, so he is doing a double workload. He  
23 said he was sorry to hear that, but we need an answer by the 27<sup>th</sup>.  
24

25 Mr. Elwell thanked Mr. Hall.  
26

27 **10. Adjournment**  
28

29 Mr. Elwell entertained a motion to adjourn the meeting.  
30

31 **Mr. Bates moved, seconded by Mr. Wood, to adjourn the meeting. The motion carried by voice vote.**  
32

33 The meeting adjourned at 8:02 p.m.  
34

35 Respectfully Submitted,  
36  
37  
38

39 Secretary of the Zoning Board of Appeals  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49