

1  
2  
3 **MINUTES OF REGULAR MEETING**

4 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

5 **1776 E. Washington Street**

6 **Urbana, IL 61802**

7  
8  
9 **DATE: June 16, 2016**

**PLACE: John Dimit Meeting Room**

**1776 East Washington Street**

**Urbana, IL 61802**

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

12  
13 **MEMBERS PRESENT:** Catherine Capel, Frank DiNovo, Debra Griest, Marilyn Lee, Jim Randol, Eric  
14 Thorsland

15  
16 **MEMBERS ABSENT :** Brad Passalacqua

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

19  
20 **OTHERS PRESENT :** Matt Garrison, Christopher Schultz

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

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

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

28  
29 The roll was called and a quorum declared present with one member absent.

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

34  
35 **3. Correspondence**

36  
37 None

38  
39 **4. Approval of Minutes (April 14, 2016)**

40  
41 Mr. Thorsland stated that staff has indicated that the April 14, 2016, minutes will be included on the June  
42 30, 2016, meeting agenda for the Board's approval.

43  
44 **5. Continued Public Hearing**

45  
46 None

1     **6.     New Public Hearings**

2  
3     **Case 832-V-16 Petitioner: Christopher Schultz Request: Authorize the following Variance on a lot in**  
4     **the AG-2 Agriculture Zoning District: Part A Authorize the use of an existing lot that is 12,800**  
5     **square feet in area in lieu of the minimum required lot size of 30,000 square feet; and Part B.**  
6     **Authorize the use of an existing lot that has an average lot width of 80 feet in lieu of the minimum**  
7     **required lot width of 150 feet; and Part C. Authorize the construction and use of a proposed detached**  
8     **garage with a setback of 43 feet from the centerline of Olympian Road in lieu of the minimum**  
9     **required setback of 55 feet and a front yard of 13 feet in lieu of the minimum required 25 feet.**  
10    **Location: A 0.3 acre tract in the Northwest Quarter of the Northwest Quarter of Section 33, Township**  
11    **20 North, Range 9 East of the Third Principal Meridian in Somer Township, and commonly known as**  
12    **the residence at 707 East Olympian Road, Urbana.**

13  
14    Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign  
15    the witness register for that public hearing. He reminded the audience that when they sign the witness  
16    register they are signing an oath. He asked the audience if anyone desired to sign the witness register at this  
17    time.

18  
19    Mr. Thorsland informed the audience that this is an Administrative Case and as such the County allows  
20    anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show  
21    of hands for those who would like to cross examine and each person will be called upon. He requested that  
22    anyone called to cross examine go to the cross examination microphone to ask any questions. He said that  
23    those who desire to cross examine are not required to sign the witness register but are requested to clearly  
24    state their name before asking any questions. He noted that no new testimony is to be given during the cross  
25    examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt  
26    from cross examination.

27  
28    Mr. Thorsland asked the petitioner if he would like to make a brief statement regarding the request.

29  
30    Mr. Christopher Schultz, who resides at 707 East Olympian Road, Urbana, stated that he would like to have  
31    a garage and privacy fence constructed on his property to protect his vehicles from vandalism. He said that  
32    when he applied for a Zoning Use Permit he was informed that the proposed garage was out of compliance  
33    with the County therefore he is present tonight to request a variance.

34  
35    Ms. Chavarria stated that there are few errors in the packet that she would like to correct. She said that Part  
36    A. on the agenda indicates that the existing lot is 13,280 square feet but the lot is actually 12,800 square feet.  
37    She said Part C. also included an error and should be corrected to indicate a front yard of 13 feet in lieu of  
38    the minimum required 25 feet. She said that the Final Determination included in the packet should be  
39    corrected to indicate the same information for Parts A., B. and C.

1  
2 Mr. Thorsland asked Mr. Schultz if his lot is a corner lot.  
3  
4 Mr. Schultz stated that his lot is between two homes.  
5  
6 Mr. Thorsland asked Mr. Schultz if up to this point he believed that his lot was fine.  
7  
8 Mr. Schultz stated yes. He said that the reason that he believed that he was fine was because there is a  
9 garage on the property to the left of his lot that has a garage closer than where he proposes his new garage  
10 therefore he assumed that it would be okay. He said that he did not realize that the property owners for the  
11 adjacent lot had received a variance for their garage location.  
12  
13 Mr. Thorsland stated that the memorandum indicates that Mr. Schultz has had limbs fall onto vehicles.  
14  
15 Mr. Schultz stated yes he did have limbs fall onto his vehicles but he has since trimmed the trees.  
16  
17 Mr. Thorsland asked Mr. Schultz if he had reviewed the special condition regarding replacement of the  
18 waste water system. Mr. Thorsland noted that the Zoning Board of Appeals does not have a lot of flexibility  
19 regarding the waste water systems.  
20  
21 Mr. Schultz stated that a septic system was installed in 2013.  
22  
23 Mr. Thorsland stated that this information is wonderful but the Board still has to consider it should it ever  
24 need to be replaced. He asked Mr. Schultz to indicate the reason why he wanted to build the garage at this  
25 location.  
26  
27 Mr. Schultz stated that the desired location is where the existing driveway is located and it is the only area  
28 sectioned off from the rest of the yard and it is really the only viable place for it. He said that the existing  
29 septic system and two large mature trees restrict the location of the garage. He said that he would like to  
30 keep the two mature trees and since his house is not in compliance either it made sense to request the  
31 variance.  
32  
33 Mr. Thorsland asked Mr. Schultz if the two mature trees are healthy trees.  
34  
35 Mr. Schultz stated yes and he wants to keep them.  
36  
37 Mr. Thorsland asked the Board if there were any questions for Mr. Schultz.  
38  
39 Ms. Griest stated that one of the things that she looked at regarding the location of the garage, and she does

1 like the location, is that if Mr. Schultz had to replace the current septic system he could not use the space  
2 where the proposed garage is to be located due to the required separation from the existing well.  
3  
4 Mr. DiNovo asked Mr. Schultz when he purchased the property.  
5  
6 Mr. Schultz stated that he purchased the property approximately 15 years ago.  
7  
8 Mr. DiNovo asked Mr. Schultz who he purchased the property from.  
9  
10 Mr. Schultz stated that he could not recall the previous owner's name.  
11  
12 Mr. Thorsland asked Mr. DiNovo if his question is relevant.  
13  
14 Mr. DiNovo stated that he is trying to establish the number of owners of the property prior to Mr. Schultz's  
15 purchase.  
16  
17 Mr. Thorsland asked Mr. Schultz if he knew when the lot was created.  
18  
19 Mr. Schultz stated that the property was created in 1974.  
20  
21 Mr. DiNovo asked Mr. Schultz if he purchased the property from Mr. and Mrs. Good.  
22  
23 Mr. Schultz stated no but he had been a neighbor of Mr. Good's for several years before he passed away.  
24  
25 Mr. DiNovo asked Mr. Schultz if he was represented by an attorney during his purchase of the property.  
26  
27 Mr. Schultz stated no.  
28  
29 Mr. Thorsland asked Mr. Schultz if title work was completed during his purchase.  
30  
31 Mr. Schultz stated yes.  
32  
33 Mr. Thorsland asked Mr. Schultz if when he purchased the lot he believed that the lot was legal with  
34 adequate size.  
35  
36 Mr. Schultz stated yes.  
37  
38 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Schultz and there  
39 were none.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39

Mr. Schultz stated that he is trying to improve his property.

Mr. Thorsland asked Mr. Schultz if he came to the Zoning Board of Appeals before he began construction of the garage.

Mr. Schultz stated yes.

Mr. Thorsland noted that the Zoning Board of Appeals always appreciates it when a property owner comes before the Board prior to their construction and he thanked Mr. Schultz for doing so.

Mr. Thorsland read the special conditions of approval as follows:

**A. Within 30 days of Final Action of Case 832-V-16, the petitioner shall file a miscellaneous document with the Champaign County Recorder of Deeds that documents the following:**

- (1) A Variance was granted in Zoning Case 832-V-16 to authorize the use of an existing lot that is the west 80 feet of “Lot B” of the Paul Lytle Survey recorded in Book 678 at Page 553 in the Northwest Quarter of the Northwest Quarter of Section 33 in Somer Township, commonly known as the residence at 707 E Olympian Road, Urbana, PIN #25-15-33-100-015.**
- (2) Because of the size of the existing lot, there are concerns whether a replacement wastewater (septic) system can be installed on the lot in the future.**
- (3) Any new wastewater (septic) system will need to be authorized by the Champaign County Health Department.**
- (4) For further information interested parties should contact the Champaign County Department of Planning and Zoning.**

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

**That potential buyers of the property are aware of how the lot was created and the possible limitations regarding the replacement of wastewater systems on the property.**

Mr. Thorsland asked Mr. Schultz if he agreed to special condition A.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39

Mr. Schultz stated that he agreed to special condition A.

- B. No parking will be allowed in front of the garage when there is less than 20 feet of separation between the garage and the Olympian Road right-of-way.**

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

**That public safety is prioritized in zoning case decisions.**

Mr. Thorsland asked Mr. Schultz if he agreed to Special Condition B.

Mr. Schultz stated that he agreed to Special Condition B.

Mr. Thorsland entertained a motion to approve the special conditions as read.

**Ms. Griest moved, seconded by Ms. Capel to approve the special conditions as read. The motion carried by voice vote.**

**Findings of Fact for Case 832-V-16:**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **832-V-16** held on **June 16, 2016**, the Zoning Board of Appeals of Champaign County finds that:

- 1. 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.**

Ms. Griest stated that 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 lot was created in 1974, shortly after the Zoning Ordinance was enacted and this owner purchased the land several years later utilizing the appropriate due diligence thinking that they were buying a perfectly legal lot.

- 2. 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.**

Ms. Capel stated that 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

1 structure or construction because the landowner will not be able to construct a garage to protect his  
2 vehicles because of the location of the septic system in another part of the yard.

3  
4 Mr. Randol stated that should the septic system need to be replaced the septic field could not be located  
5 where the petitioner is going to put the garage because of its proximity to the well.

6  
7  
8 **3. The special conditions, circumstances, hardships, or practical difficulties DO NOT result**  
9 **from actions of the applicant.**

10  
11 Ms. Griest stated that the special conditions, circumstances, hardships, or practical difficulties **DO NOT**  
12 result from actions of the applicant because the lot was created in 1974, shortly after the Zoning  
13 Ordinance was enacted and this owner purchased the land several years later utilizing the appropriate  
14 due diligence thinking that they were buying a perfectly legal lot.

15  
16 Mr. DiNovo stated that the property has passed through many hands since that time.

17  
18 **4. The requested variance, SUBJECT TO THE PROPOSED CONDITIONS, IS in harmony**  
19 **with the general purpose and intent of the Ordinance.**

20  
21 Mr. Thorsland stated that the requested variance, SUBJECT TO THE PROPOSED CONDITIONS, **IS** in  
22 harmony with the general purpose and intent of the Ordinance.

23  
24 Mr. DiNovo noted that the County has established a pattern of being lenient in granting variances for lots  
25 created shortly after the adoption of the Zoning Ordinance. He said that many errors occurred in the early  
26 1970's during the creation of the Zoning Ordinance.

27  
28 Mr. Hall stated that he would not liken this to an error as this lot was created in 1974.

29  
30 Ms. Capel stated that the lot was created between December 1973 and October 1974.

31  
32 Ms. Griest stated that a Warranty Deed was signed on July 30, 1974.

33  
34 Mr. Thorsland stated that he does not believe that these comments or concerns should be included in the  
35 Findings of Fact for this case as those comments or concerns should be included in a more global  
36 statement outside of this case. He said that the ZBA spends a lot of time fixing things that happened in  
37 the early or mid-1970's.

38  
39 Mr. Thorsland asked the Board if they agreed to accept Mr. DiNovo's statement but not including it in

1 the Findings of Fact for this case.

2

3 The Board agreed.

4

5 **5. The requested variance, SUBJECT TO THE PROPOSED CONDITIONS, WILL NOT be**  
6 **injurious to the neighborhood or otherwise detrimental to the public health, safety, or**  
7 **welfare.**

8

9 Mr. Randol stated that the requested variance, SUBJECT TO THE PROPOSED CONDITIONS, **WILL**  
10 **NOT** be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare  
11 because local fire and township authorities have been notified and there were no comments received.

12

13 **6. The requested variance, SUBJECT TO THE PROPOSED CONDITIONS, IS the minimum**  
14 **variation that will make possible the reasonable use of the land/structure.**

15

16 Mr. Thorsland stated that the requested variance, SUBJECT TO THE PROPOSED CONDITIONS, **IS**  
17 the minimum variation that will make possible the reasonable use of the land/structure.

18

19 **7. THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE**  
20 **PARTICULAR PURPOSES DESCRIBED BELOW:**

21

22 **A. Within 30 days of Final Action of Case 832-V-16, the petitioner shall file a miscellaneous**  
23 **document with the Champaign County Recorder of Deeds that documents the**  
24 **following:**

25

26 **(1) A Variance was granted in Zoning Case 832-V-16 to authorize the use of an**  
27 **existing lot that is the west 80 feet of "Lot B" of the Paul Lytle Survey**  
28 **recorded in Book 678 at Page 553 in the Northwest Quarter of the Northwest**  
29 **Quarter of Section 33 in Somer Township, commonly known as the residence**  
30 **at 707 E Olympian Road, Urbana, PIN #25-15-33-100-015.**

31

32 **(2) Because of the size of the existing lot, there are concerns whether a**  
33 **replacement wastewater (septic) system can be installed on the lot in the**  
34 **future.**

35

36 **(3) Any new wastewater (septic) system will need to be authorized by the**  
37 **Champaign County Health Department.**

38



1 (4) For further information interested parties should contact the Champaign  
2 County Department of Planning and Zoning.  
3

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

5 That potential buyers of the property are aware of how the lot was created  
6 and the possible limitations regarding the replacement of wastewater systems  
7 on the property.  
8

9 B. No parking will be allowed in front of the garage when there is less than 20 feet of  
10 separation between the garage and the Olympian Road right-of-way.  
11

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

13 That public safety is prioritized in zoning case decisions.  
14

15 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and  
16 Findings of Fact as amended.  
17

18 Ms. Griest moved, seconded by Mr. Randol, to adopt the Summary of Evidence, Documents of  
19 Record and Findings of Fact as amended. The motion carried by voice vote.  
20

21 Mr. Thorsland entertained a motion to move to the Final Determination for Case 832-V-16.  
22

23 Ms. Griest moved, seconded by Mr. Randol to move to the Final Determination for Case 832-V-16.  
24 The motion carried by voice vote.  
25

26 Mr. Thorsland informed the petitioner that currently the Board has one absent Board member therefore it is  
27 at his discretion to either continue Case 832-V-16 until a full Board is present or request that the present  
28 Board move to the Final Determination. He informed the petitioner that four affirmative votes are required  
29 for approval.  
30

31 Mr. Schultz requested that the present Board move to the Final Determination.  
32

33 **Final Determination For Case 832-V-16:**  
34

35 Ms. Griest moved, seconded by Ms. Capel that the Champaign County Zoning Board of Appeals  
36 finds that, based upon the application, testimony, and other evidence received in this case, that the  
37 requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority  
38 granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of  
39 Appeals of Champaign County determines that:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39

The Variance requested in Case 832-V-16 is hereby GRANTED WITH CONDITIONS to the petitioner Christopher Schultz to authorize the following variance in the AG-2 Agriculture Zoning District:

**Part A: Authorize the use of an existing lot that is 12,800 square feet in area in lieu of the minimum required lot size of 30,000 square feet; and**

**Part B: Authorize the use of an existing lot that has an average lot width of 80 feet in lieu of the minimum required lot width of 150 feet; and**

**Part C: Authorize the construction and use of a proposed detached garage with a setback of 43 feet from the centerline of Olympian Road in lieu of the minimum required setback of 55 feet and a front yard of 13 feet in lieu of the minimum required 25 feet.**

**SUBJECT TO THE FOLLOWING CONDITIONS:**

**A. Within 30 days of Final Action of Case 832-V-16, the petitioner shall file a miscellaneous document with the Champaign County Recorder of Deeds that documents the following:**

- (1) A Variance was granted in Zoning Case 832-V-16 to authorize the use of an existing lot that is the west 80 feet of "Lot B" of the Paul Lytle Survey recorded in Book 678 at Page 553 in the Northwest Quarter of the Northwest Quarter of Section 33 in Somer Township, commonly known as the residence at 707 E Olympian Road, Urbana, PIN #25-15-33-100-015.**
- (2) Because of the size of the existing lot, there are concerns whether a replacement wastewater (septic) system can be installed on the lot in the future.**
- (3) Any new wastewater (septic) system will need to be authorized by the Champaign County Health Department.**
- (4) For further information interested parties should contact the Champaign County Department of Planning and Zoning.**

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

1                           **That potential buyers of the property are aware of how the lot was created**  
 2                           **and the possible limitations regarding the replacement of wastewater systems**  
 3                           **on the property.**  
 4

5           **B.     No parking will be allowed in front of the garage when there is less than 20 feet of**  
 6                   **separation between the garage and the Olympic Road right-of-way.**  
 7

8                   The special condition stated above is required to ensure the following:  
 9                           **That public safety is prioritized in zoning case decisions.**  
 10

11 Mr. Thorsland requested a roll call vote.

12  
 13 The roll was called as follows:

14			
15	<b>Capel – yes</b>	<b>DiNovo – yes</b>	<b>Griest - yes</b>
16	<b>Lee – yes</b>	<b>Passalacqua – absent</b>	<b>Randol – yes</b>
17	<b>Thorsland – yes</b>		
18			

19 Mr. Hall informed Mr. Schultz that he has received approval of his request and staff will send out the  
 20 final paperwork as soon as possible.  
 21

22  
 23 **Case 833-AM-16 Petitioner: Terry and Janice Wolf d.b.a. Wolf Ag Solutions Request: Amend the**  
 24 **Zoning Map to change the zoning district designation from the AG-2 Agriculture Zoning District to**  
 25 **the B-4 General Business District for the continued use of a Farm Equipment Sales and Service**  
 26 **business with a Trailer Sales Area (open lot). Location: A 5 acre tract in the Southwest Quarter of the**  
 27 **Southeast Quarter of Section 4, Township 18N, Range 14W of the Second Principal Meridian in South**  
 28 **Homer Township and commonly known as the business Wolf Ag Solutions with an address of 2758**  
 29 **CR 1100 North, Homer.**  
 30

31 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign  
 32 the witness register for that public hearing. He reminded the audience that when they sign the witness  
 33 register they are signing an oath. He asked the audience if anyone desired to sign the witness register at this  
 34 time.  
 35

36 Mr. Thorsland asked the petitioner if he would like to make a brief statement regarding the request.  
 37

38 Mr. Matthew Garrison, who resides at 403 East First Street, Homer, stated that he is trying to have the  
 39 subject property properly zoned for business. He said the business has been in operation for over 25 years

1 under the incorrect zoning. He said that as he was completing paperwork for the state, the issue of improper  
2 zoning came up and he decided that it would be best to have it corrected.  
3  
4 Mr. Thorsland asked Mr. Garrison if he was aware of how the business was allowed at this location without  
5 the proper zoning.  
6  
7 Mr. Garrison stated that probably at the time it was located out in the middle of nowhere in the  
8 unincorporated outskirts of Homer, and still is, and all of the farm ground that surrounds the property is  
9 owned by the same family that owns the business. He said that the property is an agricultural based business  
10 so perhaps there were no questions asked since it was located in the AG-2 Zoning District.  
11  
12 Mr. Thorsland stated that this is an established business that has been at this location for a long time. He  
13 said that since the surrounding farmland has been and is currently owned by the business owners, there have  
14 probably not been any complaints received regarding the operation.  
15  
16 Mr. Garrison stated that the same owners own all of the farmland and the operation since the business was  
17 started.  
18  
19 Mr. Thorsland asked Mr. Garrison if there was any intent to relocate the business in the future.  
20  
21 Mr. Garrison stated no. He said that all of the owner's homesteads are located at or near the property and the  
22 farm operation is located at this property as well.  
23  
24 Mr. Thorsland asked Mr. Garrison if this is a super busy daily operation.  
25  
26 Mr. Garrison stated that it isn't a busy business in regards to traffic but it is busy in the agricultural  
27 community. He said that they do keep busy with approximately \$700,000 to \$800,000 in sales per year.  
28  
29 Ms. Griest asked Mr. Garrison to describe his association with the business.  
30  
31 Mr. Garrison stated that Terry and Janice Wolf are the owners of the property and their son inherited the  
32 business from them. Mr. Garrison stated that he is the business manager for Wolf Ag Solutions and he is  
33 responsible for all of the paperwork. He said that they made a minor change to the incorporation name  
34 which required paperwork for the State of Illinois and that paperwork required Mr. Hall's signature. He said  
35 that he was informed that the property had the incorrect zoning therefore he decided to have it corrected. He  
36 said that if the name change had not been completed he would have probably never known that the zoning  
37 was incorrect for the business use.  
38  
39 Mr. Thorsland asked Mr. Garrison if granting the map amendment will change the operation.

1  
2 Mr. Garrison stated no. He said that the business has been the same since it was created.  
3  
4 Mr. Randol asked Mr. Garrison to indicate if there are any heavy truck deliveries.  
5  
6 Mr. Garrison stated that the deliveries do come on semi-trucks and anything that is delivered is done so off  
7 the road due to the Fairmount Rock Quarry traffic.  
8  
9 Mr. DiNovo asked Mr. Garrison if their trade area is mostly in Champaign and Vermilion Counties.  
10  
11 Mr. Garrison stated that they sell to 38 states. He said that since they are a warehouse, they ship parts via  
12 UPS all over the place but their primary area is probably a five state area.  
13  
14 Mr. Thorsland asked Mr. Garrison if the business only receives one UPS truck per day.  
15  
16 Mr. Garrison stated yes. He said that UPS comes to the property every day because they are a pickup stop  
17 for a couple of businesses.  
18  
19 Mr. DiNovo asked Mr. Hall if there was a previous zoning case on the adjacent property.  
20  
21 Mr. Hall stated yes and at that time this property was very visible and no questions were asked. He said that  
22 when Mr. Garrison contacted the office about the information required for the Secretary of State and staff  
23 discussed the incorrect zoning Mr. Garrison submitting the map amendment application the same day.  
24  
25 Mr. DiNovo stated that at the time of the previous case Mr. Dale Wolf was a County Board member.  
26  
27 Mr. Hall stated that it is his opinion that B-4, General Business is the proper zoning for this use because if  
28 they are selling to 38 states they must be selling more than just farm equipment.  
29  
30 Mr. Garrison stated that after it got outside of the grain handling equipment and they started to sell trailers,  
31 they were getting away from just agriculture customers; this is why they wanted to submit the application for  
32 rezoning.  
33  
34 Ms. Griest asked Mr. Garrison when they started selling trailers.  
35  
36 Mr. Garrison stated that approximately two years ago, they started selling trailers under the old company  
37 name, and those sales were not an issue because they did not change the company name. He said that when  
38 they changed the company name, the issue of improper zoning was raised, and that is why they are  
39 requesting that the property be rezoned from AG-2 to B-4.

1  
2 Ms. Lee asked Mr. Hall if approval of the special conditions is a problem since the actual property owner is  
3 not present.  
4  
5 Mr. Hall stated no, because Mr. Garrison is an agent of the business and the property owners have entrusted  
6 him to make those types of decisions.  
7  
8 Mr. Garrison stated that the owner of the business sent an email to Ms. Chavarria indicating that he  
9 authorized Mr. Garrison to act on his behalf.  
10  
11 Mr. Thorsland read the proposed special conditions as follows:  
12  
13 **A. The owners of the subject property hereby recognize and provide for the right of**  
14 **agricultural activities to continue on adjacent land consistent with the Right to Farm**  
15 **Resolution 3425.**  
16  
17 The above special condition is necessary to ensure the following:  
18  
19 **Conformance with Policy 4.2.3 of the Land Resource Management Plan.**  
20  
21 Mr. Thorsland asked Mr. Garrison if he agreed to Special Condition A.  
22  
23 Mr. Garrison stated that he agreed to Special Condition A.  
24  
25 **B. A Change of Use Permit shall be applied for within 30 days of the approval of Case**  
26 **833-AM-16 by the County Board.**  
27  
28 The above special condition is required to ensure the following:  
29  
30 **The establishment of the proposed use shall be properly documented as required by the**  
31 **Zoning Ordinance.**  
32  
33 Mr. Thorsland asked Mr. Garrison if he agreed to Special Condition B.  
34  
35 Mr. Garrison stated that he agreed to Special Condition B.  
36  
37 Mr. Thorsland entertained a motion to approve the special conditions as read.  
38  
39 **Ms. Griest moved, seconded by Mr. Randol, to approve the special conditions as read. The motion**

1 carried by voice vote.

2

3 Mr. Thorsland stated that there are no decision points in the Finding of Fact therefore he asked the Board if  
4 they agreed with staff’s recommendations in the Summary Finding of Fact or did they want to review each  
5 Goal and Policy individually.

6

7 The Board agreed with staff’s recommendations in the Summary Finding of Fact.

8

9 **Summary Finding of Fact for Case 833-AM-16:**

10

11 From the documents of record and the testimony and exhibits received at the public hearing conducted  
12 on **June 16, 2016**, the Zoning Board of Appeals of Champaign County finds that:

13

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

16 A. Regarding Goal 3 Prosperity:

17 (1) Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of the  
18 Goal 3 objectives, the proposed rezoning will allow the petitioners to continue  
19 business operations where they have been located since the 1980s.

20

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

24

25 B. Regarding Goal 4 Agriculture:

26 (1) It will **HELP ACHIEVE** Objective 4.3 requiring any discretionary development  
27 to be on a suitable site because it will **HELP ACHIEVE** the following:

28 a. Policy 4.3.5 requiring that a business or non-residential use establish on  
29 best prime farmland only if it serves surrounding agriculture and is  
30 appropriate in a rural area (see Item 13.A.(5)).

31

32 b. Policy 4.3.4 requiring existing public infrastructure be adequate to support  
33 the proposed development effectively and safely without undue public  
34 expense (see Item 13.A.(4)).

35

36 c. Policy 4.3.3 requiring existing public services be adequate to support the  
37 proposed development effectively and safely without undue public  
38 expense (see Item 13.A.(3)).

39

- 1 d. Policy 4.3.2 requiring a discretionary development on best prime farmland
- 2 to be well-suited overall (see Item 13.A.(2)).
- 3
- 4 (2) It will **HELP ACHIEVE** Objective 4.2 requiring discretionary development to
- 5 not interfere with agriculture because it will **HELP ACHIEVE** the following:
- 6 a. Policy 4.2.4 requiring that all discretionary review consider whether a
- 7 buffer between existing agricultural operations and the proposed
- 8 development is necessary (see Item 13.B.(4)).
- 9
- 10 b. Policy 4.2.3 requiring that each proposed *discretionary development*
- 11 explicitly recognize and provide for the right of agricultural
- 12 activities to continue on adjacent land (see Item 13.B.(3)).
- 13
- 14
- 15 c. Policy 4.2.2 requiring discretionary development in a rural area to not
- 16 interfere with agriculture or negatively affect rural infrastructure
- 17 (see Item 13.B.(2)).
- 18
- 19 d. Policy 4.2.1 requiring a proposed business in a rural area to support
- 20 agriculture or provide a service that is better provided in the rural
- 21 area (see Item 13.B.(1)).
- 22
- 23 (3) It will **HELP ACHIEVE** Objective 4.1 requiring minimization of the
- 24 fragmentation of farmland, conservation of farmland, and stringent
- 25 development standards on best prime farmland because it will **HELP**
- 26 **ACHIEVE** the following:
- 27 a. Policy 4.1.8 requiring the County to consider the LESA rating for
- 28 farmland protection when making land use decisions regarding a
- 29 discretionary development (see Item 13.C.(4)).
- 30
- 31 b. Policy 4.1.6 requiring that the use, design, site and location are consistent
- 32 with policies regarding suitability, adequacy of infrastructure and public
- 33 services, conflict with agriculture, conversion of farmland, and disturbance
- 34 of natural areas (see Item 13.C.(3)).
- 35
- 36 c. Policy 4.1.1, which states that commercial agriculture is the highest and
- 37 best use of land in the areas of Champaign County that are by
- 38 virtue of topography, soil and drainage, suited to its pursuit.
- 39 The County will not accommodate other land uses except under



1 very restricted conditions or in areas of less productive soils (see  
2 Item 13.C.(2)).

3  
4 (4) Based on achievement of the above Objectives and Policies, the proposed map  
5 amendment will **HELP ACHIEVE** Goal 4 Agriculture.

6  
7 C. Regarding Goal 7 Transportation:

8 (1) The proposed amendment will **HELP ACHIEVE** Objective 7.1 requiring the  
9 consideration of traffic impact in land use decisions because it will **HELP**  
10 **ACHIEVE** the following:

11 a. Policy 7.1.1 requiring traffic impact analyses for projects with significant  
12 traffic generation (see Item 16.A.(1)).

13  
14 (2) Based on achievement of the above Objectives and Policies and because it will  
15 either not impede or is not relevant to the other Objectives and Policies  
16 under this goal, the proposed map amendment will **HELP ACHIEVE** Goal 7

17 transportation.  
18

19 D. Regarding Goal 8 Natural Resources:

20 • (1) The proposed amendment will **HELP ACHIEVE** Objective 8.6 requiring  
21 the County to encourage resource management which avoids loss or  
22 degradation of areas representative of the pre-settlement environment and  
23 other areas that provide habitat for native and game species because it  
24 will **HELP ACHIEVE** the following:

25 a. Policy 8.6.4 requiring the County to implement IDNR recommendations  
26 for discretionary development sites that contain endangered or threatened  
27 species and to seek to ensure that recommended management practices are  
28 maintained on such sites (see Item 17.A.(3)).

29  
30  
31 b. Policy 8.6.3 requiring that the County use the Illinois Natural Areas  
32 Inventory and other scientific sources of information to identify  
33 priority areas for protection or which offer the potential for  
34 restoration, preservation, or enhancement (see Item 17.A.(2)).  
35

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

- 37 • Goal 1 Planning and Public Involvement
- 38 • Goal 2 Governmental Coordination
- 39 • Goal 5 Urban Land Use

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39

- Goal 6 Public Health and Public Safety
- Goal 9 Energy Conservation
- Goal 10 Cultural Amenities

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

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

- A. The amendment will allow Wolf Ag Solutions to continue its farm implements business in order to support surrounding agricultural activities.
- B. The subject property is well-suited overall for the proposed land use.
- C. The subject property and its vicinity have maintained the same uses for years.
- D. The proposed use is a service better provided in a rural area.
- E. The proposed use does serve surrounding agricultural land uses.
- F. The proposed development is otherwise appropriate in a rural area.

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

- A. Establishing the B-4 District at this location will help classify, regulate, and restrict the location of the uses authorized in the B-4 District (Purpose 2.0 (i) see Item 21.G.).
- B. Establishing the B-4 District at this location will not require the development of public utilities or transportation facilities (Purpose 2.0 (p) see Item 21.K.).
- C. Establishing the B-4 District at this location will not take any land out of production (Purpose 2.0 (q) see Item 21.L.).

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

**Ms. Griest moved, seconded by Mr. Randol, to adopt the Finding of Fact, Documents of Record and Summary Finding of Fact as amended. The motion carried by voice vote.**

1 Mr. Thorsland informed the petitioner that currently the Board has one absent Board member therefore it is  
2 at his discretion to either continue Case 833-AM-16 until a full Board is present or request that the present  
3 Board move to the Final Determination. He informed the petitioner that four affirmative votes are required  
4 for approval.

5  
6 Mr. Garrison requested that the present Board move to the Final Determination.

7  
8 **Final Determination for Case 833-AM-16:**

9  
10 Ms. Griest moved, seconded by Ms. Capel that pursuant to the authority granted by Section 9.2 of the  
11 Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County  
12 determines that:

13  
14 **The Zoning Ordinance Amendment requested in Case 833-AM-16 should BE ENACTED**  
15 **by the County Board in for the form attached hereto.**

16  
17 **SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:**

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

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

24  
25 **Conformance with Policy 4.2.3 of the Land Resource Management Plan.**

26  
27 **B. A Change of Use Permit shall be applied for within 30 days of the approval of Case**  
28 **833-AM-16 by the County Board.**

29  
30 The above special condition is required to ensure the following:

31  
32 **The establishment of the proposed use shall be properly documented as required by the**  
33 **Zoning Ordinance.**

34  
35 Mr. Thorsland requested a roll call vote.

36  
37 The roll was called as follows:

38  
39 **Capel – yes                      DiNovo – yes                      Griest – yes**

1                    Lee – yes                    Passalacqua – absent                    Randol – yes  
 2                    Thorsland – yes

3  
 4 Mr. Hall informed Mr. Garrison that his request has received a recommendation for approval from the  
 5 Zoning Board of Appeals. He said that normally a map amendment case is forwarded from this Board to the  
 6 Environment and Land Use Committee and then to the County Board, but there is no Environment and Land  
 7 Use Committee meeting in July. Mr. Garrison has the option of having this recommendation forwarded  
 8 straight to the County Board for its July 21<sup>st</sup> meeting or waiting until the Environment and Land Use  
 9 Committee meeting on August 4<sup>th</sup> and the County Board meeting on August 18<sup>th</sup>. He said that he would  
 10 hope that the County Board would look at this case as the ZBA did but they do not spend as much time as  
 11 this Board and he cannot predict what the County Board will decide.

12  
 13 Mr. Garrison stated that he will have to defer to the August meetings because he will be out of town on July  
 14 21<sup>st</sup>.

15  
 16 **7. Staff Report**

17  
 18 None

19  
 20 **8. Other Business**

- 21 A. Review of Docket
- 22 B. Reinstate Previously Cancelled Meetings: September 29, October 13, and November 10 to
- 23 be held in the John Dimit Meeting Room

24  
 25 Mr. Hall stated that the docket indicates a recommendation of reinstating the September 29<sup>th</sup> and November  
 26 10<sup>th</sup> meetings. He said that these are the only two meetings that can be added without completely exhausting  
 27 the budgeted per diem. He recommended that the Board wait on reinstating the October 13<sup>th</sup> meeting until it  
 28 is known whether it will be absolutely necessary and if it is we can deal with the per diem at that time.

29  
 30 Mr. Thorsland entertained a motion to reinstate the September 29<sup>th</sup> and November 10<sup>th</sup> meetings only.

31  
 32 **Ms. Lee moved, seconded by Mr. DiNovo to reinstate the September 29<sup>th</sup> and November 10<sup>th</sup> meetings**  
 33 **only. The motion carried by voice vote.**

34  
 35 Mr. Hall stated that by the end of May 2016 the ZBA has booked as many cases as all of 2015. He said that  
 36 he has not seen such a dramatic change in case load in such a short amount of time but Ms. Chavarria is  
 37 doing a very good job in keeping up. He said that we have a tremendous amount of cases to complete but  
 38 the ZBA has not booked all of the meetings for the year yet, so the ZBA could end up doing twice as many  
 39 cases as they did last year.

1  
2 Mr. Hall stated that staff has already taken in three times the fees for Zoning Use Permits than this time last  
3 year. He said that 2016 has been a phenomenal year so far.  
4  
5 Mr. Thorsland noted that he will be absent from the July 14<sup>th</sup> meeting.  
6  
7 Ms. Griest stated that she will be absent from the September 29<sup>th</sup> meeting.  
8  
9 Mr. Hall stated that the Board needs to vote on the start time for the June 30<sup>th</sup> meeting. He said that Cases  
10 792-V-14 and 836-S-16 could make it a long night so it is recommended that the meeting begin at 6:30 p.m.  
11 He said that at the June 30<sup>th</sup> meeting, he would like to make an advisory recommendation that if no  
12 progress, after a significant amount of time, is being made on Case 792-V-14, he will request that the Board  
13 move forward. He said that he will also entertain a motion at the beginning of the June 30<sup>th</sup> meeting to  
14 rearrange the agenda and hear Case 836-S-16 as the first case of the meeting.  
15  
16 Mr. Thorsland entertained a motion to begin the June 30<sup>th</sup> meeting at 6:30 p.m.  
17  
18 **Ms. Griest moved, seconded by Mr. Randol to begin the June 30<sup>th</sup> meeting at 6:30 p.m. The motion**  
19 **carried by voice vote.**  
20  
21 **9. Audience Participation with respect to matters other than cases pending before the Board**  
22  
23 None  
24  
25 **10. Adjournment**  
26  
27 Mr. Thorsland entertained a motion to adjourn the meeting.  
28  
29 **Ms. Griest moved, seconded by Mr. Randol to adjourn the meeting at 7:50 p.m. The motion carried**  
30 **by voice vote.**  
31  
32 The meeting adjourned at 7:50 p.m.  
33  
34  
35  
36 Respectfully submitted  
37  
38  
39

- 1
- 2 Secretary of Zoning Board of Appeals
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14