

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

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

DATE: February 28, 2013

**PLACE: John Dimit Meeting Room
1776 East Washington Street
Urbana, IL 61802**

TIME: 6:30 p.m.

MEMBERS PRESENT: Catherine Capel, Thomas Courson, Eric Thorsland, Paul Palmgren, Brad Passalacqua, Roger Miller

MEMBERS ABSENT : None

COUNTY BOARD MEMBERS PRESENT: Jonathan Schroeder

STAFF PRESENT : Connie Berry, John Hall, Andrew Kass

OTHERS PRESENT : Katie Warren, Dorothy Riegel, Terry Plampin, Kelly Dillard, Eric Sebens, Charlie Jesse

1. Call to Order

The meeting was called to order at 6:31 p.m.

2. Roll Call and Declaration of Quorum

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

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

3. Correspondence

None

4. Approval of Minutes (December 13, 2012 and January 17, 2013)

Mr. Passalacqua moved, seconded by Mr. Courson to approve the December 13, 2012, and January 17, 2013, minutes as submitted. The motion carried by voice vote.

5. Continued Public Hearing

Case 732-AT-12 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning Ordinance as follows: Part A. Revise paragraph 7.1.2B. as follows: (1) Strike “non-family” and

1 replace with “non-resident”; and (2) Revise subparagraph 7.1.2B.i. to strike “five acres” and replace
2 with “two acres in area”; and renumber the subparagraph to 7.1.2B.(1); and (3) Revise
3 subparagraph 7.1.2B.ii to strike “five acres” and replace with “that are two acres in area”; add the
4 phrase “and provided that”; and renumber the subparagraph to 7.1.2B.(2); and (4) Add new
5 subparagraph 7.1.2B.(3) to authorized that all employees may be present and working on the
6 premises for no more than 5 days with any 30 day period due to inclement weather or as necessitated
7 by other business considerations; and (5) Add new subparagraph 7.1.sB.(4) to authorize that family
8 members who are residents of the property when the HOME OCCUPATION is operating but who
9 subsequently move from the premises may remain active in the HOME OCCUPATION and shall not
10 be counted as a non-resident employee as long as their participation in the HOME OCCUPATION
11 continues. Part B. Revise paragraph 7.1.2E. as follows: (1) Strike “Second Division vehicle as
12 defined by the Illinois Vehicle Code” and replace with “MOTOR VEHICLES”; and add the phrase
13 “and parked at”. (2) Add new subparagraph 7.1.2E(1) to require that the number of MOTOR
14 VEHICLES and licensed trailers displaying the name of the RURAL HOME OCCUPATION or used
15 in any way for the RURAL HOME OCCUPATION shall be within the limits established. (3)
16 Renumber subparagraph 7.1.2E.i.to be 7.1.2E.(2) and strike “vehicles over 8,000 gross weight” and
17 replace with “MOTOR VEHICLES that are either a truck tractor and/or a MOTOR VEHICLE with
18 tandem axles, both as defined by the Illinois Vehicle Code (625 ILCS 5/1 et seq)”; and add the phrase
19 “and all MOTOR VEHICLE loads and weights shall conform to the Illinois Vehicle Code (625 ILCS
20 5/15-111)”. (4) Renumber subparagraph 7.1.2E.ii. to be 7.1.2E.(3) and strike “vehicles” and replace
21 with “MOTOR VEHICLES”; and strike “vehicles under 8,000 lbs. gross vehicle weight”; and insert
22 “licensed”; and strike “and off-road vehicles”; and insert the phrase “or owner”. (5) Renumber
23 subparagraph 7.1.2E.(4)(a) to require that no more than 1 motor vehicle may be parked outdoors less
24 than five feet from a side or rear property line or less than 10 feet from a front property line; and (b)
25 Add subparagraph 7.1.2E(4)(b) to require that outdoor parking for more than one motor vehicle shall
26 be no less than 50 feet from any lot line and no less than 100 feet from any offsite dwelling; and (c)
27 Add subparagraph 7.1.2E.(4)(c) to require that outdoor parking for more than one motor vehicle that
28 does not meet certain requirements shall be at least 10 feet from any lot line and be screened. (6) Add
29 subparagraph 7.1.2E.(5) to require that paragraphs 7.1.2E. and 7.1.2F. apply to all new RURAL
30 HOME OCCUPATION and to any expansion of a RURAL HOME OCCUPATION that is filed after
31 September 1, 2012. (7) Add subparagraph 7.1.2E.(6)(a) and (b) to require the following: (a) Any
32 MOTOR VEHICLE or licensed trailer or piece of equipment that was included on an application for
33 a RURAL HOME OCCUPATION that was received before September 1, 2012, may continue to be
34 used provided that the total number of vehicles are not more than 10 and no more than 3 may be
35 truck tractors or MOTOR VEHICLES with tandem axles as defined by the Illinois Vehicle Code; (b)
36 Any RURAL HOME OCCUPATION that complies with 7.1.2E.(6) shall be authorized to have the
37 same number of motor vehicles or licensed trailers or pieces of equipment as long as it continues in
38 business at that location and any MOTOR VEHICLE or licensed trailer or piece of equipment may
39 be replaced with a similar motor vehicle or licensed trailer or piece of equipment. Part C. Add new

1 paragraph 7.1.2F. as follows: (1) Limit the number of motorized or non-motorized complete pieces of
2 non-farm equipment in outdoor storage to 10 complete pieces, provided that the number of pieces of
3 equipment that may be in outdoor storage shall be reduced by the number of MOTOR VEHICLES
4 and licensed trailers that are also parked outdoors; and (2) Require that equipment in outdoor
5 storage meet the same separations required for MOTOR VEHICLES in 7.1.2E.(4)(b) and
6 7.1.2E.(4)(c). Part D. Revise paragraph 7.1.2H. to require that more than four vehicles for patrons
7 and onsite employees shall be screened; and also provide that loading berths are not required for
8 RURAL HOME OCCUPATIONS. Part E. Revise paragraph 7.1.2K. as follows: (1) Add the phrase
9 “for other than equipment used in any RURAL HOME OCCUPATION”; and strike the phrase
10 “screened as provided by Section 7.6, and replace with the phrase “shall be provided as follows:” (2)
11 Add subparagraph 7.1.2K.(1) to require that no outdoor storage be located in any required off street
12 parking spaces; and (3) Add subparagraph 7.1.2K.(2) to require screening if outdoor storage occurs
13 in any yard within 1,000 feet of certain specified uses of surrounding property.
14

15 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
16 sign the witness register for that public hearing. He reminded the audience that when they sign the
17 witness register they are signing an oath.
18

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

21 Mr. John Hall, Zoning Administrator, stated that there were changes at the last ZBA meeting but there are no
22 new changes proposed for this case tonight. He distributed a new Supplemental Memorandum dated
23 February 28, 2013, to the Board for review. He said that the memorandum includes an updated Finding of
24 Fact with the new format Summary Finding of Fact on page 12 of 18, which is the page that will be
25 forwarded to the County Board for review. He said that this case may be ready for final action but it is not as
26 pressing as some other amendments and it is up to the Board whether or not to take action tonight or
27 continue it to a later date.
28

29 Mr. Thorsland called Kelly Dillard to testify.
30

31 Mr. Kelly Dillard, who resides at 700 CR 2175N, Champaign, stated that expanding the Ordinance to
32 include equipment and trailers without expanding the number will hurt people who want to have Rural
33 Home Occupations. He said that the new information indicates that the proposed text amendment will not
34 impede LRMP Goal 3. He said that without a doubt the proposed text amendment will impede Goal 3 which
35 is prosperity because it causes additional cost for anyone desiring to run a Rural Home Occupation. He said
36 that with his own experience he has spent a lot of money building parking lots and with the text amendment
37 someone will be required to build more buildings to store equipment and trailers indoors. He said that he
38 has not been able to review the entirety of the distributed information therefore he would request that the
39 Board not take action on this case tonight. He said that the ZBA needs to spend more time deciding what the

1 proposed text amendment will cover and whether the Planning and Zoning Department can adequately
2 police it along with everything else they have to police.

3
4 Mr. Thorsland asked the Board if there were any questions for Mr. Dillard and there were none.

5
6 Mr. Thorsland asked if staff had any questions for Mr. Dillard and there were none.

7
8 Mr. Thorsland asked Mr. Hall if there was any additional information from tonight's Supplemental
9 Memorandum that he would like to review with the Board.

10
11 Mr. Hall stated no.

12
13 Mr. Thorsland stated that the new memorandum reflects the changes that were discussed at the last meeting
14 and testimony was received tonight regarding the achievement of Goal 3 and a request for additional time to
15 consider the amendment prior recommendation. He said that he would agree that there is no urgency to
16 complete this amendment tonight. He asked the Board if there were any concerns or modifications to the
17 numbers which should be discussed or should the Board move forward to the Summary Finding of Fact.

18
19 Mr. Passalacqua stated that at the last meeting Mr. Dillard indicated that the number of vehicles allowed
20 should be 15 in lieu of 10. He asked Mr. Dillard if he still believed that the total number of vehicles should
21 be 15.

22
23 Mr. Dillard stated that he did make that statement because it has been proposed that the 10 motor vehicles
24 will include equipment and trailers. He said that if a total of 10 was appropriate for motor vehicles
25 previously then a higher number should be considered if two other classes of equipment is going to be
26 included.

27
28 Mr. Hall clarified that the core reason for this text amendment is because it is not clear whether, in the
29 current Ordinance, the limit of 10 applies to motor vehicles and large pieces of equipment and trailers
30 although he contends that it does. He said that in the proposed amendment the limit of 10 only applies to
31 motor vehicles and the total number of motor vehicles and equipment that are stored outdoors. He said that
32 a greater number of pieces equipment can be stored indoors and trailers are not included in the limit for
33 motor vehicles and are only counted as equipment if there is a piece of equipment loaded upon them and
34 they are stored outside. He said that this is a relaxation of the existing Ordinance although it is still a limit of
35 10 but primarily the limit of 10 is what can be stored outside.

36
37 Mr. Thorsland asked Mr. Hall if the "grandfathering" had been changed for businesses like Mr. Dillard's.

38
39 Mr. Hall stated that the "grandfathering" was modified in the February 8th Supplemental Memorandum and

1 staff had not changed anything since then. He said that there were substantial changes in the February 8th
2 memorandum even though the intent had always been the same but it was not clear in some people's minds
3 as to what was actually being grandfathered. He said that the entire Planning and Zoning Department
4 worked very hard to make the "grandfathering" provision as clear as possible.

5
6 Mr. Thorsland asked Mr. Hall if an operation had excavation equipment included in the grandfathering and
7 that equipment required replacement with similar but different equipment would that nullify the
8 grandfathering therefore requiring them to apply for a new permit.

9
10 Mr. Hall stated that this is discussed in the February 8, 2013, Supplemental Memorandum and subparagraph
11 5.b on page B-3 states as follows: Any Rural Home Occupation that complies with subparagraph 7.1.2F.5.a.
12 shall be authorized to have that same number and type of motor vehicles or licensed trailers or pieces of
13 equipment as long as it continues in business at that location and any such motor vehicle or licensed trailer
14 or piece of equipment may be replaced with a similar motor vehicle or licensed trailer or piece of equipment.
15 He said that the question arises as to what is similar to a backhoe, etc.

16
17 Mr. Thorsland stated that, in effect, if it was a one for one replacement and was within some reasonable
18 definition, that changing out of equipment would be considered no change and would be counted in the
19 grandfathering.

20
21 Mr. Hall stated that the Board could clarify that tonight because such a situation is very problematic. He
22 asked the Board what other piece of equipment is considered similar to a backhoe. He said that it would be
23 nice if it could either be the same kind of equipment or limit it to the same numbers of total equipment and
24 anything in between is going to have a gray area that would be subject to dispute.

25
26 Mr. Thorsland asked Mr. Hall if an operation is grandfathered and they have a certain number of equipment,
27 what would prompt staff to discover that a piece of equipment has been changed to something else.

28
29 Mr. Hall stated that only applies to something that exists already and the only way that staff will discover
30 that in the future is if staff receives a complaint.

31
32 Mr. Thorsland stated that it would be complaint based only.

33
34 Mr. Hall stated absolutely.

35
36 Mr. Thorsland asked Mr. Dillard if he had any questions.

37
38 Mr. Kelly Dillard stated that he understands Mr. Hall's hesitation as to how hard it is to figure out what is
39 grandfathered and what is not. He said that perhaps he is naïve in thinking that as long as he complies with

1 the Ordinance as it is now and as long as he continues to comply he is naturally grandfathered therefore why
2 is a "grandfathering clause" necessary at all. He asked if a complaint is received after a new ordinance is in
3 place, wouldn't it revert back to the original Ordinance and that is what he would have to live under.
4

5 Mr. Hall stated that he can only speak about this in relation to Mr. Dillard's instance. He said that currently
6 Mr. Dillard can have as much equipment stored outside that he desires provided that it is screened as
7 provided by the Ordinance. He said that in the future a home occupation can only have 10 items outside
8 therefore existing RHO's with a fair number of equipment and vehicles are somewhat better off under the
9 existing Ordinance. He said that everything that was approved in an existing home occupation's application
10 is being grandfathered and in Mr. Dillard's case that is more than 10 vehicles and equipment and all of it can
11 be outside provided that it fits into the area that is screened. He said that as long as any home occupation in
12 the future complies with the new requirements they are certainly okay but Mr. Dillard may be better off
13 under the old rules because fewer things have to be stored inside.
14

15 Mr. Dillard stated that this was his point earlier because currently there is no limit on the number of pieces of
16 equipment that he can have for his home occupation so the new Ordinance is adding equipment into the 10.
17 He said that he is already allowed to have 10 motor vehicles and trailers and equipment are not counted
18 therefore as many as he can fit in his screened area he can have right now. He said that Mr. Hall's statement
19 that the new Ordinance is better than it was before and is not as limiting is untrue because it is more limiting.
20 He said that if he has 10 motor vehicles currently he can no longer have any equipment therefore he if he has
21 15 pieces of equipment, trailers and motor vehicles under the old Ordinance and he had 10 of those motor
22 vehicles he cannot have anything else. He said that this is why he is requesting a higher number because the
23 proposal is adding in equipment and trailers which is not regulated currently. He said that the trucking
24 company that is down the road from him can currently have three semi-tractors and any number of trailers.
25 He said that the operator may have three semi-tractors and run three or four different kinds of trailers
26 therefore he may have 10 trailers and three semi-tractors which would put him over the limit.
27

28 Mr. Hall stated that he would contend that if the existing trucking company, which is a rural home
29 occupation, has more than 10 semi-tractors and trailers combined, then he is exceeding the current limits.
30 He said that the paperwork on this particular rural home occupation does not specify that number of vehicles
31 and staff has not contacted all of the rural home occupations to make them aware of these proposed changes.
32 He said that currently an operation like the one mentioned could have up to three semi-tractors and up to 7
33 trailers. He said that under the proposed rules the number would be the same because it is not being reduced
34 and is not being increased.
35

36 Mr. Dillard asked if trailers are regulated under the current rules.
37

38 Mr. Hall stated that semi-trailers are regulated. He said that the February 8, 2013, Supplemental
39 Memorandum indicates that semi-trailers and pole trailers were separated from other trailers because of the

1 comments from County Board members. He said that the County Board does not want to have a result that
2 will allow rural home occupations to look more like trucking companies than they already do therefore we
3 have retained the current limits in regards to semi-tractors and trailers.
4

5 Mr. Dillard stated that he did not realize that the current Ordinance specified semi-trailers.
6

7 Mr. Hall stated that the current does not but the proposed does.
8

9 Mr. Dillard stated that under the current Ordinance there can be any number of trailers in the home
10 occupation.
11

12 Mr. Hall stated that is Mr. Dillard's view but not staff's which is what triggered this text amendment.
13

14 Mr. Thorsland stated that the Board discussed this issue previously and semi-trailers and pole trailers are
15 considered part of the limit of 10 but the smaller trailers are not included in the count.
16

17 Mr. Hall stated that a motor vehicle, pole trailer or semi-trailer is part of the 10 but the limit of 10 does apply
18 to everything that can be stored outdoors in a new rural home occupation.
19

20 Mr. Thorsland stated that the proposed Ordinance would have more of an effect on someone who is starting
21 a rural home occupation tomorrow than a rural home occupation that already exists.
22

23 Mr. Dillard stated that this is why he believes that the proposed amendment goes against Goal 3 because it
24 limits prosperity. He said that we want small businesses to come to the County and many of those small
25 businesses start out as home occupations. He said that he does realize that there is a time that a small
26 business may have to move from a home occupation to a business district but a lot of them start out of their
27 home.
28

29 Mr. Thorsland asked Mr. Dillard if he believes that someone would not start a rural home occupation
30 because they would be limited to 10 vehicles outside in the beginning.
31

32 Mr. Dillard stated yes.
33

34 Mr. Courson stated that there appears to be a gray area regarding the definition of big equipment and small
35 equipment.
36

37 Mr. Hall stated that big equipment is anything bigger than a wheelbarrow.
38

39 Mr. Courson asked if a lawnmower would be considered as equipment too.

1
2 Mr. Hall stated yes.

3
4 Mr. Thorsland stated that he knows more than one person who runs a mowing business from their home. He
5 said that three lawnmowers on a trailer which is connected to a truck would be considered as one unit. He
6 asked how staff would handle a complaint that indicated that the lawnmowers had been unloaded from the
7 trailer and are sitting on the property.

8
9 Mr. Hall stated that the current version of the proposed amendment, his reading of it, would count two
10 mowers on one trailer as two pieces of equipment. He said that the proposed amendment would count two
11 tractors on one trailer as two pieces of equipment and would count more than one piece of equipment on a
12 trailer as simply individual pieces of equipment. He said that the Board could provide that any trailer with
13 any amount of equipment shall not be counted as more than one piece of equipment and that would have to
14 be added into this amendment. He said that this would apply to whether we are talking about small
15 lawnmowers, John Deere tractors, or the biggest piece of equipment that could be loaded on one trailer, but
16 not a semi-trailer. He said that staff can continue to work on this because if this gets to the County Board
17 and simple questions like this cannot be answered it is not going to have a good outcome. He said that
18 perhaps this amendment should stay at the ZBA until literally no one can come up with a simple question
19 that the text cannot deal with appropriately.

20
21 Mr. Passalacqua stated that he thought that earlier discussions determined that a loaded trailer would be
22 counted as one unit and he is not going to tell staff that three lawnmowers should be counted as three pieces
23 of equipment. He said that he is looking at it from the standpoint of how much real estate is being occupied
24 while the trailer is parked there and if there is a trailer that is 20 feet long it is going to take up 20 feet of lot
25 whether there are lawnmowers loaded on it or not. He said that he does have a problem if everything is
26 parked side by side, such as trailers, 15 lawnmowers, etc., and how it appears to the neighbors and how
27 much of the lot is being utilized. He said that in the summer months a guy with a mowing business will
28 come home to hose off the mowers and fill them with fuel and leave them loaded on the trailer for the next
29 morning therefore at that point it should be counted as one unit. He said that he is concerned about the
30 neighbor who looks out their window and views rows and rows of equipment.

31
32 Mr. Thorsland stated that the screening issue has not been changed therefore if it was done correctly the
33 neighbors will not be able to see it.

34
35 Mr. Hall stated that in regards to multiple pieces of equipment on a trailer, the Board could add a provision
36 that any number of lawnmowers on a trailer shall only count as one piece of equipment, if lawnmowers are
37 the Board's only concern. He said that he has seen two tractors on a trailer and other multiple pieces of
38 equipment can be loaded on a trailer and a neighbor is going to view that as multiple pieces of equipment
39 unless the Ordinance specifically states otherwise.

1
2 Mr. Passalacqua stated that another reason why he is thinking of counting this as one unit is because if a
3 piece of equipment is on a trailer it is less apt to be a dead piece of equipment that is being stored somewhere
4 on the property. He said that if the equipment is loaded on the trailer it is more likely being used on a regular
5 basis. He said that he does not want to see 10 items of dead equipment sitting on the property which should
6 be hauled off for junk.

7
8 Mr. Hall stated that it appears that the Board would like to see a revision to paragraph 7.1.2.F.(1).

9
10 Mr. Passalacqua stated that if we had an area of screening could there be a sliding number of vehicles based
11 on the available screened lot.

12
13 Mr. Hall stated that it is up to the Board.

14
15 Mr. Thorsland asked how long the applicant should be allowed to establish the screening.

16
17 Mr. Passalacqua stated that someone who has a screened area which is no larger than this meeting room is
18 not going to have a lot of equipment allowed.

19
20 Mr. Thorsland stated that everyone has been clear on the three vehicles that weigh over 36,000 pounds and
21 paragraph 7.1.2F(2). He said that in an instance of someone with three semi-tractors and nine or ten different
22 trailers, depending upon whether they are hauling grain or freight, paragraph 7.1.1F(2) limits them to 10
23 total. He said that the Board could think about if it were three of the heavy and ten that were not therefore in
24 total the total could end up at 13. He said that the difference between 10 and 13 is not that much and not
25 everyone is going to have three really big pieces of equipment but to keep it separate they could have up to
26 three of these and ten of that but if you only have two big semi-tractors does not mean that someone can
27 have up to 13 pieces total but that you could have up to three of the 36,000 pound vehicles and up to 10
28 pieces of the big motor vehicles, semi-trailers, etc. He said that this would give more flexibility in the
29 numbers and he agrees with Mr. Passalacqua in that the Board determined at the last meeting that if the
30 equipment remains on the trailer that the entire unit was counted as one.

31
32 Mr. Passalacqua stated that if someone has a backhoe with two or three different attachments loaded on a
33 trailer that is hooked on to a truck the entire unit is considered one.

34
35 Mr. Thorsland stated that he agrees because it gives flexibility to the operation. He said that there will be
36 people that do have a yard full of trailers because that is what they do but it is all that they do. He said that
37 there are going to be people who are in the business of moving dirt around therefore they have a big trailer
38 with large equipment on it all of the time and this would allow them to operate a business like that without
39 having to build a large building for storage.

1
2 Mr. Passalacqua stated that a neighbor is more apt to file a complaint when they see acres and acres of
3 equipment even if it is screened. He said that a space occupied by a loaded trailer is less than the area of the
4 trailer and everything unloaded.

5
6 Mr. Thorsland asked the Board if they would like to expand the total to 13 but using the two different
7 definitions for a new home occupation.

8
9 Mr. Passalacqua asked Mr. Thorsland how many pieces of equipment he had stored outside.

10
11 Mr. Thorsland stated that he is agriculture therefore this does not apply.

12
13 Mr. Hall noted that the 36,000 pounds is no longer part of the limit. He said that he lost track as to what the
14 limit of 13 was trying to achieve. He said that no more than three of the motor vehicles can be either a truck
15 tractor or a vehicle with tandem axles.

16
17 Mr. Passalacqua stated that Mr. Thorsland was trying to take that out of the limit of 10.

18
19 Mr. Thorsland stated currently it counts towards the 10 but a lot of people are going to have a tandem axle
20 dump truck and two or three semi-tractors and several trailers. He said that he would like to see an
21 allowance for someone who is trying to optimize their business during seasonal operations.

22
23 Ms. Capel asked why we are trying to limit the number of vehicles.

24
25 Mr. Hall stated that a rural home occupation is something that you can do anywhere by-right with no public
26 hearing. He said that he cannot imagine that Champaign County wants to indicate that landowners can start
27 their home businesses with no limits on vehicles.

28
29 Ms. Capel stated that one of the things that Mr. Passalacqua is discussing is essentially the amount of real
30 estate covered by the screening in which the vehicles are parked. She asked if one of the things that the
31 Board is trying to get at is how much of the space of any given lot for the home occupation can be used for
32 parking equipment.

33
34 Mr. Hall stated that currently there is no limit on that and clearly proposing a limit would generate a lot of
35 comments such as, the County is making it harder for people. He said that currently it is not limited
36 therefore if someone has a 10 acre lot there is nothing in the Ordinance that would prevent someone from
37 screening nine acres of that lot and using it. He said that someone would not screen nine acres if they could
38 only have 10 pieces of equipment and/or 10 vehicles. He said that the current Ordinance indicates a limit of
39 10 and there is a dispute whether equipment is included in that limit. He said that the County Board has

1 indicated that they do not want rural home occupations to appear as trucking companies any more than they
2 already do. He asked why this Board is concerned about requiring a building for indoor storage for someone
3 who needs seven trailers for three semi-trucks as a home occupation because thus far the County Board does
4 not have that concern.

5
6 Mr. Courson asked if attachments for equipment are considered separate pieces of equipment.

7
8 Mr. Hall stated that he does not want to consider attachments as separate pieces of equipment which is why
9 he always talks about complete pieces of equipment. He said that he is not proposing to count buckets to
10 backhoes as separate pieces of equipment in the count. He said that this is a gray area because he is not
11 going to start going out to the home occupations to start counting those things but only to the extent of how
12 many attachments make up a complete piece of equipment.

13
14 Mr. Courson stated that a skid steer could have 35 different attachments which would create a lot of
15 equipment on a lot.

16
17 Mr. Hall stated that he does not know how he would begin to limit those attachments.

18
19 Mr. Courson stated that this is why he is asking for clarification. He asked Mr. Hall how he would view a
20 disk, tree spade, etc.

21
22 Mr. Hall stated that a disk is not an attachment but is a piece of equipment.

23
24 Mr. Courson stated that the disk is attached to the tractor by a three-point hitch and it must be attached to the
25 tractor to make it work which would be no different than putting a tree spade on the front of a skid steer or a
26 backhoe on the three-point hitch of a tractor.

27
28 Mr. Hall asked why anything that is attached to a tractor would not be counted as a separate piece of
29 equipment but simply as an attachment. He said that staff can write the amendment this way if the Board
30 desires but this would place no limit on the amount of equipment and if this is what the Board wants then
31 that is how staff will write it.

32
33 Mr. Courson stated that he is just trying to clarify how Mr. Hall views attachments and equipment. He said
34 that if he has a tractor with a disk, grade box and three seeders and multiple other attachments that can be
35 placed behind out how many pieces of equipment are counted.

36
37 Mr. Hall stated that he grew up on a farm and a piece of equipment was a harrow, disk, mower, rake, and
38 planter. He said that these items were not considered attachments but separate pieces of equipment. He said
39 that a front end loader or bucket attachment are not separate pieces of equipment but are attachments to the

1 tractor itself. He said that this level of detail has not been determined for this amendment and he does not
2 know how to distinguish between a plow that attaches to a three point hitch and is pulled behind a tractor
3 from bucket that is attached to hydraulic arm.

4
5 Mr. Courson stated that it is his opinion that these are all attachments.

6
7 Mr. Palmgren stated that he agrees with Mr. Courson. He said that an attachment is not any good without
8 the tractor portion itself. He said that the tractor is the piece of equipment therefore a home occupation
9 could have unlimited attachments.

10
11 Mr. Thorsland stated that he agrees with Mr. Courson and Mr. Palmgren because he personally has three
12 tractors and has several attachments. He said that the hay baler, loader, disk, etc, does not work without the
13 tractor and he does not consider them as vehicles or equipment but as attachments. He said that all of the
14 attachments would need to be stored in a screened area therefore if someone was able to have all of the
15 attachments available for their tractor all of the attachments would need to be stored in a screened area
16 anyway. He said that he would count the skid steer and the truck and trailer that hauls it in the limit but he
17 would not count all of the attachments to the skid steer. He said that if equipment makes noise on its own
18 then it is either considered equipment or a vehicle but if it does not then it is considered an attachment. He
19 said that he does not want to get into the lawnmower issue because he knows that they make noise and are
20 able to be driven around but if the text is written right there could be a provision that if the lawnmowers are
21 loaded onto a trailer then they are counted as one unit. He said that if a home occupation has a skid steer that
22 has sixteen things that attach to it and are stored in the screened in area then they are counted as one unit. He
23 said that he is proposing that if someone has up to three tractors they can have up to 10 semi-trailers or 10
24 pieces of equipment stored in the screened area. He said that the screening is probably the most effective
25 part of this amendment in regards to complaints because if things are stored out of sight then people tend not
26 to worry about them as much.

27
28 Mr. Courson agreed with Mr. Thorsland and was only attempting to obtain clarification regarding the
29 definition of equipment. He said that if staff is going to look at a seed box as a piece of equipment then the
30 limit of 10 is not a sufficient number.

31
32 Mr. Courson stated that if a guy has a delivery service and does landscaping or snow removal on the side
33 would staff need to count the snow plow that attaches to the truck as a piece of equipment or an attachment.

34
35 Mr. Passalacqua stated that he would agree with qualifying the attachments and determining how they are
36 counted more than he does increasing the number. He said that the Board needs to remember that this is a
37 rural home occupation and getting into more than 10 vehicles or equipment is a breaching into a more in
38 depth approval because every week staff could have someone requesting a bigger number.

39

1 Mr. Thorsland stated that this is included in paragraph 7.1.2.F(1) and (2) which is indicated on page B-2,
2 Attachment B: Revised Proposed Amendment (NON-ANNOTATED) to Section 7.1.2 Rural Home
3 Occupations, included with the February 8, 2013, Supplemental Memorandum.

4
5 Ms. Capel stated that currently we are discussing by-right home occupations although there is a special use
6 permit process available for a larger operation.

7
8 Mr. Hall stated that an applicant could request a special use or a variance.

9
10 Ms. Capel stated that there is a way to expand a business beyond what is by-right therefore the limit of 10
11 makes sense and the only thing that she would interpret differently is that three lawnmowers on one trailer is
12 one piece of equipment.

13
14 Mr. Thorsland stated that he would not want someone to apply for a variance because they unload their
15 lawnmowers from their trailer.

16
17 Ms. Capel stated that she believes that 10 is a reasonable number and the variance or special use process is
18 available if someone needs a larger amount.

19
20 Mr. Thorsland stated that the amendment also goes from five acres to two acres therefore when it comes to
21 prosperity the Board is making it easier to do this.

22
23 Mr. Hall stated that someone coming to this hearing for the first time would probably be amazed at how little
24 agreement there is on these issues. He stressed that this has only been an issue one time since 1993.

25
26 Mr. Thorsland stated that it appears that the Board would like to staff to work on the text keeping the limit of
27 10 but limit the count of 10 to objects that potentially make noise and not any of the attachments. He said
28 that the Board wants to count the big trucks, semi-trucks, semi-trailers and pole trailers, backhoe, road
29 grader, but not all of the attachments and emphasize the screening.

30
31 Mr. Thorsland entertained a motion to continue Case 732-AT-12 to the April 11, 2013, meeting. He noted
32 that the April 11th meeting will be held in the John Dimit Meeting Room at 7:00 p.m.

33
34 **Mr. Courson moved, seconded by Mr. Passalacqua to continue Case 732-AT-12 to the April 11, 2013,**
35 **meeting. The motion carried by voice vote.**

36
37 **Case 734-AT-12 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**
38 **Ordinance as follows: Part A. Amend the Table of Authorized Principal Uses in Section 5.2 by**
39 **adding “Contractors Facilities (with no Outdoor STORAGE Nor Outdoor OPERATIONS)” as an**

1 **authorized principal use permitted by right in the B-1 Zoning District. Part B. Amend the Table of**
2 **Authorized Principal Uses in Section 5.2 by adding “Contractors Facilities (with Outdoor STORAGE**
3 **and/or Outdoor OPERATIONS)” as an authorized principal use permitted by Special Use Permit in**
4 **the B-5 Zoning District; and by right in the B-1 Zoning District; and add Special Use Permit Standard**
5 **Conditions to Section 6.1.3.**

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

10
11 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.

12
13 Mr. Hall, Zoning Administrator, distributed a Supplemental Memorandum dated February 28, 2013, to the
14 Board for review. He said that the substance of the amendment has not been changed at all during the public
15 hearings. He said that a Revised Draft Finding of Fact is attached to the Supplemental Memorandum. He
16 said that the Board will recall that at the last meeting regarding Case 733-AT-12, the Board reconsidered
17 some of the recommendations for some of the policies and reduced those recommendations from HELP
18 ACHIEVE to WILL NOT IMPEDE. He said that the same revisions to the recommendations have been
19 included with the proposed amendment in this case. He said that the finding for this amendment is identical
20 to the finding for Case 733-AT-12 except that Case 733-AT-12 had to do with some of the policies under
21 Goal 8 related to natural resources and this case does not. He said that the new Summary Finding of Fact is
22 located on page 18 of 22 and that summary only touches on Objectives 4.2 and 4.3 under Goal 4 and even
23 that is a fair stretch although it is a fair approach. He said that this is mostly a common sense amendment
24 related to where contractor facilities seem reasonable.

25
26 Mr. Thorsland called Charlie Jesse to testify.

27
28 Mr. Charlie Jesse, owner of Jesse Heating and Air Conditioning, stated that his business is located at the
29 corner of I-57 and Old Church Road, Champaign. He said that he has owned his business since 1979 and
30 purchased the property where his business is located in 1999. He requested the Board's support for this
31 amendment which would allow a contractor's facility in the B-1 zoning district. He said that this
32 amendment makes good sense and he would like to build a self-storage facility at his business location but
33 currently in order for him to do such he would need to request B-4 zoning which would allow more uses than
34 he would require or his neighbors would agree to.

35
36 Mr. Thorsland asked the Board if there were any questions for Mr. Jesse and there were none.

37
38 Mr. Thorsland asked if staff had any questions for Mr. Jesse and there were none.
39

1 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present
2 testimony regarding this case and there was no one.

3
4 Mr. Thorsland closed the witness register at this time.

5
6 Mr. Thorsland asked if the Board had any questions for staff.

7
8 Mr. Passalacqua asked if this is the case that the City of Champaign was against.

9
10 Mr. Hall stated that the City of Champaign is not against the amendment but it would lead to some proposals
11 in their ETJ which they are opposed to. He said that the City of Champaign did indicate that they would
12 oppose this amendment although they have not yet.

13
14 Mr. Kass stated that he has not received any comments from the City of Champaign regarding this case.

15
16 Mr. Hall stated that the City of Champaign may be waiting to see what the ZBA recommends to the County
17 Board before they submit any comments.

18
19 Mr. Thorsland stated that the Board will move to the Summary Finding of Fact for Case 734-AT-12.

20
21 **Summary Finding of Fact for Case 734-AT-12:**

22
23 From the documents of record and the testimony and exhibits received at the public hearing conducted on,
24 January 31, 2013, and February 28, 2013, the Zoning Board of Appeals of Champaign County finds that:

25
26 **1. The proposed Zoning Ordinance text amendment HELPS ACHIEVE the Land
27 Resource Management Plan because of the following (objectives and policies are briefly
28 summarized):**

29 **A. The proposed text amendment HELPS ACHIEVE the following LRMP goals:
30 Goal 4 Agriculture because it will not impede 6 objectives and 16 Policies and is
31 not relevant to 1 Objective and 3 Policies under this goal, it HELPS ACHIEVE
32 the following:**

33 **•Objective 4.2 requiring discretionary development to not interfere with
34 agriculture because it HELPS ACHIEVE the following:**

35 **•Policy 4.2.1 requiring a proposed business in a rural area to support
36 agriculture or provide a service that is better provided in the rural area (See
37 Item 9.A.(1)).**

38 **•Policy 4.2.2 requiring discretionary development in a rural area to not
39 interfere with agriculture or negatively affect rural infrastructure (See Item**

- 1 **9.A.(2)).**
- 2 •**Objective 4.3 requiring any discretionary development to be on a suitable site**
- 3 **because it HELPS ACHIEVE the following:**
- 4 •**Policy 4.3.5 requiring any business on best prime farmland to be appropriate**
- 5 **in a rural area and on a site that is well suited (Item 9.B.(1)).**
- 6
- 7 **B. The proposed text amendment will NOT IMPEDE the following LRMP goal(s):**
- 8 •**Goal 1 Planning and Public Involvement**
- 9 •**Goal 2 Governmental Coordination**
- 10 •**Goal 3 Prosperity**
- 11 •**Goal 5 Urban Land Use**
- 12 •**Goal 6 Public Health and Public Safety**
- 13 •**Goal 7 Transportation**
- 14 •**Goal 8 Natural Resources**
- 15 •**Goal 9 Energy Conservation**
- 16
- 17 **C. The proposed text amendment is NOT RELEVANT to the following LRMP**
- 18 **goal(s):**
- 19 •**Goal 10 Cultural Amenities**
- 20
- 21 **2. The proposed amendment HELPS ACHIEVE the purposed of the Zoning Ordinance as**
- 22 **follows:**
- 23 •**Classifies, regulates, and restricts the location of a specific trade (Purpose 2.0(i) see**
- 24 **Item 16.I).**
- 25
- 26 **3. The proposed text amendment WILL IMPROVE the Zoning Ordinance as follows:**
- 27 •**Provide a use that is currently not authorized in the B-1 or B-5 Districts, but is a use**
- 28 **that is appropriate in those Districts.**
- 29 •**Specify standards by which a Contractors Facility can be authorized in the B-5**
- 30 **District.**
- 31

32 Mr. Thorsland entertained a motion to approve the Summary Finding of Fact as amended.

33
34 Mr. Palmgren moved, seconded by Mr. Courson to approve the Summary Finding of Fact as
35 amended. The motion carried by voice vote.

1
2 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Finding
3 of Fact as amended.
4

5 **Mr. Courson moved, seconded by Mr. Passalacqua to adopt the Summary of Evidence, Documents of**
6 **Record and Finding of Fact as amended. The motion carried by voice vote.**
7

8 Mr. Thorsland entertained a motion to move to the Final Determination for Case 734-AT-12.
9

10 **Mr. Courson moved, seconded by Mr. Palmgren to move to the Final Determination for Case 734-AT-**
11 **12. The motion carried by voice vote.**
12

13 **Final Determination for Case 734-AT-12:**
14

15 **Mr. Courson moved, seconded by Mr. Miller that pursuant to the authority granted by Section 9.2 of**
16 **the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**
17 **determines that the Zoning Ordinance Amendment requested in Case 734-AT-12 should BE**
18 **ENACTED by the County Board in the form attached hereto.**
19

20 Mr. Thorsland requested a roll call vote.
21

22	Capel-yes	Courson-yes	Miller-yes
23	Palmgren-yes	Passalacqua-yes	Thorsland-yes

24
25 **6. New Public Hearings**
26

27 **Case 736-V-12 Petitioner: Matthew and Katie Warren Request to authorize the following in the R-1**
28 **Zoning District: Part A. Variance for a lot area of 7,507.5 square feet in lieu of the minimum**
29 **required 20,000 square feet required for lots connected to public water supply, but without a**
30 **connected public sanitary sewer system and created after September 21, 1993; and Part B. Variance**
31 **for a front setback for an existing nonconforming dwelling of 33.5 feet from the centerline of**
32 **Independence Street in lieu of the minimum required 55 feet; and Part C. Variance for a lot depth of**
33 **75 feet in lieu of the minimum required 80 feet on the subject property described below.**
34

35 **Case 737-V-12 Petitioner: Matthew and Katie Warren Request to authorize the following in the R-1**
36 **Zoning District: Part A. Variance for a lot area of 7,507.5 square feet in lieu of the minimum required**
37 **20,000 square feet required for lots connected to a public water supply, but without a connected**
38 **public sanitary sewer system and created after September 21, 1993; and Part B. Variance for a front**
39 **setback for an existing nonconforming dwelling of 33.5 feet from the centerline of Independence Street**

1 **in lieu of the minimum required 55 feet; and Part C. Variance for a depth of 75 feet in lieu of the**
2 **minimum required 80 feet on the subject property described below.**

3
4 **Location: Lot 7 of Block 2 of B.R. Hammer's Addition in the Northwest Quarter of Section 34 of East**
5 **Bend Township and commonly known as the dwellings at 317 Independence, Dewey, and 318**
6 **Railroad Street, Dewey.**

7
8 Mr. Thorsland called Cases 736-V-12 and 737-V-12 concurrently.

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

18
19 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
20 sign the witness register for that public hearing. He reminded the audience that when they sign the
21 witness register they are signing an oath.

22
23 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.

24
25 Ms. Katie Warren, who resides at 107 Scarborough, Sidney, stated that she and her husband are requesting a
26 variance for lot size. She said that they own two homes on one lot and they would like to be able to divide
27 the lot so that each house is located on its own individual lot.

28
29 Mr. Hall stated that this is a challenging case at a staff level because the variance that is requested is very
30 large. He said that in the future it is unknown as to what could be done in regards to replacing the septic
31 system and the rules for septic systems are undergoing a big change currently. He said that staff believed
32 that the new rules would be in place but they are not and the comments from Mike Flannigan, Environment
33 Health Specialist, Champaign County Health Department, are summarized on page 8 of the Finding of Fact.
34 Mr. Hall stated that under the current rules a new surface discharging system could be placed on both lots
35 although he does not know how the significant nuisance affects of surface discharging from two systems on
36 such a small lot area would be, but it appears that it could be done. He said that in the future it is not clear
37 whether or not this could be done and if not, then it is not clear how the lots could have individual septic
38 systems. He said that the future rules are unknown at this point but under the current rules, having two
39 surface systems is up to the County Health Department. He said that this case has a lot of discretion

1 regarding this case because the Board can determine that the cases requested today are under the current
2 County Health Department rules and replacement systems can be installed. He said that obviously the
3 petitioners obtained two homes for the price of one therefore a problem does exist.
4

5 Mr. Hall stated that the Finding of Fact points out that in the R-1 District a special use permit could be
6 requested for a two-family dwelling although not two single-family dwellings. He said that a two-family
7 dwelling would require 27,000 square feet of lot area and not 40,000 square feet. He said that no special
8 condition has been proposed and if the Board approves the variance, replacement of any system in the future
9 would require a permit from the County Health Department, which is a requirement that applies whether or
10 not it is made a condition. He said that granting the variance will be a little bit of a help to the petitioners
11 but eventually there is going to be a real challenge with the property and the issue of septic systems is the
12 most important issue with this variance. He said that the Board can either deal with the septic issue or leave
13 it up to the County Health Department since it is their rules which must be followed for this property.
14

15 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.
16

17 Mr. Thorsland asked the Board if there were any questions for Ms. Warren.
18

19 Mr. Passalacqua asked Ms. Warren if the homes were rented.
20

21 Ms. Warren stated that one home is being rented but the other home is vacant.
22

23 Mr. Passalacqua asked Ms. Warren when she and her husband purchased the subject property.
24

25 Ms. Warren stated that they have owned the property for approximately one and one-half years.
26

27 Mr. Passalacqua asked Ms. Warren if the septic systems have been pumped.
28

29 Ms. Warren stated yes. She said that the septic systems have been inspected by Schoonover Sewer Service
30 and Berg Tanks and they also spoke to Jan Schacht, Vermilion Construction Services, Inc. regarding
31 replacement systems and the contractor indicated what would be needed to install two new systems that
32 would be self-contained on both lots.
33

34 Mr. Passalacqua asked Mr. Warren if she could submit their evaluations in writing.
35

36 Mr. Warren stated that she does have the Schoonover Sewer Service evaluation although she has not
37 received written documentation from Berg Tanks or Jan Schacht.
38

39 Mr. Thorsland asked Ms. Warren if a soil test has been completed.

1
2 Ms. Warren stated no. She said that Mr. Schacht informed them that the soil types would not have any
3 bearing on the type of system that he would install. She said that Mr. Schacht indicated that if they wanted
4 him to replace the two septic systems then the soil tests would have to be completed per the County Health
5 Department but not for whether he would replace the systems or not.

6
7 Mr. Thorsland requested that Ms. Warren present written documentation prior to the next public hearing for
8 the Board's review. He asked Ms. Warren if there was an imminent time frame for completion of these
9 cases.

10
11 Ms. Warren stated no, but they would like to have the property split into two lots so that they may sell the
12 properties.

13
14 Mr. Thorsland asked the Board if they would like the opportunity to review the septic information for the
15 proposed two lots.

16
17 Mr. Passalacqua stated that he is not sure that it is the ZBA's place to kill the deal because of the sanitary
18 system issues. He said that the County Health Department is going to have the final say on the separate
19 septic systems.

20
21 Mr. Thorsland stated that if the ZBA approves the variances and the owners find out that no separate septic
22 system can be placed on the lots then the owners may be in a worse place than they are currently. He said
23 that it appears that there is pending information that the owners could supply to the Board in writing from
24 the septic contractor.

25
26 Ms. Warren stated that she has heard from the contractors verbally but have not received all of the
27 evaluations in writing.

28
29 Mr. Passalacqua stated that he would like to see a written statement from Schoonover, Berg and Jan Schacht
30 regarding the existing and proposed septic systems.

31
32 Mr. Thorsland asked the Board and staff if there were any further questions for Ms. Warren and there were
33 none.

34
35 Mr. Thorsland asked the Board and staff if there was any additional information required from Ms. Warren
36 and there were none.

37
38 Mr. Thorsland asked Ms. Warren if she should be comfortable in requesting the information from the
39 contractors.

1
2 Ms. Warren stated yes.
3
4 Mr. Thorsland requested a continuance date.
5
6 Mr. Hall stated that Ms. Warren could sit through the deliberation for the scheduled case on March 14th but
7 his impression is that the cases that are scheduled for the March 14th meeting could take three hours.
8
9 Mr. Thorsland asked Mr. Hall if it would be better to continue these cases to the March 28th meeting.
10
11 Mr. Hall stated that staff is not certain that the March 28th meeting will have all of the cases indicated on the
12 docket but the Board is supposed to continue these cases to a date certain. He said that the Board could
13 continue Cases 736-V-12 and 737-V-12 to the March 28th meeting and in the event that Case 731-S-12
14 remains to be scheduled on the March 28th meeting Ms. Warren's cases could be moved to the April 11th
15 meeting.
16
17 Mr. Thorsland requested that the Board continue Cases 736-V-12 and 737-V-12 to the March 28th meeting
18 and as soon as staff realizes whether or not Case 731-S-12 will remain on the docket for the March 28th
19 meeting staff can call Ms. Warren indicating that her attendance is not required at the March 28th meeting
20 and the Board will automatically continue her case to the April 11th meeting.
21
22 Ms. Warren agreed.
23
24 Mr. Thorsland entertained a motion to continue Cases 736-V-12 and 737-V-12 to the March 28th meeting.
25
26 **Mr. Palmgren moved, seconded by Mr. Passalacqua to continue Cases 736-V-12 and 737-V-12 to the**
27 **March 28th meeting. The motion carried by voice vote.**
28
29 **Case 738-S-12 Petitioner: Terry Plampin Request to authorize a Therapeutic Riding Center as a**
30 **"Riding Stable" as a Special Use with waivers of Special Use standard conditions for: (1) a minimum**
31 **fence height of 5 feet; and (2) a minimum front setback of 55 feet from the centerline of CR 700E; and**
32 **(3) a minimum front yard of 25 feet in the AG-1 Agriculture Zoning District. Location: A 5 acre tract**
33 **in the Southwest Quarter of the Northwest Quarter of the Northwest Quarter in Section 17 of**
34 **Pesotum Township and commonly known as the home and buildings at 378 CR 700E, Pesotum.**
35
36 Mr. Thorsland informed the audience that this is an Administrative Case and as such the County allows
37 anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show
38 of hands for those who would like to cross examine and each person will be called upon. He requested that
39 anyone called to cross examine go to the cross examination microphone to ask any questions. He said that

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

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

9
10 Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of their request.

11
12 Mr. Terry Plampin, who resides at 378 CR 700E, Pesotum, stated that he and his wife believe that there is an
13 underserved community in the County that could take advantage of a therapeutic riding center that has a
14 more broad range of activities available. He said that it is his understanding that there is no horse barn in
15 Champaign County which provides limited services related to therapeutic riding therefore he and his wife
16 would like to be able to provide a wider range of services.

17
18 Mr. Thorsland called John Hall.

19
20 Mr. John Hall, Zoning Administrator distributed a Supplemental Memorandum dated February 28, 2013, to
21 the Board for review.

22
23 Mr. John Hall asked Mr. Plampin if a restroom facility would be provided for the patrons of the riding
24 center.

25
26 Mr. Plampin stated that a restroom facility has not been constructed yet although the patrons are welcome to
27 use the restroom facility in the residence.

28
29 Mr. Kass asked Mr. Plampin if there were any future plans to construct a restroom for the patrons.

30
31 Mr. Plampin stated yes. He said that he would like to build a small outhouse adjacent to the front door of the
32 riding center which will have a composting toilet and lavatory inside. He said that the facility will be
33 handicap accessible and there is no location inside of the riding center to install such a facility.

34
35 Mr. Thorsland stated that the Supplemental Memorandum dated February 28, 2013, includes a letter from
36 Lisa Morand, Youth and Teen Coordinator, Champaign-Urbana Special Recreation, regarding the possibility
37 of offering and conducting a program at the riding center.

38
39 Mr. Plampin stated that Ms. Morand is very eager to have a therapeutic riding center established so that they

1 can bring their patrons to the facility and take advantage of the services offered.

2
3 Mr. Hall asked Mr. Plampin if he reviewed the special conditions which are proposed on pages 16 and 17 of
4 the Preliminary Draft Summary of Evidence, Finding of Fact and Final Determination dated February 28,
5 2013.

6
7 Mr. Plampin stated yes. He said that the proposed special conditions appear to be reasonable because if they
8 do not operate the center the special use permit would be voided.

9
10 Mr. Hall asked Mr. Plampin if the hours of operation for patrons are also reasonable.

11
12 Mr. Plampin stated yes.

13
14 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Plampin and there
15 were none.

16
17 Mr. Thorsland called Dorothy Riegel to testify.

18
19 Ms. Dorothy Riegel, who resides at 378 CR 700E, Pesotum, stated that she is Terry Plampin's wife. She said
20 that she and her husband purchased the property with this particular use in mind and she is very eager to
21 begin offering this program. She said that she hopes that the Board will allow their request.

22
23 Mr. Thorsland asked the Board and staff if there were any questions for Ms. Riegel and there were none.

24
25 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Riegel or Mr. Plampin and there
26 was no one.

27
28 Mr. Thorsland called Jonathan Schroeder to testify.

29
30 Mr. Jonathan Schroeder, who resides at 684 CR 400N, Sadorus, stated that he enthusiastically supports the
31 petitioner's request and he hopes that they do well with their endeavor.

32
33 Mr. Schroeder stated that his address is listed as Sadorus and his neighbor's, Mr. and Mrs. Plampin, have a
34 Pesotum address although only one mile separates their properties. He said that he has been in the area all of
35 his life and he farms on two sides of the petitioner's property and they have proven to be great neighbors.
36 He said that the petitioners reside on a 160 acre tract and he farms 80 acres of that tract and the ground has
37 been in his family for generations. He said that for 20 years a relative resided at the petitioner's property and
38 once the relative moved Don and Cheryl Smith resided at the property along with their horses but
39 unfortunately Don Smith passed away suddenly and Cheryl sold the property. Mr. Schroeder stated that for a

- 1 short time a young couple resided on the property and they did not have any horses but they too sold the
2 property and the petitioner's now reside there.
3
- 4 Mr. Schroeder stated that he supports the petitioner's request for a Special Use Permit and he hopes that the
5 Board will grant their request. He said that he has no concern with the proposed special conditions but he
6 did have some concern about the Special Use Permit request because the use stays with the property and not
7 the owners, although he does not anticipate the current owners selling the property anytime soon. He said
8 that the proposed use will work well within the community and it is an apparent need.
9
- 10 Mr. Thorsland asked the Board if there were any questions for Mr. Schroeder and there were none.
11
- 12 Mr. Thorsland asked if staff had any questions for Mr. Schroeder and there were none.
13
- 14 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Schroeder and there was no one.
15
- 16 Mr. Thorsland stated that the subject property is surrounded by AG-1 on all sides therefore the fencing will
17 not interfere with adjacent uses.
18
- 19 Mr. Plampin stated that the subject property is surrounded by agriculture. He said that the activity area is
20 limited. He said that the vast majority of the activities will be held in the indoor arena. He said that the
21 pasture/outdoor arena are located west of the indoor arena and they plan to use it when weather conditions
22 are favorable for outdoor activities. He said that there will be no trail rides for the patrons.
23
- 24 Mr. Thorsland asked Mr. Plampin if the asphalt parking lot currently exists.
25
- 26 Mr. Plampin stated no. He said that the gravel parking area currently exists but not the asphalt.
27
- 28 Mr. Thorsland asked staff if there was a time limit for construction of the asphalt parking area.
29
- 30 Mr. Hall stated that the asphalt parking area must be located on the property when operation begins.
31
- 32 Mr. Plampin stated that he expected that such would be the case.
33
- 34 Mr. Thorsland asked Mr. Plampin if he could indicate the location of the compost toilet on the site plan.
35
- 36 Mr. Plampin stated that the compost toilet will be located immediately adjacent to the handicap parking
37 space at the end of the existing sidewalk.
38
- 39 Mr. Thorsland stated that any future plans for the Therapeutic Riding Center should be indicated on the site

1 plan so that it may be included in this request.
2

3 Mr. Plampin stated that, if possible, he will indicate the location of the compost toilet on the site plan
4 tonight. He said that his 10 year plan is to somehow purchase an additional 35 acres but that is probably
5 only a dream. He said that he is excited about the opportunity to provide these services to the community.
6

7 Mr. Passalacqua asked staff if Mr. Plampin could operate the facility as a Rural Home Occupation.
8

9 Mr. Hall stated no. He said that the limits are established in the Special Use Permit and the only limits for
10 this special use are the amount of construction indicated on the plan, the hours of operation (no clients
11 between 10 p.m. and 6 a.m.) but other than that there are very few limits, which is reasonable given the type
12 of use that is being proposed.
13

14 Mr. Thorsland read the proposed special conditions as follows:

- 15 **A. This Special Use Permit shall be void if the Therapeutic Riding Center has**
16 **ceased operations for 12 consecutive months without the Therapeutic Riding**
17 **Center being actively marketed for sale.**

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

19 **That the subject property is properly maintained and does not become a nuisance.**
20

- 21 **B. Clients of the Therapeutic Riding Center shall not be present on the subject**
22 **property between the hours of 10 p.m. and 6 a.m.**

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

24 **That the Therapeutic Riding Center does not have clients visiting the property**
25 **at irregular hours of the day.**
26

- 27 **C. A Change of Use Permit shall be applied for within 30 days of the approval of**
28 **Case 738-S-12 by the Zoning Board of Appeals.**

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

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

33 Mr. Plampin asked if he applied for the Change of Use Permit with staff or does he need to return to this
34 Board.
35

36 Mr. Kass stated that the Change of Use Permit is processed by staff.
37

38 Mr. Thorsland asked Mr. Plampin if he agreed to the proposed special conditions as read.
39

1 Mr. Plampin stated that he agreed to the proposed special conditions as read.

2

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

4

5 **Mr. Courson moved, seconded by Mr. Miller to approve the proposed special conditions as read. The**
6 **motion carried by voice vote.**

7

8 Mr. Hall noted that staff sent a notice to the Pesotum Township Supervisor and the Pesotum Township
9 Highway Commissioner but the notice to the highway commissioner was returned due to an incorrect
10 address which was the same address indicated on the County Clerk's website. He said that staff sent a new
11 notice to the Pesotum Township Highway Commissioner at a revised address but at that point there was less
12 than 15 days to the public hearing. He said that Mr. Kass has made several attempts to contact the highway
13 commissioner with no success. Mr. Hall stated that at this point staff cannot document that the highway
14 commissioner had 15 days notice and given the use which is proposed with the special use it is unlikely that
15 the highway commissioner has any concerns but, nonetheless the 15 day standard was not met. He said that
16 he has no reason to believe that staff will be able to reach the highway commissioner in another 15 to 30
17 days because Mr. Kass has made numerous attempts thus far to reach him.

18

19 Mr. Thorsland asked Mr. Schroeder if knows how to contact the Pesotum Township Highway
20 Commissioner.

21

22 Mr. Schroeder stated yes.

23

24 Mr. Thorsland asked Mr. Schroeder if he would be willing to contact the highway commissioner and request
25 that he contact staff regarding this case.

26

27 Mr. Schroeder stated yes.

28

29 Mr. Thorsland stated that he would like to continue this case to the next public hearing and he would like to
30 have the highway commissioner's comments prior to finalizing the case.

31

32 Mr. Hall stated that even if the Board continues the case to the next public hearing staff will have met the 15
33 day requirement for notices.

34

35 Mr. Thorsland stated that the Board would appreciate Mr. Schroeder's help to facilitate this matter.

36

37 Mr. Schroeder stated that it is not unusual for the residents of Pesotum Township to have difficulty
38 contacting the Pesotum Township Highway Commissioner either. He said that he will do his best to obtain
39 the contact information for the Board so that this case can be expedited.

1
2 Mr. Thorsland stated that the Board would appreciate Mr. Schroeder’s assistance. He said that in continuing
3 this case to the next public meeting the 15 day requirement for notices will have been satisfied and the case
4 can be finalized.

5
6 Mr. Passalacqua asked if the Board could finalize the case tonight.

7
8 Mr. Thorsland stated no, the Board has to satisfy the 15 day notice requirement.

9
10 Mr. Miller stated that if the highway commissioner is the issue then surely there is a township board that can
11 be notified.

12
13 Mr. Thorsland stated that contacting the township board is not necessary because the notice process is into
14 day 10 and a continuance to March 14th will fulfill the 15 day requirement.

15
16 Mr. Kass stated that the issue is that the notice was not received by the relevant jurisdiction during the
17 required time period. He said that the notice was returned and resent the next day but it was too late to meet
18 the minimum required 15 day notice.

19
20 Mr. Thorsland entertained a motion to continue Case 738-S-12 to the March 14, 2013, meeting.

21
22 **Mr. Passalacqua moved, seconded by Mr. Miller to continue Case 738-S-12 to the March 14, 2013,**
23 **meeting. The motion carried by voice vote.**

24
25 **7. Staff Report**

26
27 None

28
29 **8. Other Business**
30 **A. Review of Docket**

31
32 Mr. Hall requested that the Board contact staff if they will be absent from a public meeting.

33
34 **9. Audience Participation with respect to matters other than cases pending before the Board**

35
36 None

37
38 **10. Adjournment**

39

1 Mr. Thorsland entertained a motion to adjourn the meeting.

2

3 **Mr. Courson moved, seconded by Mr. Palmgren to adjourn the meeting. The motion carried by voice**
4 **vote.**

5

6 The meeting adjourned at 8:17 p.m.

7

8

9 Respectfully submitted

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14 Secretary of Zoning Board of Appeals

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DRAFT SUBJECT TO APPROVAL DRAFT ZBA //

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