

CASE NO. 158-S-24

PRELIMINARY MEMORANDUM

January 23, 2024

Petitioner: Gregory Little

Request: Authorize a Special Use Permit for a Rural Home Occupation that exceeds the Ordinance limit on volatile liquids stored and used, in the AG-1 Agriculture Zoning District.

Subject Property: Two tracts of land comprising 2.5 acres located in the Northeast Corner of the West Half of the Northeast Quarter of Section 31, Township 17 North, Range 9 East of the Third Principal Meridian, Champaign County with PIN's 08-33-31-200-007 and 08-33-31-200-014 with an address of 1271 County Road 100N, Pesotum.

Site Area: 2.5 acres

Time Schedule for Development: As soon as possible

**Prepared by: Charlie Campo, Senior Planner
John Hall, Zoning Administrator**

BACKGROUND

The petitioner owns two parcels totaling approximately 2.5 acres that currently contains a single-family residence and detached garage, an existing 45 feet by 84 feet workshop/storage building and an existing 45 feet by 46 feet machine shed.

The property has been used as a residence since prior to the adoption of the Champaign County Zoning Ordinance in 1973.

The petitioner purchased the home on 1.5-acres in 2000 and purchased an additional 1-acre of land adjacent to the home that contained the machine shed in 2015. Zoning Use Permit 209-17-03 was approved for the construction of the 45 feet by 84 feet workshop/storage building in 2017.

The petitioner submitted an application for a Rural Home Occupation Permit on October 11, 2024. The petitioner was subsequently informed that the quantity of hazardous materials that were used in the operation of the business were in excess of what would be allowed in a Rural Home Occupation and a Special Use Permit would be required to allow the quantity of hazardous materials used in operation of the business.

The petitioner submitted a Special Use Permit Application on October 23, 2024, to authorize a Rural Home Occupation that exceeds the Ordinance limit on volatile liquids used in the operation of the business.

**Brookens Administrative
Center**

1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708

zoningdept@co.champaign.il.us

www.co.champaign.il.us/zoning

EXTRATERRITORIAL JURISDICTION

The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning.

The subject property is located within Crittenden Township, which does not have a Plan Commission.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Residential, Commercial	AG-1 Agriculture
North	Agriculture/ Residential	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
West	Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

RURAL HOME OCCUPATION REGULATIONS

7.1.2 H. states, “No storage of volatile liquid, flammable gasses, hazardous material or explosives shall be permitted except as such might be kept for customary agricultural purposes in quantities and concentrations customarily found on farms.”

The petitioner noted on the Rural Home Occupation Permit Application that the following items were generally used in the operation of the business:

1. Lacquer thinner - 10 gallons
2. Urethane thinner - 15 gallons
3. Urethane toners - 15 gallons
4. Two bottles of 75/25 Argon/CO2
5. One bottle of O2
6. One bottle Acetylene
7. Clear coat - 3 gallons

The quantity of the above listed materials was determined by the Department to be in excess of what would be kept for customary agricultural purposes in quantities and concentrations customarily found on farms and can be allowed with an approved Special Use Permit.

PROPOSED SPECIAL CONDITIONS

- A. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the Rural Home Occupation until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

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

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

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

That the proposed use is in compliance with the Zoning Ordinance.

- C. Prohibited activities of the Rural Home Occupation include:**

- 1. The outdoor storage of any number of unlicensed vehicles or more than two licensed vehicles awaiting automobile or truck repair.**
- 2. Outdoor automobile or truck repair operations should be screened and take place on an improved surface that prevents automotive fluids from contacting the soil.**
- 3. Junk yard or automobile salvage storage or operations.**

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

Conformance with the Champaign County Zoning Ordinance and the Champaign County Nuisance Ordinance.

- D. Waste materials should be stored and disposed of properly, on a regular basis, and not allowed to accumulate on the property.**

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

Conformance with the Champaign County Zoning Ordinance and the Champaign County Nuisance Ordinance.

ATTACHMENTS

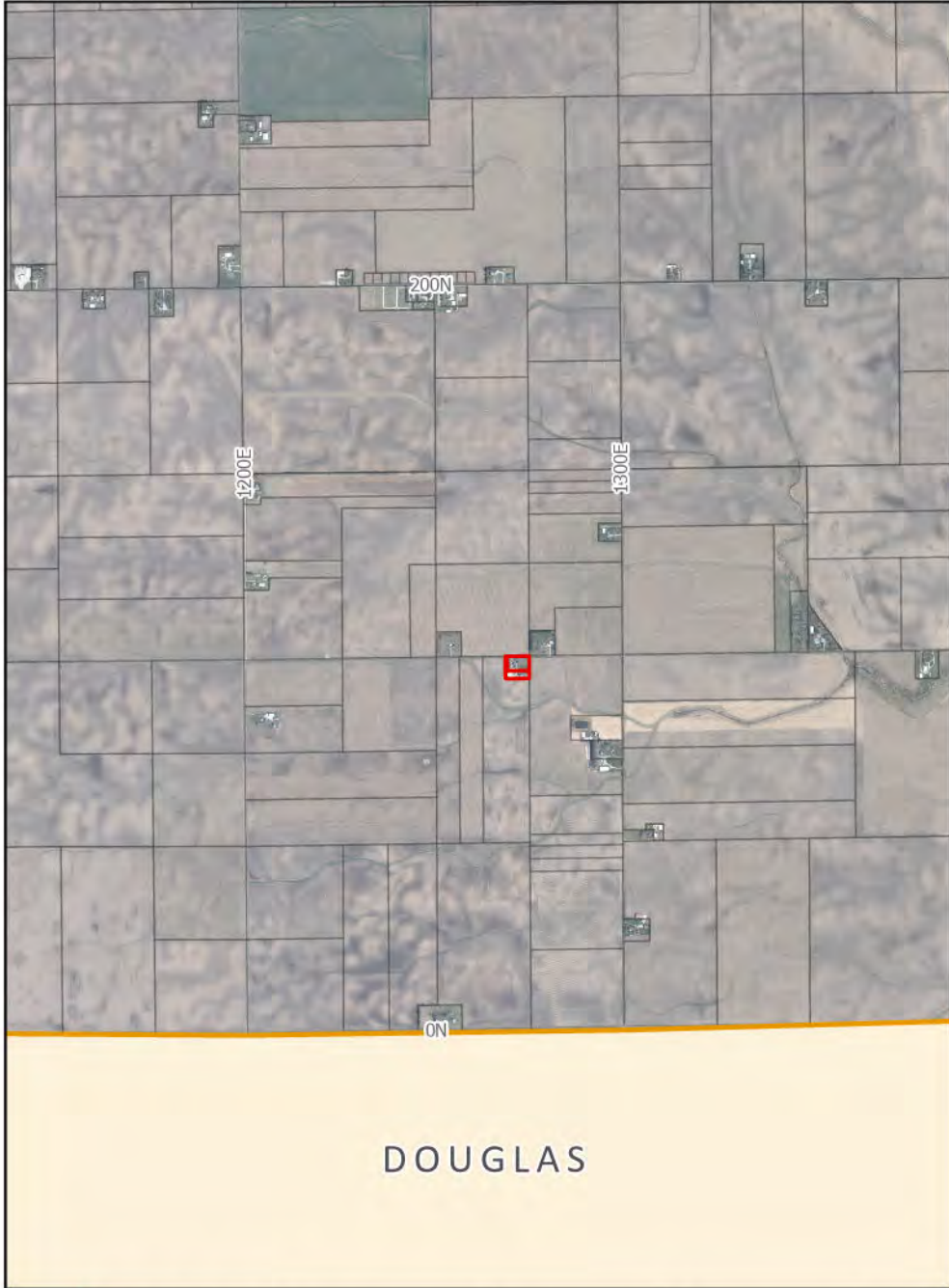
- A Case Maps (Location, Land Use, Zoning)**
- B Annotated Aerial Photo with Site Plan created by P&Z Staff**
- C Site photos August 2024**
- D Excerpt from Sections 3.2 and 3.3 of the Champaign County Zoning Ordinance**
- E Summary of Evidence, Finding of Fact, and Final Determination dated January 22, 2025**



Location Map

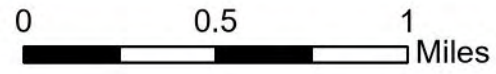
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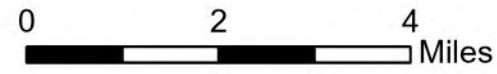
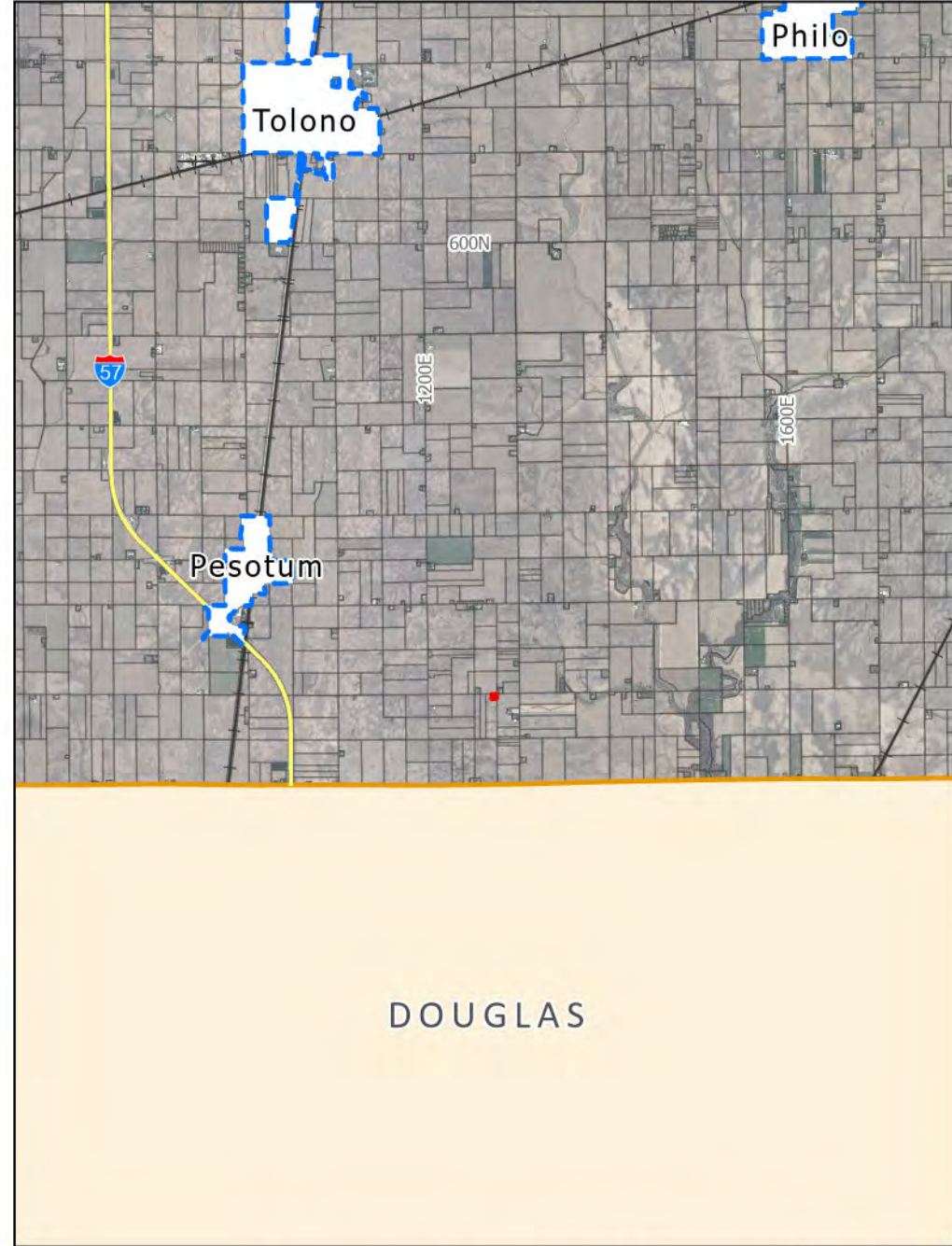
Subject Property



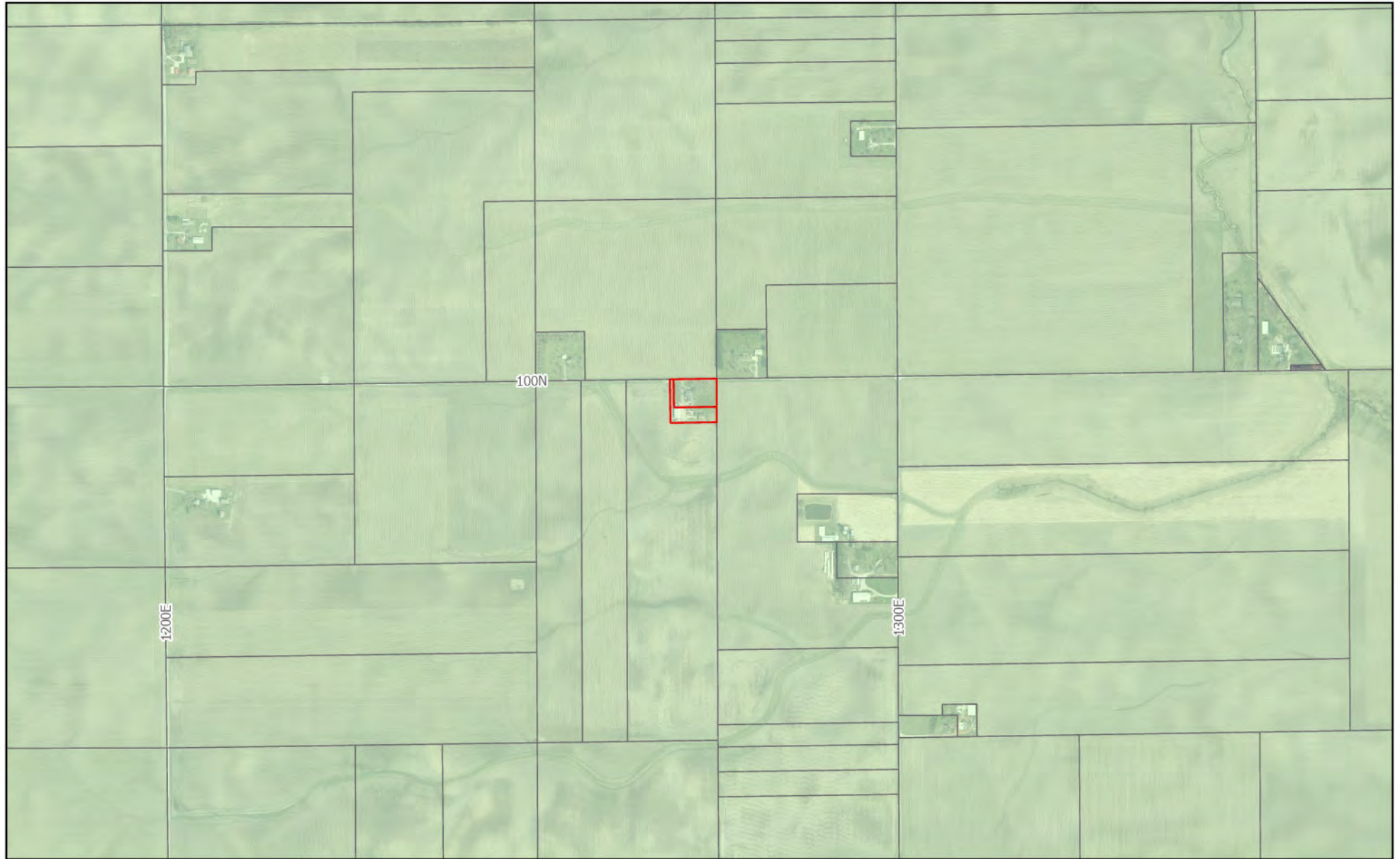
-  Subject Property
-  Municipal Boundary




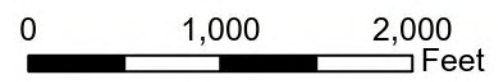
Property Location in Champaign County



Zoning Map
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January 30, 2025



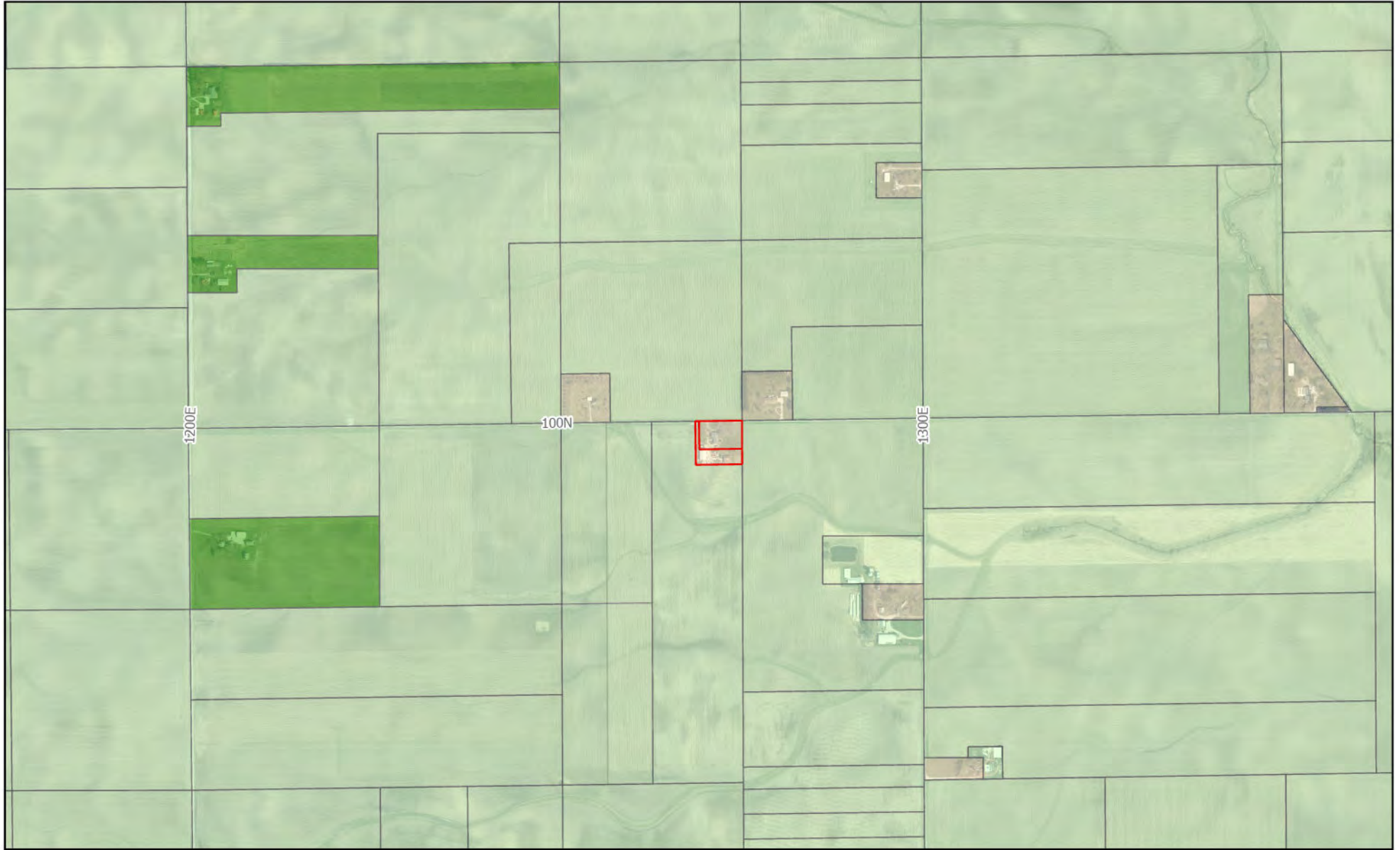
 Subject Property  AG-1 Agriculture



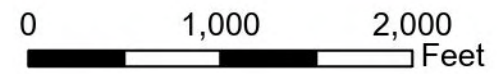
Land Use Map

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- | | |
|---|---|
|  Subject Property |  Agriculture/Residential |
|  Agriculture |  Residential |



Annotated 2023 Aerial

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January 30, 2025



 Subject Properties



PLANNING &
ZONING

158-S-24 Site Images



From County Road 100N facing Southwest toward Subject Property



From County Road 100N facing Southwest toward Subject Property

158-S-24 Site Images



From County Road 100N facing South toward Subject Property



From County Road 100N facing Southeast toward Subject Property

SECTION 3.2 ACTIVITIES AND CONDITIONS CONSTITUTING PUBLIC NUISANCES - CONTINUED

- B. Storage outside of a FULLY ENCLOSED BUILDING of:
 - 1. building materials, recyclable materials, equipment, fire wood (except in reasonable quantities for domestic use on-site) packaging materials and similar items;
 - 2. INOPERABLE VEHICLES and equipment or parts thereof except as provided in Section 3.3.

- C. Open, unfenced excavations more than four feet deep except as customarily attend construction for a period not to exceed 90 days in conformance to the requirements of the Champaign County Zoning Ordinance.

- D. Noise, vibration, glare, heat, odors or fumes, dust or electromagnetic fields in excess of that lawfully permitted and customarily associated with uses permitted in the zoning district by the Champaign County Zoning Ordinance.

- E. Fire, explosion or toxic release hazards in excess of those lawfully permitted and customarily associated with uses permitted in the zoning district by the Champaign County Zoning Ordinance.

- F. Noise discernable by a person of average sensibility within any dwelling or lodging unit between the hours of 10:00 p.m. and 7:00 a.m. when the noise is of an intensity, tone, characteristic, frequency of occurrence or duration as not to be customarily associated with uses permitted in the zoning district in which such dwelling or lodging unit is located including, but not limited to, noise generated by the following activities:
 - 1. construction
 - 2. operation of powered tools or equipment;
 - 3. operation of motor vehicles or related equipment on private property;
 - 4. operation of any bell, siren, whistle, horn or similar device except for noncommercial use of unamplified bells or chimes; or
 - 5. operation of any sound amplification device; or
 - 6. keeping any DOMESTIC ANIMAL.

SECTION 3.2 ACTIVITIES AND CONDITIONS CONSTITUTING PUBLIC NUISANCES - CONTINUED

- N. OPEN BURNING as follows:
 - 1. OPEN BURNING of LANDSCAPE WASTE that is not in conformance with all of the conditions and requirements of paragraphs 3.3F. or 3.3G.
 - 2. OPEN BURNING of MANURE.
 - 3. OPEN BURNING of LANDSCAPE WASTE when the Chair of the Champaign County Board has prohibited all open burning of LANDSCAPE WASTE in the event of emergencies which require shifting of staff priorities or conditions that may represent significant potential for fire safety issues as authorized in paragraph 4.1D.

- O. The keeping of a ROOSTER in a Residential zoning district within 1,000 feet of a home rule municipality.

3.3 Activities and Conditions Not Constituting Public Nuisances

- A. All lawful agricultural activities, appurtenances and structures except the outdoor storage of INOPERABLE FARM VEHICLES [Appendix C].

- B. Storage outside a FULLY ENCLOSED BUILDING in any zoning district of no more than one INOPERABLE VEHICLE meeting all of the following conditions:
 - 1. the vehicle weighs less than 8,000 lbs. gross vehicle weight;
 - 2. the vehicle is capable of being licensed for operation on a public street;
 - 3. the vehicle is fully intact on the exterior including all wheels, all tires (which must be inflated), all body parts, all windows, all bumpers and grills, all exterior lights;
 - 4. the vehicle is located no less than five feet from any lot line, and is parked on a driveway or is screened from any adjacent lot by a Type C screen pursuant to Section 4.3.3G of the Champaign County Zoning Ordinance [Appendix B]; and
 - 5. no other inoperable vehicle is stored outside on the same lot except FARM VEHICLES.

**SECTION 3.3 ACTIVITIES AND CONDITIONS NOT CONSTITUTING PUBLIC NUISANCES -
Continued**

- C. Storage outside a FULLY ENCLOSED BUILDING in a non-residential zoning district of no more than one INOPERABLE VEHICLE subject to the following conditions:
1. the vehicle is fully intact on the exterior including all wheels or tracks, all tires (which must be inflated), all body parts including cab and all doors and windows;
 2. the vehicle is screened from view from any adjacent lot not zoned for business or industrial use or public street by a Type D screen pursuant to Section 4.3.3G of the Champaign County Zoning Ordinance [Appendix B]; and
 3. no other inoperable vehicle is stored outside on the same lot except FARM VEHICLES.
- D. Storage outside a FULLY ENCLOSED BUILDING in a non-residential zoning district of an INOPERABLE VEHICLE awaiting repair on the premises of a lawful, permitted repair business or rural home occupation for a period not to exceed 30 days, or on the premises of a salvage or wrecking yard subject to all applicable provisions of the Champaign County Zoning Ordinance.
- E. Storage outside a FULLY ENCLOSED BUILDING of no more than six INOPERABLE FARM VEHICLES or pieces of farm equipment but no more than two of a specified type or function provided such vehicles or pieces of equipment are located no less than 100 feet from any lot line or are fully screened from any adjacent lot or public street by a Type D screen pursuant to Section 4.3.3G of the Champaign County Zoning Ordinance [Appendix B].
- F. OPEN BURNING of LANDSCAPE WASTE in areas located outside of the PROHIBITED BURN AREA that complies with the following:
1. the requirements of the relevant Fire Protection District, including the setting of fires to combat or limit existing fires, when reasonably necessary in the judgement of the relevant Fire Protection District; and
 2. at a burn site provided and supervised by any unit of local government, including any such site located within the PROHIBITED BURN area; or
 3. the burning of AGRICULTURAL WASTE that conforms to the requirements of the Illinois Pollution Control Board and the IEPA as established in Title 35 Illinois Administrative Code, Part 237; or

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

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

Date: *{January 30, 2025}*

Petitioner: **Gregory Little**

Request: **Authorize a Special Use Permit for a Rural Home Occupation that exceeds the Ordinance limit on volatile liquids stored and used, in the AG-1 Agriculture Zoning District.**

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **January 30, 2025**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioner Gregory Little owns the subject property.
2. The subject property is Two tracts of land comprising 2.5 acres located in the Northeast Corner of the West Half of the Northeast Quarter of Section 31, Township 17 North, Range 9 East of the Third Principal Meridian, Champaign County with PIN's 08-33-31-200-007 and 08-33-31-200-014 with an address of 1271 County Road 100N, Pesotum.
3. The property is comprised of a 1.5-acre lot and a 1-acre L-shaped lot totaling 2.5 acres under the same ownership and used jointly.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is not located within the one-and-one-half miles of a municipality with zoning.
 - B. The subject property is located within Crittenden Township, which does not have a Planning Commission. Townships with Planning Commissions do not have protest rights on a Special Use Permit. Notification was sent to the Township.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The 2.5-acre subject property is zoned AG-1 Agriculture and contains a single-family residence, a detached garage and two detached storage building.
 - B. Land to the north is zoned AG-1 Agriculture and is in use as residential and agricultural.
 - C. Land to the west is zoned AG-1 Agriculture and is in agricultural production.
 - D. Land to the south is zoned AG-1 Agriculture and is in agricultural production.
 - E. Land to the east is zoned AG-1 Agriculture and is in agricultural production.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the site plan and operations of the proposed Special Use:
 - A. The Site Plan received October 23, 2024, indicates the following existing features:
 - (1) One 1,620 square feet residence built prior to approval of the Zoning Ordinance on October 10, 1973.
 - a. Expanded some time in the past? No permit?
 - (2) An existing 30 feet by 36 feet detached garage.
 - (3) An existing 45 feet by 84 feet workshop/storage building.

- (4) An existing 45 feet by 46 feet machine shed.
- (5) A 26 feet diameter round above ground swimming pool.
- B. Information regarding the operations of the home-based business, 100 North LLC, was provided by the petitioner and is summarized as follows:
 - (1) The services performed are the general repair and restoration of vehicles and tractors.
 - (2) Specific services include: touch up, buffing, dent and ding repair, restoration, collision repair, light mechanical work, frame swaps and detailed estimating.
 - (3) Activities that will be occurring outdoors include: tear-down, inspections for estimates, storing of parts until they are disposed of.
 - (4) The types and quantities of hazardous materials used include the following:
 - a. Lacquer thinner - 10 gallons
 - b. Urethane thinner - 15 gallons
 - c. Urethane toners - 15 gallons
 - d. Two bottles of 75/25 Argon/CO2
 - e. One bottle of O2
 - f. One bottle Acetylene
 - g. Clear coat - 3 gallons
 - (5) There is one on-site employee other than resident family members.
- C. Previously approved Zoning Use Permits for the subject property include:
 - (1) ZUPA #209-17-03 was applied for on July 28, 2017, for the workshop/storage building, the existing detached garage that was constructed without a permit and the above ground pool. There were questions regarding the setback for the detached garage at the time of application. The permit was approved, and a Zoning Compliance Certificate was issued on September 23, 2024.
- D. The subject property is on Best Prime Farmland.
- E. There are no previous zoning cases on the subject property.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

- 6. Regarding authorization for a Rural Home Occupation in the AG-1 Agriculture Zoning DISTRICT in the *Zoning Ordinance*:
 - A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
 - (1) “ACCESS” is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
 - (2) “ACCESSORY STRUCTURE” is a STRUCTURE on the same LOT with the MAIN OR PRINCIPAL STRUCTURE, or the main or principal USE, either

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DETACHED from or ATTACHED to the MAIN OR PRINCIPAL STRUCTURE, subordinate to and USED for purposes customarily incidental to the MAIN OR PRINCIPAL STRUCTURE or the main or principal USE.

- (3) “ACCESSORY USE” is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
- (4) “AUTOMOBILE” is a self-propelled, free-moving MOTOR VEHICLE for the conveyance of persons on a STREET and having a seating capacity for not more than ten persons.
- (5) “AUTOMOBILE REPAIR, MAJOR” is general repair, rebuilding or reconditioning of engines, MOTOR VEHICLES or trailers; collision services, including: body, frame, or fender straightening or repair; overall painting or paint shop, or vehicle steam cleaning.
- (6) “AUTOMOBILE REPAIR, MINOR” is replacement of parts and motor services to passenger cars and trucks not exceeding one and one-half tons capacity, excluding body repairs.
- (7) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
 - a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
 - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
 - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system
- (7) “DISCRETIONARY DEVELOPMENT” is a non-agricultural land USE that may occur provided that a SPECIAL USE permit and/or a rezoning request is granted by the BOARD and/or by the GOVERNING BODY following a DISCRETIONARY review process and additionally provided that the USE complies with provisions of the Zoning Ordinance and other applicable ordinances and regulations.
- (8) “DWELLING” is a BUILDING or MANUFACTURED HOME designated for non-transient residential living purposes and containing one or more DWELLING UNITS and/or LODGING UNITS.

- (9) “HOME OCCUPATION, RURAL” is any activity conducted for gain or support by a member or members of the immediate FAMILY, residing on the premises, as an ACCESSORY USE on the same LOT as the resident’s DWELLING UNIT.
- (10) “JUNK YARD or AUTOMOBILE SALVAGE YARD” is A LOT, land BUILDING, or STRUCTURE, or part thereof used primarily for the collecting, storage, and/or sale of scrap metal, or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition and for the sale of parts therefrom.
- (11) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
- (12) “MOTOR VEHICLE” is a self-propelled free-moving vehicle for the conveyance of goods or persons on a street.
- (13) “OPERATIONS” are processing, assembly, fabrication, or handling of materials or products or movement of bulk materials or products not in containers or pipelines.
- (14) “PARKING SPACE” is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (15) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (16) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (17) “STORAGE” is the presence of equipment, or raw materials or finished goods (packaged or bulk) including goods to be salvaged and items awaiting maintenance or repair and excluding the parking of operable vehicles.
- (18) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
 - (a) MAJOR STREET: Federal or State highways.
 - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
 - (c) MINOR STREET: Township roads and other local roads.
- (19) “SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
 - a. The site features or site location will not detract from the proposed use;
 - b. The site will not create a risk to health, safety or property of the occupants, the neighbors or the general public;

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- c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
 - d. Necessary infrastructure is in place or provided by the proposed development; and
 - e. Available public services are adequate to support the proposed development effectively and safely.
- (20) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.
- (21) WELL SUITED OVERALL: A discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be WELL SUITED OVERALL if the site meets these criteria:
- a. The site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public; and
 - b. The site is reasonably well-suited in all respects and has no major defects.
- B. Subsection 7.1.2 establishes the parameters of Rural Home Occupations. The following paragraphs are relevant to this case:
- (1) 7.1.2 B.2. states, “On lots that are two acres in area or larger, no more than two employees may be present on the premises and no more than three additional employees may report to the site for work performed off the premises.”
 - (2) 7.1.2 E.3. states, “No more than 10 MOTOR VEHICLES and/or licensed semitrailers and/or licensed pole trailers in total shall be authorized excluding patron or employee or owner personal MOTOR VEHICLES.”
 - (3) 7.1.2 E.4. states, “No more than one MOTOR VEHICLE that conforms to paragraph 7.1.1 K. may be parked outdoors no less than five feet from a SIDE or REAR LOT LINE nor less than 10 feet from a FRONT LOT LINE and, outdoor parking for more than one MOTOR VEHICLE and any licensed semitrailer and any licensed pole trailer shall be at least 10 feet from any LOT LINE.”
 - (4) 7.1.2 F.2. states, “No more than 10 complete pieces of equipment (trailers) may be kept in outdoor STORAGE and/or Used outdoors subject to the following: The number of complete pieces of equipment that may be kept in outdoor storage and/or used outdoors shall be reduced by the number of MOTOR VEHICLES and/or licensed semitrailers and/or licensed pole trailers also parked or used outdoors and all other complete pieces of equipment must be kept in an enclosed BUILDING.”
 - (5) 7.1.2 F.4. states, “Complete pieces of equipment an supplemental equipment attachments kept in outdoor STORAGE and/or used outdoors must be stored or used at least 10 feet from any LOT LINE and screened as required by paragraph

7.1.2 L. except as follows: When there is no more than two complete pieces of equipment (each weighing less than 15,000 pounds gross vehicle weight), in which case no SCREEN is required unless the total number of MOTOR VEHICLES (each weighing less than 15,000 pound gross vehicle weight) and equipment is more than four in which case the required SCREEN shall be as required by 7.1.2 E4.c.”

- (6) 7.1.2 H. states, “No storage of volatile liquid, flammable gasses, hazardous material or explosives shall be permitted except as such might be kept for customary agricultural purposes in quantities and concentrations customarily found on farms.”
- (7) 7.1.2 J. states, “Prohibited RURAL HOME OCCUPATION activities shall include:
 - a. Outdoor storage of any number of unlicensed vehicles or more than two licensed vehicles awaiting automobile or truck repair;
 - b. Outdoor automobile or truck repair OPERATIONS;
 - c. JUNK YARD or AUTOMOBILE SALVAGE STORAGE or OPERATIONS.
- (8) 7.1.2 L. states, “Outdoor STORAGE used in any RURAL HOME OCCUPATION shall be limited to SIDE YARDS or the REAR YARD and shall be screened as follows:
 - a. A Type D SCREEN shall be located so as to obscure or conceal any part of any YARD used for OUTDOOR STORAGE which is visible within 1,000 feet from any of the following circumstances:
 - 1. Any point within the BUILDING RESTRICTION LINE of any lot located in any R DISTRICT or any lot occupied by a DWELLING conforming as to USE or occupied by a SCHOOL; church or temple; public park or recreational facility; public library, museum, or gallery; public fairgrounds; nursing home or hospital; recreational business use with outdoor facilities.
- (9) 7.1.2 M. states, “A RURAL HOME OCCUPATION that exceeds any of the standards in paragraph 7.1.2 A. through L. may be authorized by SPECIAL USE Permit as provided as follows:
 - a. The USE is not a prohibited activity in paragraph 7.1.2 J.
 - b. The DWELLING on the subject property shall remain the principal USE and the PRINCIPAL BUILDING on the property and the HOME OCCUPATION shall always be an ACCESSORY USE and any building devoted to the HOME OCCUPATION shall be an ACCESSORY BUILDING.

B. Section 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:

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- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
 - a. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
 - b. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
 - c. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.

- C. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
 - (1) That the Special Use is necessary for the public convenience at that location;

 - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
 - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.

 - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.

 - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.

 - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.

 - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.

- (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
 - (6) Approval of a Special Use Permit shall authorize use, construction and operation only in a manner that is fully consistent with all testimony and evidence submitted by the petitioner or petitioner's agent.
- D. Paragraph 9.1.11. D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

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

- 7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
 - A. The Petitioner testified on the application, **“To provide a service for local customers to get vehicle, ag equipment repairs in a close proximity.”**
 - B. The subject property is located along CR 100N one mile south of County Highway 16 and approximately three miles west of Illinois Route 130 and approximately four miles from the Village of Pesotum.

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

- 8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
 - A. The Petitioner have testified on the application, **“Any and all work is done in a professional manner with three decades of experience, I live where I work and take pride in the appearance of the property to do all with the thoughts of neighbors in mind.”**
 - B. Regarding surface drainage:
 - (1) No new construction has been proposed that will increase stormwater runoff.
 - (2) A Natural Resource Information Report by the Champaign County Soil and Water Conservation District was not required because the property has been developed for many years.
 - C. Regarding impacts on traffic:
 - (1) The subject property is located along CR 100N one mile south of County Highway 16 and approximately three miles west of Illinois Route 130.
 - a. CR 100N is a local Township road that is approximately 15 feet wide.

PRELIMINARY DRAFT

- b. The subject property currently has two driveway entrances on the south side of 100N that serve the single-family residences and accessory buildings.
 - c. The proposed Rural Home Occupation should not create significant additional traffic due to its occasional use.
 - d. Notice was sent to the Crtittenden Township Supervisor and Crtittenden Township Road Commissioner and no comments have been received.
- D. Regarding fire protection on the subject property, the subject property is located approximately 4.2 road miles from the Pesotum Fire Protection District station. Notice of this zoning case was sent to the Fire Protection District, and no comments have been received.
- E. No part of the subject property is located within a mapped floodplain.
- F. Soil on the subject property is Best Prime Farmland and consists of 154A Flanagan silt loam and has an average Land Evaluation (LE) of 100.
- (1) The site has been developed since prior to 1973 which is prior to the County regulations for Best Prime Farmland.
 - (2) The subject property is 2.5-acres in area which is less than the three-acre maximum lot size on Best Prime Farmland.
- G. Regarding outdoor lighting on the subject property:
- (1) No outdoor lighting was indicated on the Site Plan. A special condition has been added regarding any future outdoor lighting for the Special Use Permit area.
- H. No new construction is being proposed that will require wastewater treatment.
- I. A Natural Resource Information Report by the Champaign County Soil and Water Conservation District was not required because the property has been developed for many years.
- J. Regarding life safety considerations related to the proposed Special Use:
- (1) No new construction is proposed for the Rural Home Occupation.
 - (2) The Pesotum Fire Protection District has been notified of the proposed Special Use and no comments have been received.
- K. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
 - A. The Petitioner have testified on the application, **“It does to my knowledge, if not, I am willing to do whatever is asked of me to comply.”**
 - B. Regarding compliance with the *Zoning Ordinance*:
 - (1) RURAL HOME OCCUPATIONS are authorized by right in the AG-1 Agriculture, AG-2 Agriculture and CR Conservation-Recreation zoning districts as ACCESSORY USES per the requirements established in Section 7.1.2 of the Zoning Ordinance.
 - (2) Section 7.1.2 B.2. states, “On lots that are two acres in area or larger, no more than two employees may be present on the premises and no more than three additional employees may report to the site for work performed off the premises.
 - a. On the Rural Home Occupation Permit Application, the petitioner stated that there is one on-site full-time employee other than resident family members.
 - (3) 7.1.2 E.3.states, “No more than 10 MOTOR VEHICLES and/or licensed semitrailers and/or licensed pole trailers in total shall be authorized excluding patron or employee or owner personal MOTOR VEHICLES.”
 - a. On the Rural Home Occupation Permit Application, and in a phone conversation on January 22, 2025, the petitioner stated that there are two vehicles used for the business, excluding employee and personal vehicles.
 - (4) 7.1.2 F.2. states, “No more than 10 complete pieces of equipment (trailers) may be kept in outdoor STORAGE and/or Used outdoors subject to the following: The number of complete pieces of equipment that may be kept in outdoor storage and/or used outdoors shall be reduced by the number of MOTOR VEHICLES and/or licensed semitrailers and/or licensed pole trailers also parked or used outdoors and all other complete pieces of equipment must be kept in an enclosed BUILDING.”
 - a. The petitioner stated in a phone conversation on January 22, 2025, that there are three trailers that are used for the business excluding personal trailers.
 - (5) 7.1.2 J. states, “Prohibited RURAL HOME OCCUPATION activities shall include:
 - a. Outdoor storage of any number of unlicensed vehicles or more than two licensed vehicles awaiting automobile or truck repair;
 - b. Outdoor automobile or truck repair OPERATIONS
 - c. The petitioner is aware of these requirements.

PRELIMINARY DRAFT

- (6) 7.1.2 H. states, “No storage of volatile liquid, flammable gasses, hazardous material or explosives shall be permitted except as such might be kept for customary agricultural purposes in quantities and concentrations customarily found on farms.”
 - a. The business on the subject property stores materials in quantities that exceed those customarily found on farms and therefore requires a SPECIAL USE Permit.

- C. Regarding the Special Flood Hazard Areas Ordinance, no portion of the subject property is located within the mapped floodplain.

- D. Regarding the Subdivision Regulations, the subject property is located in the Champaign County subdivision jurisdiction and the subject property is in compliance.

- E. Regarding the requirement that the Special Use preserve the essential character of the AG-1 Agriculture Zoning District:
 - (1) RURAL HOME OCCUPATIONS are authorized by right in the AG-1 Agriculture, AG-2 Agriculture and CR Conservation-Recreation zoning districts as ACCESSORY USES per the requirements established in Section 7.1.2 of the Zoning Ordinance.

- F. The proposed Special Use must comply with the Illinois Accessibility Code, which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.
 - (1) A special condition has been added to ensure compliance with the Illinois Accessibility Code.

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

- 10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use be in harmony with the general intent and purpose of the Ordinance:
 - A. RURAL HOME OCCUPATIONS are authorized by right in the AG-1 Agriculture, AG-2 Agriculture and CR Conservation-Recreation zoning districts as ACCESSORY USES per the requirements established in Section 7.1.2 of the Zoning Ordinance:

 - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
 - (1) Subsection 5.1.1 of the Ordinance states the general intent of the AG-1 District as follows (capitalized words are defined in the Ordinance):

The AG-1 Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural uses which would contribute to the premature termination of AGRICULTURAL pursuits.

- (2) The types of uses authorized in the AG-1 District are in fact the types of uses that have been determined to be acceptable in the AG-1 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.

C. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:

- (1) Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance, and the proposed site plan appears to be in compliance with those requirements.

- (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

It is not clear whether the proposed Special Use will have any impact on the value of nearby properties without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.

- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

The proposed Special Use is unlikely to significantly increase traffic.

- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

a. The subject property is not in a Special Flood Hazard Area.

b. The subject property is exempt from requiring a Storm Water Drainage Plan as there are no changes proposed.

- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

a. Regarding public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.

b. Regarding public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.

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c. No comments have been received regarding the proposed Special Use.

- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those limits.

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

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

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

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

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.
- a. The proposed Special Use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.

b. The proposed Special Use will not take any land out of agricultural production.

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

There are no natural features on the subject property and the property has been developed for many years.

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

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

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

- a. The residence has been at this property since at least 1973.
- b. The proposed Special Use will not take any land out of agricultural production.
- c. The subject property is not within one and one-half miles of existing communities.

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

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

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:
- A. The Petitioner testified on the application: **“Yes”**
- B. The proposed use is not an existing non-conforming use.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. Regarding proposed special conditions of approval:

- A. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the Rural Home Occupation until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

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

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

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

That the proposed use is in compliance with the Zoning Ordinance.

- C. **Prohibited activities of the Rural Home Occupation include:**

1. **The outdoor storage of any number of unlicensed vehicles**
2. **More than {TWO / AS DETERMINED BY THE BOARD} licensed vehicles awaiting automobile or truck repair.**
3. **Junk yard or automobile salvage storage or operations.**
4. **Outdoor storage of any inoperable vehicle awaiting repair for more than 30 days.**

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

Conformance with the Champaign County Zoning Ordinance and the Champaign County Nuisance Ordinance.

- D. **Outdoor automobile or truck repair operations are authorized and should be screened by a Type D screen or buildings, and take place on an improved surface that prevents automotive fluids from contacting the soil.**

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

Conformance with the Champaign County Zoning Ordinance

- E. **Volatile materials of the types and quantities listed below may be stored and used on the property as part of the Rural Home Occupation:**

1. **Lacquer thinner - 10 gallons**
2. **Urethane thinner - 15 gallons**
3. **Urethane toners - 15 gallons**
4. **Two bottles of 75/25 Argon/CO2**
5. **One bottle of O2**

6. One bottle Acetylene
7. Clear coat - 3 gallons

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

That the proposed use remains in conformance with the requirements of the Special Use Permit.

- F. **Waste materials should be stored and disposed of properly, on a regular basis, and not allowed to accumulate on the property.**

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

Conformance with the Champaign County Zoning Ordinance and the Champaign County Nuisance Ordinance.

- G. **Inoperable vehicles currently on the property and stored outside (with the exception of one inoperable vehicle that meets Section 3.3 B of the Nuisance Ordinance) will be removed within six months of the approval date of the Special Use Permit.**

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

Conformance with the Champaign County Zoning Ordinance and the Champaign County Nuisance Ordinance.

DOCUMENTS OF RECORD

1. Application for Special Use Permit received October 23, 2024, with attachments:
 - A Site plan aerial photo

2. Application for Rural Home Occupation Permit received October 11, 2024. with attachment:
 - A Site plan aerial photo

2. Preliminary Memorandum dated January 22, 2025, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Annotated Aerial Photo with Site Plan created by P&Z Staff
 - C Site photos August 2024
 - D Excerpt from Sections 3.2 and 3.3 of the Champaign County Zoning Ordinance
 - E Summary of Evidence, Finding of Fact, and Final Determination dated January 22, 2025

SUMMARY DRAFT FINDINGS OF FACT FOR CASE 158-S-24

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **158-S-24** held on **January 30, 2025**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location because:
 - a. *The petitioner has testified on the application that the Rural Home Occupation provides a service for local customers to get vehicle and agricultural repairs nearby.*
 - b. *The subject property is located along CR 100N one mile south of County Highway 16 and approximately three miles west of Illinois Route 130 and approximately four miles from the Village of Pesotum.*
2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL NOT / WILL}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity, and the entrance location has *{ADEQUATE / INADEQUATE}* visibility because:
 - a. *The proposed rural home occupation should not create significant additional traffic due to its occasional use.*
 - b. *Notice was sent to the Crtittenden Township Supervisor and Crtittenden Township Road Commissioner and no comments have been received.*
 - b. Emergency services availability is *{ADEQUATE / INADEQUATE}* because:
 - a. *The subject property is located approximately 4.2 road miles from the Pesotum Fire Protection District station. Notice of this zoning case was sent to the Fire Protection District, and no comments have been received.*
 - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses because:
 - a. *Notices regarding this case were sent to neighbors and no comments have been received.*
 - b. *No complaints have been received since the petitioners established their businesses on the subject property.*
 - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* because:
 - a. *There is no additional impervious area being created that would affect drainage.*
 - e. Public safety will be *{ADEQUATE / INADEQUATE}* because:
 - a. *The subject property is located approximately 4.2 road miles from the Pesotum Fire Protection District station. Notice of this zoning case was sent to the Fire Protection District, and no comments have been received.*
 - b. *Notice was also sent to the Township Supervisor and Township Road Commissioner, and no comments have been received.*

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- f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* because:
 - a. ***Sufficient off-street parking for business, employee and customers exists on the site.***

- g. The property is BEST PRIME FARMLAND and the property with the proposed improvements *{IS/ IS NOT}* WELL SUITED OVERALL because:
 - a. ***The subject property has been developed for residential and agricultural use since prior to the adoption of the Champaign County Zoning Ordinance.***

*The Board may include other relevant considerations as necessary or desirable in each case.
The Board may include additional justification if desired, but it is not required.*

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

- 3b. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}*** preserve the essential character of the DISTRICT in which it is located because:
 - a. The Special Use will be designed to ***{CONFORM / NOT CONFORM}*** to all relevant County ordinances and codes.
 - b. The Special Use ***{WILL / WILL NOT}*** be compatible with adjacent uses.
 - c. Public safety will be ***{ADEQUATE / INADEQUATE}***.

- 4. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {IS / IS NOT}*** in harmony with the general purpose and intent of the Ordinance because:
 - a. The Special Use is authorized in the District.
 - b. The requested Special Use Permit ***{IS/ IS NOT}*** necessary for the public convenience at this location.
 - c. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}*** is so designed, located, and proposed to be operated so that it ***{WILL / WILL NOT}*** be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
 - d. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}*** preserve the essential character of the DISTRICT in which it is located.

- 5. The requested Special Use ***IS NOT*** an existing non-conforming use.

- 6. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:***
 - A. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the Rural Home Occupation until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

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

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

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

That the proposed use is in compliance with the Zoning Ordinance.

- C. **Prohibited activities of the Rural Home Occupation include:**

1. **The outdoor storage of any number of unlicensed vehicles**
2. **More than {TWO / AS DETERMINED BY THE BOARD} licensed vehicles awaiting automobile or truck repair.**
3. **Junk yard or automobile salvage storage or operations.**
4. **Outdoor storage of any inoperable vehicle awaiting repair for more than 30 days.**

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

Conformance with the Champaign County Zoning Ordinance and the Champaign County Nuisance Ordinance.

- D. **Outdoor automobile or truck repair operations are authorized and should be screened by a Type D screen or buildings, and take place on an improved surface that prevents automotive fluids from contacting the soil.**

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

Conformance with the Champaign County Zoning Ordinance

- E. **Volatile materials of the types and quantities listed below may be stored and used on the property as part of the Rural Home Occupation:**

1. **Lacquer thinner - 10 gallons**
2. **Urethane thinner - 15 gallons**
3. **Urethane toners - 15 gallons**
4. **Two bottles of 75/25 Argon/CO2**
5. **One bottle of O2**
6. **One bottle Acetylene**
7. **Clear coat - 3 gallons**

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

That the proposed use remains in conformance with the requirements of the Special Use Permit.

- F. **Waste materials should be stored and disposed of properly, on a regular basis, and not allowed to accumulate on the property.**

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

Conformance with the Champaign County Zoning Ordinance and the Champaign County Nuisance Ordinance.

- G. **Inoperable vehicles currently on the property and stored outside (with the exception of one inoperable vehicle that meets Section 3.3 B of the Nuisance Ordinance) will be removed within six months of the approval date of the Special Use Permit.**

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

Conformance with the Champaign County Zoning Ordinance and the Champaign County Nuisance Ordinance..

FINAL DETERMINATION FOR CASE 158-S-24

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, the requirements of Section 9.1.11B. for approval *{HAVE/HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

The Special Use requested in Case **158-S-21** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED}* to the applicant, **Gregory Little**, to authorize the following:

Authorize a Special Use Permit for a Rural Home Occupation that exceeds the Ordinance limit on volatile liquids stored and used, in the AG-1 Agriculture Zoning District.

{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:}

- A. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the Rural Home Occupation until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**
- B. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**
- C. **Prohibited activities of the Rural Home Occupation include:**
 - 1. **The outdoor storage of any number of unlicensed vehicles**
 - 2. **More than *{TWO / AS DETERMINED BY THE BOARD}* licensed vehicles awaiting automobile or truck repair.**
 - 3. **Junk yard or automobile salvage storage or operations.**
 - 4. **Outdoor storage of any inoperable vehicle awaiting repair for more than 30 days.**
- D. **Outdoor automobile or truck repair operations are authorized and should be screened by a Type D screen or buildings, and take place on an improved surface that prevents automotive fluids from contacting the soil.**
- E. **Volatile materials of the types and quantities listed below may be stored and used on the property as part of the Rural Home Occupation:**
 - 1. **Lacquer thinner - 10 gallons**
 - 2. **Urethane thinner - 15 gallons**
 - 3. **Urethane toners - 15 gallons**
 - 4. **Two bottles of 75/25 Argon/CO2**
 - 5. **One bottle of O2**
 - 6. **One bottle Acetylene**
 - 7. **Clear coat - 3 gallons**

- F. **Waste materials should be stored and disposed of properly, on a regular basis, and not allowed to accumulate on the property.**
- G. **Inoperable vehicles currently on the property and stored outside (with the exception of one inoperable vehicle that meets Section 3.3 B of the Nuisance Ordinance) will be removed within six months of the approval date of the Special Use Permit.**

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

SIGNED:

ATTEST:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date