

AS APPROVED OCTOBER 17, 2019

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street

Urbana, IL 61801

DATE: September 12, 2019

PLACE: Lyle Shields Meeting Room

1776 East Washington Street

Urbana, IL 61802

TIME: 6:30 p.m.

MEMBERS PRESENT: Tom Anderson, Frank DiNovo, Ryan Elwell, Jim Randol, Larry Wood

MEMBERS ABSENT: Marilyn Lee

STAFF PRESENT: Connie Berry, Susan Burgstrom, John Hall

OTHERS PRESENT: Brad Ribbe, Carmen Ribbe, Kevin Hunsinger, Cecilia Allen, Roger Blakely

1. Call to Order

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

2. Roll Call and Declaration of Quorum

The roll was called, and a quorum declared present.

Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign the witness register 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: July 25, 2019 and August 15, 2019

Mr. Elwell entertained a motion to approve the July 25, 2019, and August 15, 2019, minutes.

Mr. Randol moved, seconded by Mr. Wood, to approve the July 25, 2019, and August 15, 2019, minutes.

Mr. Elwell asked the Board if there were any necessary corrections or additions to the July 25, 2019, or August 15, 2019, minutes, and there were none.

The motion carried by voice vote.

5. Continued Public Hearing

1 None

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3 **6. New Public Hearings**

4

5 **Case 954-S-19** Petitioner: **Michael Armstrong, d.b.a. Aladdin Electric and Kathy Hinrichs-King**
6 **Request: Authorize a Special Use Permit for a Contractor’s Facility with or without Outdoor Storage**
7 **and Outdoor Operations as a principal use in the AG-2 Agriculture Zoning District.** Location: **Lot 3**
8 **of Hudson Acres Subdivision in the Southeast Quarter of the Southwest Quarter of Section 11,**
9 **Township 19 North, Range 9 East of the Third Principal Meridian in Urbana Township, with an**
10 **address of 3708 East University Avenue, Urbana.**

11

12 Mr. Elwell informed the audience that Case 954-S-19 is an Administrative Case and as such, the County
13 allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask
14 for a show of hands for those who would like to cross-examine, and each person will be called upon. He
15 requested that anyone called to cross-examine go to the cross-examination microphone to ask any
16 questions. He said that those who desire to cross-examine are not required to sign the witness register
17 but are requested to clearly state their name before asking any questions. He noted that no new
18 testimony is to be given during the cross-examination. He said that attorneys who have complied with
19 Article 7.6 of the ZBA By-Laws are exempt from cross-examination.

20

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

25

26 Mr. John Hall, Zoning Administrator, stated that Mr. Armstrong contacted staff today and was very
27 apologetic. Mr. Hall stated that staff spoke with Mr. Armstrong for many months about this case and it
28 was only when Mr. Armstrong reviewed the memorandum that he understood that the proposed use was
29 not what he actually intended to do on the property, as he does not intend to use the building or the
30 property for business. Mr. Hall stated that the situation with the property is that the house has been
31 demolished and there is a storage building that remains, although a storage building cannot be used
32 without a principal use. Mr. Armstrong has indicated that he does want the storage building for personal
33 use only and intends to construct a dwelling unit in the interior of the building. Mr. Armstrong has
34 accepted the responsibility for the apparent confusion and was very apologetic to staff. Mr. Hall stated
35 that his recommendation to the Board would be to continue Case 954-S-19 until such time when Mr.
36 Armstrong comes to the office to submit a Change of Use Permit to convert the shed to a principal
37 building, and at that time the case could either be dismissed or Mr. Armstrong could withdraw the case.
38 Mr. Hall stated that for cases that are before the Board tonight, the 100-day continuance time period is
39 December 12th. Mr. Hall stated that Mr. Armstrong indicated that he would be in the office on
40 September 13th to submit the Change of Use Permit, and Mr. Hall hopes that it true, but in case is isn’t,
41 he would recommend that the case be continued to the December 12th meeting.

42

43 **Mr. Randol moved to continue Case 954-S-19 to the December 12th meeting.**

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45 Mr. Hall noted that a member of the public has signed the witness register for Case 954-S-19, and they
46 should have the opportunity to speak prior to the Board continuing the case.

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Mr. Randol withdrew his motion.

Mr. Elwell called Cecilia Allen to testify.

Ms. Cecilia Allen, who resides at 3712 East University, Urbana, stated that the subject property is located west of their property with only one lot between them. She said that a few short years ago the subject property only had a very small house on it and the lot absorbed a lot of rain water. She said that a short time ago, a very nice large building was added to the property which had a considerable amount of concrete and industrial work space outside which made two-thirds of the property impervious to rain water. She said that the construction of the building and concrete areas has created drainage problems for her property; in fact, after the construction was completed, a heavy rain flushed 25 to 30 bags of new mulch into her gravel driveway. She said that the concrete was placed on top of six inches of soil so that the concrete driveways were to grade; therefore, raising the grade of the property, which was already at a significantly higher elevation than her property, put them at the mercy of the subject property's runoff. She said that the neighborhood has always consisted of single-family housing and she now understands that Mr. Armstrong may also reside on the property, which is cool. She said that there are many homes in the neighborhood that have small businesses, and she does not have a problem with that because her property is one of them as they have an art studio. She said that she just wanted to get on record about the drainage issues in the neighborhood, which are perpetual in this county.

Mr. Elwell asked the Board and staff if there were any questions for Ms. Allen, and there were none.

Mr. Elwell asked the audience if anyone desired to cross-examine Ms. Allen, and there was no one.

Mr. Elwell asked the audience if anyone else desired to sign the witness register and present testimony regarding Case 954-S-19, and there was no one.

Mr. Elwell closed the witness register.

Mr. Elwell entertained a motion to continue Case 954-S-19 to the December 12, 2019, meeting.

Mr. Randol moved, seconded by Mr. Wood, to continue Case 954-S-19 to the December 12, 2019, meeting. The motion carried by voice vote.

Mr. Elwell entertained a motion to rearrange the agenda and hear Case 956-V-19 prior to Case 955-FV-19.

Mr. Wood moved, seconded by Mr. Randol, to re-arrange the agenda and hearing Case 956-V-19 prior to Case 955-FV-19. The motion carried by voice vote.

Case 955-FV-19 Petitioner: Brad and Simone Ribbe Request: Authorize the following variance from the Champaign County Special Flood Hazard Areas Ordinance: Authorize the construction and use of a shed in the Special Flood Hazard Area for which the earthen fill extends only 3 feet beyond the foundation before sloping below the Flood Protection Elevation in lieu of the minimum required extension of fill for 10 feet beyond the foundation before sloping below the Flood

1 **Protection Elevation.** Location: **A three acre tract in the Southeast Quarter of the Southeast**
2 **Quarter of Section 15, Township 20 North, Range 10 East of the Third Principal Meridian in**
3 **Stanton Township, commonly known as the farmstead at 2176 CR 2100N, St. Joseph.**

4 Mr. Elwell informed the audience that Case 955-FV-19 is an Administrative Case and as such, the
5 County allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he
6 will ask for a show of hands for those who would like to cross-examine, and each person will be called
7 upon. He requested that anyone called to cross-examine go to the cross-examination microphone to ask
8 any questions. He said that those who desire to cross-examine are not required to sign the witness
9 register but are requested to clearly state their name before asking any questions. He noted that no new
10 testimony is to be given during the cross-examination. He said that attorneys who have complied with
11 Article 7.6 of the ZBA By-Laws are exempt from cross-examination.

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13 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
14 the witness register for that public hearing. He reminded the audience that when they sign the witness
15 register, they are signing an oath. He asked the audience if anyone desired to sign the witness register
16 and there was no one.

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18 Mr. Elwell asked the petitioner if he would like to make a statement regarding his request.

19
20 Mr. Brad Ribbe, who resides at 2176 County Road 2100N, St. Joseph, stated that he purchased the
21 subject property from Pat Roelfs in 2007. He said that he is present tonight because he is requesting a
22 variance because the location of his proposed shed is located in the mapped floodplain. He reviewed the
23 photographs and comments from Ms. Norris, adjacent landowner to the east, which were included in
24 Supplemental Memorandum #1 dated September 12, 2019, with the Board. He said that the shed
25 indicated in the photograph on page 2 of the memorandum was torn down in the mid-1980s and it
26 appears that the photograph was taken while standing in the driveway of his property facing towards the
27 east, which is dry ground. He said that since 1980, the Upper Salt Fork Drainage District in Champaign
28 County, using taxpayer's money and other sources wisely, has made great improvements regarding
29 drainage for the area. He said that Ms. Norris indicated that drainage flows southeast, and that is correct;
30 therefore, how would a shed located west of Ms. Norris' farm field cause more ponding. He said that
31 the proposed shed will have gutters and downspouts, thus putting more water on his own property rather
32 than Ms. Norris' property. He said that Ms. Norris indicated concerns about her tenant's ability to plant
33 or replant crops, but a simple a fix would be to dig into the 10-inch berm at the ditch so that the water
34 would flow, as the berm is the reason their field does not drain. He said that regarding the five to seven
35 foot grassy, weedy area that Ms. Norris mentioned, he mows and maintains that area, so the invasive
36 weeds are kept at a minimum. He said that Ms. Norris indicated concern about the proposed three feet
37 hindering her tenant's ability to maneuver his large equipment for farming, although the tenant should
38 not be driving on his property. Mr. Ribbe stated that it was mentioned in Ms. Norris' comments that he
39 should move his shed to the west, although if he does move the shed to the west, he will not be able to
40 maneuver past the existing electrical pole and would lose access to his other machine shed. He said that
41 regarding the photographs on page 3 of Attachment A. that were taken in Spring 1984, both show a
42 homestead surrounded by floodwater and the portion that is outside of the flood area is where the
43 proposed shed will be constructed. He said that the second photograph indicates that there is no water
44 along the east ditch along the road that travels from St. Joseph, which means that the large barrel section
45 culverts that goes across the ditch currently were not installed when the photograph was taken. Mr.
46 Ribbe stated that page 4 of Ms. Norris' packet indicates a newspaper article that was published prior to

1 his purchase of the property. He said that after speaking to property owners in the area - Roelfs, Uken,
2 Harms and Flessner - they indicated that they have worked with the County and the Salt Fork Drainage
3 District to help solve the flooding problems by granting additional easements in order to fix the ditch.
4 Mr. Ribbe stated that he has been a labor foreman for over 16 years, and he is certified in elevations
5 using GPS. Mr. Ribbe submitted the following as Documents of Record: elevations of his property using
6 the certified bench mark from Wayne Ward, Surveyor, with all elevations being more than 673 mean sea
7 level, and a letter from Mr. Darrell Uken, neighbor to the west of the subject property, indicating that he
8 had no objections to the proposed shed. He said that since 1994 there has been significant drainage
9 district improvements to the Upper Salt Fork, and it has been dredged all the way to Sidney, and as
10 recent as last year, they have been doing additional dredging to help the water get away faster.

11
12 Mr. Elwell asked the Board if there were any questions for Mr. Ribbe.

13
14 Mr. DiNovo asked Mr. Ribbe to indicate how high the building will be from the existing grade of the
15 subject property, because it appears that at the property line the elevation is 672.9 m.s.l.

16
17 Mr. Ribbe stated that the building will be 2 feet above grade. He said that the elevation sheet indicates
18 the elevation of the existing grade and the elevation of the proposed building. He said that the existing
19 grade is 673.32 m.s.l. and after the building is complete, he will regrade to 674.3.

20
21 Mr. DiNovo asked Mr. Ribbe to indicate the distance from the property line to the shed.

22
23 Mr. Ribbe stated that the shed will be four feet from the east property line.

24
25 Mr. DiNovo asked Mr. Ribbe if there would be a concrete slab for the building.

26
27 Mr. Ribbe stated no, the floor will consist of 4-inches of gravel.

28
29 Mr. DiNovo stated that Mr. Ribbe has indicated that he could not move the building enough to avoid the
30 variance. He asked Mr. Ribbe if he could move the building to the west at all.

31
32 Mr. Ribbe stated that he would have very little room to move the proposed shed without blocking the
33 use of the existing driveway.

34
35 Mr. DiNovo stated that he is only suggesting moving the shed two feet to the west.

36
37 Mr. Ribbe stated that in order to do so, he would have to dig out dirt and haul in rock, etc.

38
39 Mr. Elwell asked the Board if there were additional questions for Mr. Ribbe.

40
41 Mr. Randol stated that Mr. Ribbe indicated that he worked in the construction field. He asked Mr. Ribbe
42 if he also farmed.

43
44 Mr. Ribbe stated yes.

45
46 Mr. Randol asked Mr. Ribbe if he planned to store any type of construction equipment in the proposed

1 shed.

2
3 Mr. Ribbe stated no, because he works out of the Laborer’s Union and is not an independent contractor.
4 He noted that there is a natural swale that runs through the pasture that sheds the water from the pasture
5 and will do so for the shed as well.

6
7 Mr. Elwell asked staff if there were any questions for Mr. Ribbe, and there were none.

8
9 Mr. Elwell asked the audience if anyone desired to cross-examine Mr. Ribbe, and there was no one.

10
11 Mr. Elwell asked the audience if anyone desired to sign the witness register and present testimony
12 regarding Case 955-FV-19, and there was no one.

13
14 Mr. Elwell closed the witness register for Case 955-FV-19.

15
16 Mr. Elwell asked the Board how they would like to proceed.

17
18 **Mr. Randol moved to accept the Summary of Evidence for Case 955-FV-19 and move to the**
19 **Findings of Fact.**

20
21 Mr. Hall noted that the following items should be added to the Documents of Record: 3. Letter from
22 Darrell and Donna Uken received September 12, 2019, ZBA meeting; 4. Spot elevations aerial photo
23 created by Brad Ribbe and received September 12, 2019, ZBA meeting; and 5. Supplemental
24 Memorandum #1 dated August 29, 2019, with attachment: A. Comments from Pam Norris received
25 August 27, 2019.

26
27 **Mr. Wood seconded the motion. The motion carried by voice vote.**

28
29 Mr. Elwell stated that the Board would now review the Findings of Fact for Case 955-FV-19.

30
31 **FINDINGS OF FACT FOR CASE 955-FV-19:**

32
33 **From the documents of record and the testimony and exhibits received at the public hearing for**
34 **zoning Case 955-FV-19 held on September 12, 2019, the Zoning Board of Appeals of Champaign**
35 **County finds that:**

36
37 **1. The development activity CANNOT be located outside the floodplain.**

38
39 Mr. DiNovo stated that the development activity CANNOT be located outside the floodplain because the
40 entire property is in the mapped special flood hazard area, except for the area surrounding the house,
41 which was removed by a Letter of Map Amendment.

42
43 **2. An exceptional hardship WOULD result if the floodplain variance were not granted.**

44
45 Mr. Randol stated that an exceptional hardship WOULD result if the floodplain variance were not
46 granted because a driveway and utility pole would have to be relocated, which would present additional

1 costs to the petitioner.

2

3 **3. The relief requested IS the minimum necessary.**

4 Mr. DiNovo stated that the relief requested IS the minimum necessary because there is significant
5 expense involved with moving the building to any significant degree.

6

7 **4. The requested floodplain variance WILL NOT result in any additional threat to public
8 health and safety or creation of a nuisance.**

9

10 Mr. DiNovo stated that the requested floodplain variance WILL NOT result in any additional threat to
11 public health and safety or creation of a nuisance because the building creates no obstructions to water
12 flow, which is either onto or off of the subject property and adjacent property, and the fill is not required
13 to preserve the structural integrity of the pole building that will not have a concrete slab floor.

14

15 **5. The requested floodplain variance WILL NOT result in additional public expense for flood
16 protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public
17 facilities.**

18

19 Mr. DiNovo stated that the requested floodplain variance WILL NOT result in additional public expense for
20 flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities
21 because the proposed fill will not obstruct drainage to subject or adjacent properties, and the building itself
22 will not be occupied.

23

24 Mr. Randol stated that the building will have no impact on the existing road system or public utilities.

25

26 **6. The applicant’s circumstances ARE unique and DO NOT establish a pattern inconsistent
27 with the National Flood Insurance Program.**

28

29 Mr. DiNovo stated that the applicant’s circumstances ARE unique and DO NOT establish a pattern
30 inconsistent with the National Flood Insurance Program because this is an area of extensive, very
31 shallow flooding, making it an atypical flood hazard condition, and there are difficulties in identifying
32 alternative sites for the structure, and the structure itself will be unoccupied and does not require
33 extensive protection.

34

35 **7. All other required state and federal permits HAVE been obtained. No other permits are
36 required.**

37

38 Mr. DiNovo stated that there are no additional state and federal permits required.

39

40 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings
41 of Fact, as amended.

42

43 **Mr. DiNovo moved, seconded by Ms. Wood, to adopt the Summary of Evidence, Documents of
44 Record and Findings of Fact, as amended. The motion carried by voice vote.**

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46 Mr. Elwell entertained a motion to move to the Final Determination for Case 955-FV-19.

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Mr. Randol moved, seconded by Mr. Wood, to move to the Final Determination for Case 955-FV-19. The motion carried by voice vote.

Mr. Elwell informed Mr. Ribbe that currently the Board has one member absent; therefore, it is at the petitioner’s discretion to either continue Case 955-FV-19 until a full Board is present or request that the present Board move to the Final Determination. He informed the petitioner that four affirmative votes are required for approval.

Mr. Ribbe requested that the present Board move to the Final Determination for Case 955-FV-19.

FINAL DETERMINATION FOR CASE 955-FV-19:

Mr. DiNovo moved, seconded by Mr. Randol, that the Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements of Section 11 C. of the *Special Flood Hazard Areas Ordinance* HAVE been met, and determines that:

The Floodplain Variance requested in Case 955-FV-19 should be GRANTED to the Petitioners, Brad and Simone Ribbe, to authorize the following variance from the *Champaign County Special Flood Hazard Areas Ordinance*:

Authorize the construction and use of a shed in the Special Flood Hazard Area for which the earthen fill extends only 3 feet beyond the foundation before sloping below the Base Flood Elevation in lieu of the minimum required extension of fill for 10 feet beyond the foundation before sloping below the Base Flood Elevation.

Mr. Elwell requested a roll call vote.

The vote was called as follows:

Lee – absent	Randol – yes	Wood – yes
Anderson – yes	DiNovo – yes	Elwell – yes

Mr. Hall informed the petitioner that he has received a recommendation of approval for his request. He informed Mr. Ribbe that Case 955-FV-19 would be forwarded to the Environment and Land Use Committee (ELUC) for consideration at their October 10, 2019, meeting, and then forwarded to the County Board for a final determination on October 24, 2019.

Mr. Ribbe asked Mr. Hall if he should attend the ELUC and County Board meetings.

Mr. Hall stated that Mr. Ribbe’s attendance would be beneficial in case there were any questions that needed addressed from ELUC or the County Board.

Mr. Ribbe asked if they could inform the builder that they were approved and could begin construction.

1 Mr. Hall stated that he will not approve the Land Disturbance and Zoning Use Permit until the County
2 Board takes final action. He informed Mr. Ribbe that he could do earth work and get everything ready
3 for construction, but anything that is done beyond the earth work is at Mr. Ribbe's own risk.
4
5

6 **Case 956-V-19** Petitioner: **Tom Perkins, Joe Hunsinger, and Kevin Hunsinger** Request: **Authorize**
7 **a variance for a proposed 5.32 acre lot in lieu of the maximum allowed 3 acres in area for lots with**
8 **soils that are best prime farmland, per Section 5.3 of the Champaign County Zoning Ordinance.**
9 Location: **A proposed 5.32 acre lot in the west half of the Southeast Quarter of Section 6,**
10 **Township 20 North, Range 7 East of the Third Principal Meridian in Mahomet Township and**
11 **commonly known as the residence with an address of 54 CR 2300N, Mahomet.**
12

13 Mr. Elwell informed the audience that Case 956-V-19 is an Administrative Case and as such, the County
14 allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask
15 for a show of hands for those who would like to cross-examine, and each person will be called upon. He
16 requested that anyone called to cross-examine go to the cross-examination microphone to ask any
17 questions. He said that those who desire to cross-examine are not required to sign the witness register
18 but are requested to clearly state their name before asking any questions. He noted that no new
19 testimony is to be given during the cross-examination. He said that attorneys who have complied with
20 Article 7.6 of the ZBA By-Laws are exempt from cross-examination.
21

22 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
23 the witness register for that public hearing. He reminded the audience that when they sign the witness
24 register, they are signing an oath. He asked the audience if anyone desired to sign the witness register
25 and there was no one.
26

27 Mr. Elwell asked the petitioners if they would like to make a statement regarding their request.
28

29 Mr. Kevin Hunsinger, who resides at 403 County Road 2425N, Mahomet, stated that there are three
30 names on the petition: his; his son Joe Hunsinger, who is the buyer; and Tom Perkins, the seller. He said
31 that Mr. Perkins owned a 91 acre tract that was one single piece and decided that he would like to
32 separate the homestead from farmland. Mr. Hunsinger stated that he contracted to purchase the farmland
33 and his son contracted to purchase the homestead. Mr. Perkins was made aware of the fact that in order
34 to separate the homestead from the farmland, he needed to gain approval from the Village of Mahomet
35 because the property is located within Mahomet's extra-territorial jurisdiction for subdivision. Mr.
36 Perkins received an approved variance from the Village of Mahomet for an agricultural subdivision for a
37 lot less than 10 acres (5.3 acres), but in doing so, the lot violated the County's requirement of a lot not
38 consisting of more than 3 acres on best prime farmland. He said that the sale has occurred, and currently
39 he owns the farmland and his son owns the homestead, and he is before the Board tonight requesting a
40 variance for the 5.3 acres on best prime farmland. He said that staff mentioned to him that the
41 homestead, 5.3 acres, could be divided into two tracts, but that would place them in the situation with
42 Mahomet where the division would no longer be considered agricultural and would become a minor
43 subdivision, which requires the applicant to pay for all potential or future road improvements at the time
44 of application. He said that at the current rate they would be paying in excess of \$250,000 dollars to the
45 Village of Mahomet for road improvements that even the Village of Mahomet agreed would probably
46 never happen because the village is not moving in that direction. He said that for the homestead lot to

1 meet the County's requirements, the lot would have to be strangely configured due to the placement of
2 the existing buildings.

3
4 Mr. Elwell asked the Board if there were any questions for Mr. Hunsinger.

5
6 Mr. Tom Anderson asked Mr. Hunsinger if the one acre of corn on the corner belonged to the seller or
7 buyer.

8
9 Mr. Hunsinger stated that currently, the land is being farmed by the previous tenant, Mr. Anderson, and
10 they tried to maximize the tillable acreage by planting that corner in corn. He said that the area of the
11 corn belongs to Joe Hunsinger and belongs with the homestead, and it is undecided as to whether they
12 would continue to grow corn in this area or plant grass.

13
14 Mr. Anderson asked if the area of the corn is part of the 5.3 acres.

15
16 Mr. Hunsinger stated yes.

17
18 Mr. Wood asked Mr. Hunsinger why they decided to split the homestead from the farmland.

19
20 Mr. Hunsinger stated that the division of the homestead from the farmland was the decision of the seller
21 because he felt that it would be more feasible to sell the lots separately. Mr. Hunsinger said that if he
22 owned the farmland and the homestead as one unit, his son could not obtain the conventional financing
23 that he needs to purchase the home.

24
25 Mr. Elwell asked the Board and staff if there were any additional questions for Mr. Hunsinger, and there
26 were none.

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28 Mr. Elwell asked the audience if anyone desired to cross-examine Mr. Hunsinger, and there was no one.

29
30 Mr. Elwell asked the audience if anyone desired to sign the witness register and present testimony
31 regarding Case 956-V-19, and there was no one.

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33 Mr. Elwell closed the witness register.

34
35 Mr. Elwell asked staff if there were any new Documents of Record for Case 956-V-19, and there were
36 none.

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

39
40 **Mr. Randol moved, seconded by Mr. DiNovo, to accept the Summary of Evidence and move to the**
41 **Findings of Fact. The motion carried.**

42
43 Mr. Elwell stated that the Board would now review the Findings of Fact for Case 956-V-19.

44
45 **FINDINGS OF FACT FOR CASE 956-V-19:**

1 From the documents of record and the testimony and exhibits received at the public hearing for
2 zoning case 956-V-19 held on September 12, 2019, the Zoning Board of Appeals of Champaign
3 County finds that:

4
5 1. Special conditions and circumstances DO exist which are peculiar to the land or structure
6 involved, which are not applicable to other similarly situated land and structures elsewhere
7 in the same district.

8
9 Mr. Wood stated that special conditions and circumstances DO exist which are peculiar to the land or
10 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
11 the same district because there are conflicting ordinances: there is a situation with the Village of
12 Mahomet where a 5.3 acre lot needs a variance for being less than 10 acres, and our ordinance needs a
13 variance for a lot on Best Prime Farmland being greater than 3 acres.

14
15 Mr. Elwell stated that the Village would require about \$250,000 in developer fees if the petitioner made
16 two smaller lots that would comply with the County Ordinance.

17
18 2. Practical difficulties or hardships created by carrying out the strict letter of the regulations
19 sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
20 structure or construction.

21
22 Mr. Randol stated that practical difficulties or hardships created by carrying out the strict letter of the
23 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
24 structure or construction because the original seller made the decision to split the farmland from the
25 homestead.

26
27 Mr. DiNovo stated that compliance with the County Zoning Ordinance would require a new subdivision
28 with the Village of Mahomet.

29
30 3. The special conditions, circumstances, hardships, or practical difficulties DO NOT result
31 from actions of the applicant.

32
33 Mr. Randol stated that the special conditions, circumstances, hardships, or practical difficulties DO
34 NOT result from actions of the applicant because the original seller made the decision to split the
35 farmland from the homestead.

36
37 Mr. DiNovo stated that compliance with the County Zoning Ordinance would require a new subdivision
38 with the Village of Mahomet.

39
40 4. The requested variance IS in harmony with the general purpose and intent of the
41 Ordinance.

42
43 Mr. DiNovo stated that the requested variance IS in harmony with the general purpose and intent of the
44 Ordinance because the farmland being separated from the larger tract is only about 2 acres, and a large
45 part of it is relatively less productive soil.

46

1 **5. The requested variance WILL NOT be injurious to the neighborhood or otherwise**
2 **detrimental to the public health, safety, or welfare.**

3

4 Mr. DiNovo stated that the requested variance WILL NOT be injurious to the neighborhood or otherwise
5 detrimental to the public health, safety, or welfare because there are no physical changes on the ground.

6

7 **6. The requested variance IS the minimum variation that will make possible the reasonable**
8 **use of the land/structure**

9

10 Mr. Wood stated that the requested variance IS the minimum variation that will make possible the
11 reasonable use of the land/structure because of the sale that already occurred.

12

13 Mr. DiNovo stated that any reduction in the variance would require a new subdivision with the Village.

14

15 **7. NO SPECIAL CONDITIONS ARE HEREBY IMPOSED.**

16

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

19

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

22

23 Mr. Elwell entertained a motion to move to the Final determination for Case 956-V-19.

24

25 **Mr. Randol moved, seconded by Mr. Wood, to move to the Final Determination for Case 956-V-**
26 **19. The motion carried by voice vote.**

27

28 Mr. Elwell informed Mr. Hunsinger that currently the Board has one member absent; therefore, it is at the
29 petitioner’s discretion to either continue Case 956-V-19 until a full Board is present or request that the
30 present Board move to the Final Determination. He informed the petitioner that four affirmative votes are
31 required for approval.

32

33 Mr. Hunsinger requested that the present Board move to the Final Determination for Case 956-V-19.

34

35 **FINAL DETERMINATION FOR CASE 956-V-19:**

36

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

42

43 **The Variance requested in Case 956-V-19 is hereby GRANTED to the petitioners, Tom Perkins, Joe**
44 **Hunsinger, and Kevin Hunsinger, to authorize the following variance in the AG-1 Agriculture Zoning**
45 **District:**

46

Authorize a variance for a proposed 5.32-acre lot in lieu of the maximum allowed 3 acres in

1 **area for lots with soils that are best prime farmland, per Section 5.3 of the Champaign**
2 **County Zoning Ordinance.**

3
4 Mr. Elwell requested a roll call vote.

5
6 The roll was called as follows:

7 Wood – yes	Anderson – yes	DiNovo – yes
8 Lee – absent	Randol – yes	Elwell – yes

9
10 Mr. Hall informed the petitioners that they have received an approval for their request.

11
12 Mr. Elwell stated that the Board would now hear Case 955-FV-19.

13
14 **7. Staff Report**

15
16 Mr. DiNovo stated that there will be a new ZBA member approved by the County Board.

17
18 Mr. Hall stated that he has heard that rumor, but he checked the County Board Committee of the Whole
19 Agenda and he did not see an item regarding a new appointment to the ZBA on their agenda.

20
21 **8. Other Business**

22 **A. Review of Docket**

23
24 Mr. Hall stated that Mr. Wood and Mr. DiNovo have indicated that they would be absent from the October
25 3rd meeting. He said that to assure a quorum, the Board should contact staff regarding any additional
26 absences.

27
28 Ms. Burgstrom stated that Case 952-S-19 is docketed for the October 3rd meeting, and the *Illinois Statute*
29 states that after 75 days of receipt of the original application, which is October 12th, the request is approved.

30
31 Mr. Anderson requested information regarding Ms. Lee.

32
33 Ms. Burgstrom stated that due to an unexpected illness, Ms. Lee was unable to attend the last meeting, but
34 she had no additional information to share regarding tonight's absence.

35
36 **9. Audience participation with respect to matters other than cases pending before the Board**

37
38 None

39
40 **10. Adjournment**

41
42 Mr. Elwell entertained a motion to adjourn the meeting.

43
44 **Mr. Randol moved, seconded by Mr. Anderson, to adjourn the meeting. The motion carried by voice**
45 **vote.**

1 The meeting adjourned at 7:35 p.m.
2
3
4
5 Respectfully submitted
6
7
8
9
10 Secretary of Zoning Board of Appeals