

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street

Urbana, IL 61801

DATE: October 31, 2019

**PLACE: Lyle Shields Meeting Room
1776 East Washington Street**

TIME: 6:30 p.m.

Urbana, IL 61802

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

MEMBERS ABSENT: None

STAFF PRESENT: Connie Berry, Susan Burgstrom, John Hall

OTHERS PRESENT: Kelly Pfeifer, Tami Fruhling-Voges, Paul Cole, Mary Lou Bedient

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: September 26, 2019 and October 3, 2019

Mr. DiNovo requested that the September 26, 2019, and October 3, 2019, minutes be approved separately.

Mr. Elwell entertained a motion to approve the September 26, 2019, minutes.

Mr. DiNovo moved, seconded by Mr. Wood, to approve the September 26, 2019, minutes.

Mr. Elwell asked the Board if there were any required additions or corrections to the September 26, 2019, minutes, and there were none.

The motion carried by voice vote.

Mr. Elwell entertained a motion to approve the October 3, 2019, minutes.

1 Ms. Lee moved, seconded by Mr. Randol, to approve the October 3, 2019, minutes.

2

3 Mr. Elwell asked the Board if there were any required additions or corrections to the October 3, 2019,
4 minutes, and there were none.

5

6 **The motion carried by voice vote.**

7

8 Mr. Elwell entertained a motion to rearrange the agenda and hear Case 957-V-19 first and then resume back
9 to the order of the agenda.

10

11 **Ms. Lee moved, seconded by Mr. DiNovo, to rearrange the agenda and hear Case 957-V-19 first and**
12 **then resume back to the order of the agenda. The motion carried by voice vote.**

13

14 **5. Continued Public Hearing**

15

16 Mr. Elwell called Cases 945-AT-19 and 946-AT-19 concurrently.

17

18 **Case 945-AT-19** Petitioner: **Zoning Administrator** Request: **Amend the requirements for a**
19 **photovoltaic (PV) solar farm in Section 6.1.5 B.(2) of the Champaign County Zoning Ordinance by**
20 **adding the following requirements for any proposed PV solar farm that is located within one-and-one-**
21 **half miles of a municipality: A. Increase the minimum required time for municipal review by adding**
22 **the following: 1. Require the Zoning Administrator to send notice to any municipality located within**
23 **one-and-one-half miles of a proposed PV solar farm prior to the start of a public hearing, in addition**
24 **to any notice otherwise required. 2. Require the public hearing at the Zoning Board of Appeals (ZBA)**
25 **for the PV solar farm to occur at a minimum of two ZBA meetings that are not less than 28 days apart**
26 **unless the 28-day period is waived in writing by any relevant municipality. 3. Require the Zoning**
27 **Administrator to notify said municipality of the ZBA recommendation after the close of the public**
28 **hearing. 4. If the Environment and Land Use Committee (ELUC) makes a preliminary determination**
29 **to accept the ZBA recommendation, the PV solar farm shall remain at ELUC for a maximum 30-day**
30 **municipal comment period until the next ELUC meeting, unless the municipal comment period is**
31 **waived in writing by any relevant municipality. B. Require municipal subdivision approval for any**
32 **PV solar farm land lease exceeding five years when required by any relevant municipal authority that**
33 **has an adopted comprehensive plan. C. Amend Section 8.2.3 to allow any PV solar farm authorized**
34 **prior to the effective date of this amendment and that is in the process of being repaired to not lose its**
35 **zoning right to operate. D. Add new Section 8.2.4 to allow any PV solar farm authorized prior to the**
36 **effective date of this amendment to be constructed pursuant to the standard requirement of a Zoning**
37 **Use Permit, provided that the Special Use Permit for the solar farm has not expired.**

38

39 **Case 946-AT-19** Petitioner: **Zoning Administrator** Request: **Amend the requirements for a photovoltaic**
40 **(PV) solar farm in Section 6.1.5 B.(2) of the Champaign County Zoning Ordinance by adding the**
41 **following requirements for any proposed PV solar farm that is located within one-and-one-half miles**

1 of a municipality: **A. Increase the minimum required separation between a PV solar farm and a**
2 **municipal boundary from one-half mile to one-and-one-half miles. B. Increase the minimum required**
3 **time for municipal review by adding the following: 1. Require the Zoning Administrator to send**
4 **notice to any municipality located within one-and-one-half miles of a proposed PV solar farm prior to**
5 **the start of a public hearing, in addition to any notice otherwise required. 2. Require the public**
6 **hearing at the Zoning Board of Appeals (ZBA) for the PV solar farm to occur at a minimum of two**
7 **ZBA meetings that are not less than 28 days apart unless the 28-day period is waived in writing by**
8 **any relevant municipality. 3. Require the Zoning Administrator to notify said municipality of the ZBA**
9 **recommendation after the close of the public hearing. 4. If the Environment and Land Use Committee**
10 **(ELUC) makes a preliminary determination to accept the ZBA recommendation, the PV solar farm**
11 **shall remain at ELUC for a maximum 30-day municipal comment period until the next ELUC**
12 **meeting, unless the municipal comment period is waived by any relevant municipality. C. Require**
13 **municipal subdivision approval for any PV solar farm land lease exceeding five years when required**
14 **by any relevant municipal authority that has an adopted comprehensive plan. D. Amend Section**
15 **8.2.3 to allow any PV solar farm authorized prior to the effective date of this amendment and that is in**
16 **the process of being repaired to not lose its zoning right to operate. E. Add new Section 8.2.4 to allow**
17 **any PV solar farm authorized prior to the effective date of this amendment to be constructed pursuant**
18 **to the standard requirement of a Zoning Use Permit, proved that the Special Use Permit for the solar**
19 **farm has not expired.**

20
21 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign the
22 witness register for that public hearing. He reminded the audience that when they sign the witness register,
23 they are signing an oath. He asked the audience if anyone desired to sign the witness register and there was
24 no one.

25
26 Mr. Elwell asked the petitioner if he would like to make a statement regarding his requests.

27
28 Mr. Hall stated that these are continued cases that were last discussed at the September 26, 2019, public
29 hearing. He noted that the Supplemental Memorandum dated October 24, 2019, includes the full legal
30 notice; Land Use Management Areas (LUMA) map; updated October 2018 Revised Finding of Fact and
31 Summary Finding of Fact; Final Determination for Case 945-AT-19; and the Revised Finding of Fact,
32 Summary Finding of Fact, and Final Determination for Case 946-AT-19. He said that the LUMA Map
33 indicates all one-and-one-half miles municipal boundaries in the County, and some of those boundaries are
34 extra-territorial jurisdiction (ETJ) areas for those municipalities with a Comprehensive Plan. He said that for
35 municipalities without a Comprehensive Plan, it is just a protest area. He said that the Finding of Fact for
36 each case has a lot of evidence from the hearing on September 26, 2019, and staff has summarized all prior
37 testimony and testimony received in emails. He said that evidence was added related to each part of the
38 amendments; in fact, the Finding of Fact for Case 945-AT-19 is the same as the Finding of Fact for Case
39 946-AT-19. He said that staff has tried to come up with other evidence that might be relevant but has been
40 unsuccessful thus far.

41

1 Mr. DiNovo stated that, as he understands, the Board has the option of either including or not including Part
2 A. He said that it only makes sense to recommend approval of one of the cases and not both, because the
3 Board has to make a decision about Part A. He said that the Board could recommend denial of both as well.
4

5 Ms. Lee stated that at the September 26th meeting, she had suggested that municipalities be notified within a
6 certain amount of time, and Mr. Hall agreed with one week. She said that she did not see her suggestion in
7 the new material.
8

9 Mr. Hall stated that he does not recall the Board indicating that is what they wanted, but it could be added
10 tonight. He said that currently there is no timeframe.
11

12 Ms. Lee suggested it be added tonight.
13

14 Mr. Hall stated that if the Board feels that they must choose one or the other, then that is fine, but in his mind
15 the Board could recommend both. He said that if the Board believes that they should only recommend one,
16 then that is what the Board should do.
17

18 Mr. DiNovo stated that it doesn't make sense to recommend both, because recommending both is
19 recommending Part A. and then not recommending Part A. He said that the only thing that makes sense is to
20 recommend one and deny the other or recommend denying both. He suggested that ELUC revisit the
21 question of how special use permits of significant projects are handled within the one-and-one-half mile
22 ETJ. He said that solar farms are not the only projects that are of interest to municipalities, because there are
23 all kinds of concerns regarding special use permits. He said that it occurred to him that there might be due
24 process issues about pre-application meetings, but it could be arranged with any entity that has independent
25 regulatory permitting authority. He said that he could not imagine a problem with a pre-application meeting
26 including a township that would have to provide a driveway permit. He said that he believes that pre-
27 application meetings for interested entities are a good idea in principal. He recommended that the Board go
28 forward with what is in front of them tonight and then revisit the question of how the County works with
29 municipalities regarding any significant special use permit. He said that in order to revise the text of the
30 ordinance, a motion must be on the floor.
31

32 **Ms. Lee moved to provide notice to municipalities within one week after submittal of a special use**
33 **permit application for a PV Solar Farm within that municipality's ETJ.**
34

35 Mr. Elwell noted that there are two names on the witness register for testimony regarding these two cases.
36 He said that perhaps the Board could ask the witnesses if notification within one week after submittal of a
37 special use permit within their municipal ETJ is enough time for a response.
38

39 Ms. Lee stated that her motion is that one week is the time given for the zoning office to provide notice that
40 they have received an application within the municipality's ETJ, and not dealing with the issue that the
41 municipality needs to take action within that one week. She said that she wants the office to provide notice

1 to the municipality within one week that staff has received a special use permit application for property
2 located within the municipality's ETJ.

3
4 Mr. DiNovo stated that what the amendment currently indicates is that upon receipt of any substantial PV
5 Solar Farm Special Use Permit application and inserting a one week time period makes it more specific. He
6 said that Section 6.1.5B.(2)(b) on page 20 of 21 of the Finding of Fact should be revised to read as follows:
7 "The Zoning Administrator shall notify in writing any municipality that is located within one-and-one-half
8 miles of any proposed PV SOLAR FARM within one week of the receipt of any substantial PV SOLAR
9 FARM SPECIAL USE permit application in addition to any notice otherwise required." He said there is a
10 question about what one week means, seven business days or five business days.

11
12 Mr. Randol recommended that the text indicate five business days.

13
14 Mr. Hall stated that this is another deadline that staff must keep track of, but that is fine.

15
16 Ms. Burgstrom stated that the text indicates that the Zoning Administrator shall notify in writing. She asked
17 if that is speaking to the notification being sent or the notification being received.

18
19 Ms. Lee and Mr. DiNovo agreed that it refers to the notification being sent.

20
21 Mr. DiNovo stated that staff has no control over the mail system.

22
23 Ms. Lee stated that there are times when it could take 10 days to receive something.

24
25 Mr. Wood stated that the notice could be sent via email, which is simultaneous.

26
27 Mr. Elwell asked Ms. Lee if she would like to revise her motion on the floor.

28
29 **Ms. Lee temporarily withdrew her motion so that the Board could receive testimony regarding Cases**
30 **945-AT-19 and 946-AT-19.**

31
32 Mr. Elwell called Kelly Pfeifer to testify.

33
34 Ms. Kelly Pfeifer, Planning and Development Director for the Village of Mahomet, 503 East Main St.,
35 Mahomet, stated that while it is wonderfully sensitive to provide notice to municipalities and give a tight
36 timeline when these applications come in, during the Regional Planning Commission Technical Committee,
37 it was discussed that the burden upon the staff to return and provide municipalities the official application
38 heads up was more burdensome than beneficial to the municipality, which is why two meetings at the Zoning
39 Board of Appeals (ZBA) was requested. She said that the application itself doesn't really have enough
40 information that staff is inclined to try to review at that time, and it is the substantive information that they
41 find very helpful when County staff has had the time to assess completeness of the application and done

1 some preliminary research. She said that when the municipality receives the Preliminary Memorandum,
2 generally one week prior to the first meeting, the municipality has complete information at that time and
3 would have two opportunities to speak. She said that while the first public hearing may just be the petitioner
4 providing more information, that second hearing is really when it helps the municipality know whether or
5 not there is something significant that they need to partake or involve themselves in. She said that a simple
6 acquisition of the application, other than a heads up, was all that the municipality really needed. She said
7 that she appreciated the sensitivity in making sure that the municipalities get information on time, but she
8 believes that the quality of the information received would come from allowing staff to prepare their analysis
9 on the memorandum and getting that out to the municipalities so that they have the opportunity to speak at
10 the first public hearing.

11
12 Ms. Pfeifer stated that she believes that the ZBA does not have to make a choice in which case it forwards
13 with a positive recommendation to ELUC, and that both could be forwarded. She said that both text
14 amendments offer those procedural changes that the municipalities have found very beneficial, as the
15 municipalities can provide important information regarding their desires and concerns, as well as gain
16 substantive information from the petitioners. She said that getting that increased project information by the
17 petitioner and during the public hearings is going to be very helpful to the ELUC and County Board as well.
18 She said that there was a concern regarding part of the process clauses that included the municipal
19 subdivision approval for any PV Solar Farm land lease exceeding five years when required by any relevant
20 municipal authority that has an adopted Comprehensive Plan. She said that this really isn't granting any
21 authorities to those already with such, nor requiring anything that wouldn't be required. She said that the
22 words being used are very specific, as it states, "when required" and puts qualifiers of having an adopted
23 Comprehensive Plan, and if the subdivision ordinance for the small municipalities does not consider land
24 leases as a subdivision, it wouldn't be in there. She said that it is really a restatement for purposes of
25 transparency and clarity in what the "granting" of the special use by the Board actually means, and it doesn't
26 mean that they are done.

27
28 Ms. Pfeifer stated that a petitioner's goal is to establish a solar farm. She said that knowing clearly that
29 while a special use is possible from the County Board, the actual permit may still require a complex
30 subdivision process is likely to be an unforeseen impediment, and they are not likely to go through the
31 subdivision ordinance and understand that it is part of the actual process. She said that the repetition of this
32 requirement should acknowledge that there is still more to the process for the County Planning and Zoning
33 Commission and the affected municipality to do, as it is not a one step process and you are done. She said
34 that it clearly documents to future solar farm petitioners that area Comprehensive Plans are important despite
35 the distance and rural nature of the site they are considering. She said that many people ask why the
36 municipality cares about what happens one mile from their municipal border, and sometimes they do care
37 and sometimes they don't. She requested that the current language be kept in the proposed amendment.

38
39 Ms. Pfeifer stated that there is a clear distinction between Case 945-AT-19 and 946-AT-19, and Mr. DiNovo
40 alluded to that distinction. She said that the real point of distinction is that Case 946-AT-19 alters the
41 minimum distance to one-and-one-half miles from one-half mile, and this request was from many

1 municipalities to be consistent with extra-territorial jurisdiction. She said that the two main tools of any
2 municipality to exercise its rights and responsibility are zoning and subdivision, and the State gives those
3 with comprehensive plans a distance of one-and-one-half miles outside of its corporate limits. She said that
4 if this were a zoning classification and not a special use permit, the affected municipality with an ETJ would
5 have a seat at the table by having protest rights. She said that the municipality would continue to have its
6 subdivision authorities with either amendment, but subdivision is not necessarily required. She said that
7 respecting the intention of the ETJ for this type of land development, as any type of development and use, is
8 reasonable and in her mind, consistent with the purpose of the State granting the ETJ authorities.

9
10 Ms. Pfeifer stated that many people ask why the municipalities care about something that is so far away from
11 their corporate limits. She said that the mayors or presidents of many communities in Champaign County
12 requested respect for the one-and-one-half mile jurisdiction in the approval of the solar farm special use.
13 She said that solar farms are land development as they are a use that is long term and requires significant
14 investment in physical assets, not unlike buildings. She said that there is no opportunity to continue farming
15 uses underneath them like one can with wind farms and they are also not likely to exist on small parcels of
16 land due to economies of scale. She said that because the special use allows the physical development of
17 land with permanent infrastructure above and below the ground and is interconnected, they might as well be
18 a multi-suite storage unit building with respect to the impact on the undeveloped area around it. She said
19 that the cost to obtain any future easement for utility, drainage, service or roadway extension is going to be
20 costly should the infrastructure of these farms lie in the path of the long range plans of the adjacent
21 municipality. She said that the request to increase the minimum required separation from one-half mile to
22 one-and-one-half miles is not to prevent the establishment of solar farms, and it is not to push them farther
23 away from municipalities, but it is because solar farms are land development and we have a legal authority
24 and responsibility to be involved. She said that in some cases, for some towns in some places, a site one-
25 quarter mile away isn't a problem, but sometimes a mile or more out is a problem, especially when it comes
26 to transportation planning and funding. She said that recently, a solar farm developer contacted their village
27 office about a potential development of 10 acres of land. She said that the land that is for sale is not only
28 within their one-and-one-half mile ETJ but is actually within one-half mile of their corporate boundary. She
29 said that in this case, the land is in the perfect location and they would support it and is actually closer to
30 their boundary than what is permitted by their ordinance. She said that in other areas, they are already
31 planning and securing their interests in easements and right-of-way on land that is over a mile outside of
32 their municipal boundary. She said that in this case, they have a very important interest in how land is
33 developed and used a mile away from them for the next 20 to 30 years, but they wouldn't have to prevent the
34 use and it could actually be a benefit that the land is being developed if we can secure some easements or
35 rights-of-way now.

36
37 Ms. Pfeifer stated that while they know that waivers will be requested, it is by the waiver request itself that
38 they are having the opportunity to work with the developer and make the minor adjustments to their site
39 plans, be granted easements, or otherwise assure the long term needs for circulation, servicing and adjacent
40 land rights and options are achieved. She said that the waiver request and substantive involvement by
41 municipalities will not lengthen the process but will provide more information and earlier information that

1 should assist the County Board with being presented with packages that are not protested and may even be
2 supported and encouraged. She said that it is their understanding that these solar farms have quite a bit of
3 flexibility in how far they are from substations, except for cost, and they have to work around field tiles and
4 land ownership boundaries; therefore, it should be possible for them to position the infrastructure in
5 locations on a site that do not add much to their private costs while allowing the municipality to continue to
6 have the future flexibility it needs to achieve its long range circulation and servicing plans. She said that the
7 increase to one-and-one-half miles will enable a custom approach for all communities and the County to
8 capitalize on solar farm development. She requests that the Board forward both amendments with positive
9 recommendations for approval, given the beneficial changes to the processing and because the situation with
10 the one-half mile or one-and-one-half miles is a decision for ELUC to be considering and forwarding, and
11 having both provides them the opportunity to do that. She said that if forwarding both is possible, then
12 ELUC and the County Board can determine the advantages and disadvantages of the major differences
13 between them and the involvement of a nearby municipality. She said that she believes that they may find
14 that contrary to the usual desires to minimize the involvement of municipalities, understandably, and frankly
15 similar, from Mahomet's standpoint, by increasing this minimum distance to actually align with the State
16 granted ETJ of one-and-one-half miles might be beneficial to the County Board and help in being consistent
17 with its policies and achieve its goals.

18

19 Mr. Elwell asked Ms. Pfeifer if she would submit her written statement as a Document of Record.

20

21 Ms. Pfeifer stated that she would be happy to send a clean copy to staff tomorrow morning.

22

23 Mr. Elwell asked the Board if there were any questions for Ms. Pfeifer.

24

25 Ms. Lee stated that Ms. Pfeifer made the comment that the five business day notice was not beneficial, but
26 some of the municipalities are smaller than the Village of Mahomet. Ms. Lee said that she could see some
27 benefit in providing smaller communities with a notice because they do not have the staffing like the Village
28 of Mahomet and the notice would alert them of the project.

29

30 Ms. Pfeifer stated that at the last meeting someone indicated that, at times, the notices get to a mayor who
31 does not normally receive mail, and the Board's estimation is that the notice would provide that kind of
32 buffer for the mail and the lack of ability to get it versus notice one week prior to the public hearing. She
33 said that she respects the intent of the five business day notice, but if they don't receive the notice, they can
34 gather all of their information at the first public hearing and then attend the second public hearing to voice
35 concerns. She said that having sat on the side of staff, one more deadline is burdensome for staff and if it
36 was just a postcard indicating that an application had been received then that would be fine, but if it requires
37 anything too substantive then it is a burden on staff.

38

39 Ms. Lee stated that her suggestion was just a notice to the municipality that an application had been filed.

40

41 Ms. Pfeifer stated that something super easy with no substantive thing would be fine. She said that

1 balancing the challenges of staff and the benefits is important, but she does understand that other
2 municipalities may need to receive something more formal in the mail.
3
4 Mr. Anderson asked Mr. Hall to explain how big a solar farm has to be considered a farm, and could a solar
5 farm become so big that it becomes a plantation. He asked when this use becomes a farm.
6
7 Mr. Hall stated that it becomes a farm when it is the principal use on the land. He said that a residence has a
8 small collector added to provide power, but the residence is the primary use. The solar farm has collectors
9 added and the farm is the principal use.
10
11 Mr. Randol stated that it is the actual use as opposed to something being a farm. He said that if the solar
12 array is installed for a residential use, it would not be considered a solar farm, but if the solar array is for
13 commercial use, such as Ameren, then the principal use is a solar farm and is earning revenue.
14
15 Ms. Lee stated that if a landowner had farm machinery sheds and installed roof mounted solar panels on
16 them does mean that the use is a solar farm.
17
18 Mr. Hall stated that a PV Solar Farm is defined in the ordinance and it consists of ten lines of text.
19
20 Mr. Anderson asked how many acres a solar farm has to be or is it based on the number of solar array units.
21
22 Mr. Hall stated no. He read a portion of the definition of PV Solar Farm as follows: “A unified development
23 intended to convert sunlight to electricity by photovoltaic (PV) devices for the primary purpose of wholesale
24 sales of generated electricity.”
25
26 Mr. Anderson asked if the solar farm could be of any size.
27
28 Mr. Hall stated yes, but realistically it has to be large enough to be economically feasible, although as we
29 found out last year, there is a 1,200 acre solar farm that has been approved.
30
31 Mr. Anderson asked if Farm and Fleet would install a solar collector canopy over the parking lot, would it be
32 considered a solar farm. He said that when he flew into an Arizona airport there were solar collector
33 canopies covering the entire parking lot.
34
35 Mr. Hall stated that the definition discusses the primary purpose of wholesale sales and most residential and
36 farm operations are not wholesale sales; therefore, in an instance like that, if it is done to primarily provide
37 wholesale sales of electricity, then the County would have cause to raise an issue with it. He said that
38 perhaps the ordinance needs to be buttoned up a bit about something like that because a use like that would
39 be considered as wholesale sales and such a project may occur in the future in Champaign County.
40
41 Ms. Pfeifer stated that the way the Village of Mahomet would look at that scenario would be that solar

1 canopy would be considered as an accessory structure to the primary large retail operation. She said that if
2 we were talking about already developed land with another use, then the Village of Mahomet had already
3 been part of the process, so this is for those lands that have no uses on them currently and the first
4 development would be the solar farm.

5
6 Mr. DiNovo noted that farming is a land use and farmland is not a blank canvas for urban development, it is
7 already developed and used.

8
9 Ms. Pfeifer agreed, except that farmland does not have infrastructure in it that keeps it hard for a
10 municipality to take a telephone line and bore it underneath. She said that the assets of farmland appear and
11 disappear every year, but solar farms have permanent infrastructure that could make and be a problem if they
12 are not removed, and the ordinance has recognized that need to make sure that they are removed, and that is
13 not done on farmland.

14
15 Mr. Wood stated that any company that builds a solar canopy, as long as their usage is not considerably
16 lower than what they are actually producing, then the structure is for their own business use, and not treated
17 as a solar farm.

18
19 Mr. Elwell stated that it is his understanding that the PV Solar Farm is not a permanent structure.

20
21 Mr. Hall stated that a PV Solar Farm is as permanent as long as it is allowed to be there, and when it is done
22 it has to be removed, and financial considerations have been made for that.

23
24 Mr. Anderson asked Mr. Hall to explain the color areas on the distributed Land Use Management Areas
25 Map.

26
27 Mr. Hall stated that the pink areas on the map indicate municipalities that have adopted Comprehensive
28 Plans, and the yellow area is the ETJ around a municipality that has not adopted a Comprehensive Plan. He
29 said that the solar farm requirements regarding the one-and-one-half mile do not distinguish between the
30 two; for example, Case 945-AT-19 establishes additional notice and minimum hearing times and that applies
31 whether it is one-and-one-half miles around a pink or yellow area, it is the same. He said that if there is a
32 lease that lasts for five years, then it has to comply with the subdivision ordinance, and that only applies to
33 the pink areas and not the yellow.

34
35 Mr. Elwell asked staff if there were any questions for Ms. Pfeifer.

36
37 Ms. Burgstrom asked Ms. Pfeifer if she had to recommend one case or both cases to ELUC, would she
38 recommend a certain case, or would she recommend both even though she may favor a certain case.

39
40 Ms. Pfeifer stated that she would recommend Case 946-AT-19. She said that it is their strong
41 recommendation that recognition and consistency in the ETJ is important given the intentions of their rights

1 in an ETJ to have a say in land development. She said that they know full and well that there would be
2 waivers requested from that, but they actually welcome that process in order to achieve mutual development
3 goals in the County and for the municipalities.
4

5 Mr. Wood stated that Case 946-AT-19 would help ensure that whatever goes in with the requested waiver
6 fits within the municipality's comprehensive plan.
7

8 Ms. Pfeifer agreed.
9

10 Mr. Elwell asked the audience if anyone desired to cross-examine Ms. Pfeifer, and there was no one.
11

12 Mr. Elwell called Tami Fruhling-Voges to testify.
13

14 Ms. Tami Fruhling-Voges, Mayor of Village of St. Joseph, stated that she agreed with Ms. Pfeifer's
15 testimony. She said that Ms. Pfeifer's presentation reflects her professional expertise with zoning, and she
16 appreciates her input, but ultimately Ms. Pfeifer's goals and her own are the same. She said that St. Joseph
17 is a little bit smaller than Mahomet, but over a period of time there is no reason to believe that their growth
18 would not also grow as much. She said that she speaks passionately about the Village of St. Joseph, and as
19 Mayor it is a challenge to look for growth, but that is their goal. She respects the farming community
20 because her family does farm in the area, and when the village considers growth, they are respectful to that
21 farming community as well. She said that they like the idea of keeping the growth compact around St.
22 Joseph so that it why this issue is so critical to them. She said that St. Joseph has three substations within a
23 half-mile of their community, and the solar farm developers want to decrease their costs by being as close to
24 those substations as possible. She said that is the same reason why St. Joseph wants to stay close to their
25 boundary lines, because the substations were placed in their location for some reason, and she believes it was
26 for the growth of the Village of St. Joseph. She said that for St. Joseph to grow, it would be very costly for
27 them to have to work around a 20 or 40 acre solar farm, and that solar farm would generate revenue to pay
28 for their infrastructure, but St. Joseph would have to rely on their taxpayers to pay for their additional
29 infrastructure for growth. She said that being a part of the conversation for solar farms and being able to
30 review what is being proposed, a development, is important. She said that she prefers to stick with the one-
31 and-one-half mile because it fits with their Comprehensive Plan, and the Village has been very good in
32 working on it and keeping it up-to-date in a timely manner. She asked that the Board take into consideration
33 that it means a lot to the smaller villages to be part of the conversation for proposed development within
34 their ETJ so that they can plan for their future.
35

36 Mr. DiNovo asked Ms. Fruhling-Voges if hypothetically, the Board enacts Case 946-AT-19 and a solar farm
37 application includes a waiver so that they could be located within one-quarter of a mile from St. Joseph, and
38 St. Joseph objects by sending a letter to the County Board, although the County Board approves the special
39 use permit with the waiver, would St. Joseph challenge the approval of the waiver in court.
40

41 Ms. Fruhling-Voges stated that she does not like the idea of using taxpayer dollars for those purposes, but

1 depending on the situation and how the municipality would feel on how the development would affect their
2 future in the next 25 years, this would be something that they could potentially consider. She said that like
3 any other similar zoning situation, if she has a home and the municipality accepts a zoning change next to
4 that home that is going to create an issue with the value of her home and her livelihood, then she would
5 personally consider a lawsuit to protect her investment in her home. She said that, as Mayor, if she felt that
6 the development was going to negatively impact the community and the village and what they may have
7 sought in their Comprehensive Plan, then they would have to weigh how negatively that impact would be.
8

9 Mr. DiNovo stated that the reason he posed the question to Ms. Fruhling-Voges was because he is
10 considering the practical effect of the provision, because it does not change who has the authority to approve
11 this thing, so if we have to include waivers in the special use permit, then it is ultimately up to the County
12 Board to approve it, so the provision really doesn't change the procedure. He said that the provision requires
13 the same public hearing process and it does not change the opportunity for municipalities to raise concerns;
14 the only practical difference that it would provide is a very small impact on the kinds of claims that a
15 municipality might make in attacking the approval legally. He said that a municipality can always attack the
16 approval of a special use permit if it can produce evidence proving that the County did not appropriately
17 address its special use criteria in making the decision. He said that if there is a waiver included the approval
18 then the municipality could add an attack on the reasonableness of the application waiver criteria, and this
19 gets to be a very fine legal point, but at the end of the day, the only thing that municipalities actually get out
20 of this is slightly more leverage if they are willing to go to court, otherwise it doesn't change anything.
21

22 Ms. Fruhling-Voges stated that, in her opinion, what changes is that the ordinance would read in such a way
23 that the County would still respect the municipality's ETJ, and a solar farm or any other developer requesting
24 a special use permit would respect it. She said that she was surprised to find out that municipalities with a
25 Comprehensive Plan did not have protest rights for a special use permit, because that special use could affect
26 future growth for the village. She said that last fall she was amazed about the number of waivers that were
27 requested with some of the solar farm special use applications, because the County approved an ordinance
28 and then a developer presented a special use permit application with 14 waivers, which personally she finds
29 ridiculous. She said that people who come to our communities should respect our ordinances. She said that
30 municipalities spend a lot of time and effort in creating their Comprehensive Plans and Maps and they
31 should be respected by incoming uses. She said that prior to being the Mayor of St. Joseph, she was part of a
32 mapping project for the Village and at that point she spent many weeks as a community member to figure
33 out what they wanted the Village to look like in 20 to 25 years. She said that the County should not only
34 respect their own vision for the future but also any municipality's vision inside the County, especially those
35 municipalities that have taken the time and effort to create that mapping and planning. She said that she
36 does get offended that so many waivers are allowed, and after attending many of the solar farm meetings last
37 year, a lot of people in the rural areas believe that the County does not respect those in the rural
38 communities. She said that from the Village of St. Joseph and other similarly size communities there should
39 be an expected working relationship placed in the ordinance so that everyone gets off on the right foot. She
40 said that we should think hard about the requested waivers and negotiate with the municipalities so that they
41 can see a benefit and realize that it would not have a negative impact on the community. She said that there

1 could be an annexation agreement proposed so that the municipality could receive some tax dollars from the
2 development of the solar farm on that property, but if the municipality is not part of the conversation, then
3 they will get nothing out of it and their Comprehensive Plan is basically nullified.
4

5 Mr. Wood stated that the same litigation could occur without the text amendment, but he agrees with Ms.
6 Fruhling-Voges' comments. He said that there is a limited time to get the applications submitted in order to
7 receive the tax incentives because in three years, they go away, and he anticipates that we will see a bubble
8 that is going to burst unless the cost of these things go down considerably to maintain the profit margin. He
9 said that the ETJ is there for the purpose and intent to encourage communication between the County and
10 municipalities so that there is a better relationship, and there is not intent to upset any of the municipalities'
11 adopted Comprehensive Plans. He said that the municipalities should have more input, and with growing
12 communities like Mahomet and St. Joseph, a solar farm could be placed more than one-and-one-half mile
13 from their corporate boundary and within a few years it could be one-half mile away. He recommended that
14 Case 946-AT-19 be approved.
15

16 Ms. Lee asked if Ms. Pfeifer would like to respond to Mr. DiNovo's comments.
17

18 Ms. Fruhling-Voges stated that Ms. Pfeifer would probably have comments which are more professional
19 versus her comments which are fueled by passion and emotion.
20

21 Ms. Lee stated that she is not indicating that Ms. Fruhling-Voges' comments were not valuable, but Ms.
22 Pfeifer does come from a different background and it may be helpful to respond to Mr. DiNovo's comments.
23

24 Ms. Fruhling-Voges stated that it is always better to defer to as many professionals as possible.
25

26 Mr. Elwell asked Ms. Pfeifer if she would like to respond to Mr. DiNovo's comments.
27

28 Ms. Kelly Pfeifer stated that there is the traditional route, which is for municipalities to become fearful
29 immediately and just simply protest without having the ability to think because the cooperation is not there.
30 She said that with the one-and-one-half mile, and getting involved in the process, and recognizing it early
31 she believes expedites the process and provides assurances to the land developers of what the process is
32 going to look like, because what they don't want to do is get embroiled in a process by which a municipality
33 may take the County to court on their decision. She said that if we come out in the beginning with a win-win
34 situation, the comprehensive plans for the municipalities are the comprehensive plans for the County,
35 because it is all the same land and it all works together. She said that the efficiency of the process is better
36 for the developers and the municipalities if it starts at that one-and-one-half mile versus allowing it to go all
37 the way, potentially with concerns, to the County Board and that argumentative and defensive kind of
38 approach that results from that tactical paradigm. She said that hypothetically, would the municipality take
39 the County to court, yes, and if push comes to shove and someone wants to take 80 acres out for a solar farm
40 and the municipality has already been applying for federal funding for a two-mile bypass loop and a crossing
41 of their railroad, then a lawsuit will happen. She said that the difference is that if the municipality is part of

1 the conversation, and the municipality could request that they move these panels and provide an 80 foot
2 easement in a particular area, then the municipality does not have to go that way and sometimes that is all it
3 takes. She said that to assume that it would be allowed as it has is not the best for all parties, and that
4 hypothetical situation would be devastating to the process and would make it very difficult for those solar
5 farms to come to the County because they have no assurances. She said that we are supposed to have a
6 sustainable, environmentally conscious approach to these kinds of energy assets for the County and the
7 municipalities.

8
9 Mr. Randol stated that he believes that the one-and-one-half mile is a very appropriate figure and his
10 personal feeling is that if any community has an ETJ, then the County should respect it.

11
12 Mr. Elwell asked Mr. Hall to explain why the ordinance was written as one-half mile.

13
14 Mr. Hall stated that the one-half mile was not in the original text of the legal advertisement for the zoning
15 case that established the solar farm requirements. He said that the one-half mile was added once so many
16 comments were received during the public hearings, and the first few public hearings for Case 895-AT-18
17 were largely dominated by public opinions responding to the proposed BayWa Solar Farm. He said that
18 early versions of that solar farm were very, very close to some parts of the Village of Sidney, and at some
19 point during the process we proposed the one-half mile separation, and by that time we were already seeing
20 solar farms proposed within the ETJ, and reconstructive logic determined that there were solar farms that
21 wanted to be in areas where municipalities already had plans. He said that we already had the requirement
22 regarding prohibition of a solar farm being located in the CUGA, and at that point we realized that we
23 needed to do more for the smaller villages, so we proposed the one-half mile. He said that there were no
24 mathematical computations involved; it was an arbitrary one-half mile.

25
26 Mr. Randol stated that when that first started, he got the feeling that the Board was under the gun to get this
27 all done right off the bat, and he opposed a lot of it. He said that he felt that a lot of the solar companies
28 were dictating to the Board as to what they needed to do regarding the County's ordinances. He said there is
29 a fine line as to what a landowner can do with his farm that joins up to a small community, but there also
30 should be a concern as to what the people who reside around the property want and what they desire to see in
31 their backyard. He said that the Board was under the gun to get something out there and the one-half mile
32 was going to keep the solar farm from building in someone's backyard. He said that the more that the Board
33 has been involved, he cannot see any issue with the one-and-one-half mile separation.

34
35 Mr. Hall asked Mr. Randol if in light of the waivers that could be requested, he does not see a problem with
36 the one-and-one-half mile separation.

37
38 Mr. Randol stated no. He said that he understands that there will always be some type of waiver that
39 someone will request, but he does agree that it is irritating for the Board, due to the amount of time and
40 effort incurred in establishing an ordinance, to have a company to request as many as five waivers.

41

1 Mr. DiNovo stated that the Board should expect every single solar farm that is proposed in Champaign
2 County to request a waiver of this requirement, because there are no good sites for solar farms that are not
3 within one-and-one-half miles of a municipality. He said all of the substations are close to municipalities;
4 therefore, the Board is being asked to write into the ordinance a regulation that we intend from the beginning
5 to waive in every instance, and if that is the case, then what is the point. He said that the point that he was
6 trying to make was that this provision, while it might scare off some solar farm developers who look at the
7 ordinance and see the one-and-one-half mile separation requirement from a municipality, it doesn't give the
8 municipalities any more power, authority or influence than what they already have.

9
10 Ms. Fruhling-Voges stated that municipalities do understand, but they get the idea all of the time that they do
11 not have any say-so in the County regarding what occurs in the rural areas. She said that the only thing that
12 they are trying to do is protect something that they should have input on, as provided by the State, when they
13 put together their Comprehensive Plan.

14
15 Mr. DiNovo stated that adding a waiver does not change the position of the village. He said that just because
16 there is a waiver attached to the petition, it still will be the Champaign County Zoning Board of Appeals and
17 the Champaign County Board that will determine the approval or denial. He said that the municipality will
18 still be in the position where it has to persuade the County that it has a concern and the County needs to
19 address it, and it does not give the municipality any leverage that the municipality does not already have. He
20 said that the leverage that a municipality has is the opportunity to participate in the process and work
21 politically through your County Board members when it gets to the County Board stage; that is what the
22 municipalities have now, and that is what they will have with the one-and-one-half mile. He said that the
23 municipalities are asking the County to enact a regulation that it does not expect to enforce.

24
25 Ms. Fruhling-Voges stated that if the County does not expect to enforce its ordinance, then why have one at
26 all.

27
28 Mr. DiNovo stated that it is because the County expects to enforce the other provisions in the ordinance, but
29 it is known that the County will not see a petition for a special use that does not include one of these waivers.

30
31 Ms. Pfeifer stated that this was structured as a special use permit.

32
33 Ms. Burgstrom noted that the discussion is getting out of hand and without announcing who is speaking it is
34 hard for the transcriptionist to prepare the minutes.

35
36 Mr. DiNovo stated that it is inappropriate to get into a debate with witnesses because they are here to present
37 testimony and not argue. He said that he would like to go back to the discussion as to whether the ZBA is
38 inclined to recommend both cases or only one, because if the ZBA recommends both cases, then the ZBA is
39 not doing their job. He said that the reason why the ZBA has two cases in front of them is because ELUC
40 wanted the ZBA's advice as to what path to take, and if we send them both back with recommendations,
41 then they ZBA is leaving it up to ELUC to choose, and if we are going to do that, then we should just send

1 the cases back to ELUC without taking any action on either case. He said that the ZBA is either going to
2 give ELUC advice whether they should recommend approval of Case 945-AT-19 or Case 946-AT-19 and
3 either include or not include the one-and-one-half mile separation. He said that if the ZBA does not make a
4 choice at the public hearing, then the ZBA is not doing anything for them, and the whole point of the ZBA is
5 to provide ELUC with advice, one way or the other. He said that it does not make any sense at all to send
6 them both back to ELUC because they will be right back where they started, two alternatives, and the entire
7 point of this was for the ZBA to make a recommendation to them.

8
9 Mr. Hall stated that even if the Board recommends both cases, currently the Findings of Fact are identical
10 and to the extent that the ZBA could identify a reason why to recommend one over the other should be
11 written in the Finding of Fact. He said that if the Board believes that Case 946-AT-19 is a bad idea because
12 of the history of solar farm proposals and what we know regarding where solar farms are most likely to be
13 located, which violates everything that we know to date about solar farm locations, then something should be
14 written into the Finding of Fact about that. He said that if the Board thinks that Case 945-AT-19 is good
15 because it doesn't lead to a greater number of waivers, then that should be included in the Finding of Fact,
16 but he is not suggesting complicated statements but right now the Finding of Facts for both cases are
17 identical and if the Board is going to distinguish between the two, then there should be at least one reason.

18
19 Mr. DiNovo stated that the Findings of Fact for each case are in the positive.

20
21 Ms. Burgstrom asked if there was reason why the Board could not make a motion for one case over the
22 other.

23
24 Mr. DiNovo stated that these are two separate cases so the Board could act on one and then act on the second
25 one. He said that the Board would proceed with Case 945-AT-19 first, and if the Board wants to recommend
26 Case 946-AT-19, then the Board needs to put some negative findings with respect to Case 945-AT-19.

27
28 Ms. Lee stated that that would be difficult.

29
30 Mr. Hall stated that it is logical because the cases are occurring together, and the Board only has to identify
31 why they want one over the other, and if the Board cannot do that, then that means that the Board cannot see
32 why they are different, but we know that they are different. He said that the cases are vastly different
33 because one keeps the one-half mile separation between a PV Solar Farm and a municipal boundary, and one
34 expands it to one-and-one-half miles and could impose legal problems in the future. He said that he could
35 see an attorney come before this Board and indicate that seven solar farms were approved with a one-half
36 mile separation from a municipal boundary, but now the Board is increasing the separation to one-and-one-
37 half miles, what is the public supposed to think about that.

38
39 Mr. DiNovo asked if Ms. Lee could bring her motion back on the table for discussion.

40
41 Ms. Lee stated that the notice is important to the smaller communities who do not have the staffing like

1 Mahomet, and it would give them a heads up as to what is being proposed within their ETJ.

2
3 **Ms. Lee moved, seconded by Mr. DiNovo, to provide notice to municipalities within one week after**
4 **submittal of a special use permit application for a PV Solar Farm within that municipality's ETJ.**

5
6 Ms. Fruhling-Voges stated that a heads up would be beneficial to the municipalities even if it was simply a
7 postcard because she does not have the staffing. She said that she will have to prepare herself for a lot of
8 reading so that she can ask a lot of questions regarding the proposed use, but she does not expect anything
9 other than a heads up because she knows that a lot of things will change between submission and the first
10 public hearing.

11
12 Mr. Elwell asked Mr. Hall to explain how the proposed motion is any different than current procedure.

13
14 Mr. Hall stated that currently, staff sends out notice to a municipality no less than 15 days prior to the start of
15 the public hearing, and the current ordinance requires some sort of documentation from the solar farm
16 developer at application indicating that the solar farm developer itself has contacted the municipality. He
17 said that staff might receive a substantial application that might not include a copy of the notice to the
18 municipality, although it is supposed to have, so it is not clear that the motion will change anything, but it
19 will ensure that the County notifies the municipality well within the 15 day deadline prior to the opening of
20 the public hearing. He said that the current ordinance already requires documentation of notice having been
21 given to the municipality by the applicant.

22
23 Ms. Lee stated that there were instances where the municipality was not notified.

24
25 Mr. Hall stated no, because staff made sure that they had that documentation before staff determined an
26 application as complete. He said that contrary to what everyone from the Village of Sidney was saying
27 during Case 895-AT-18, the Mayor of the Village of Sidney had been contacted prior to the County staff
28 being contacted.

29
30 Ms. Burgstrom stated that what staff did see during those cases was that some of the companies did not
31 bother to contact the municipality again. She said that the municipality did receive the first notice that there
32 was an application, but no follow-up was provided.

33
34 Ms. Fruhling-Voges stated that between the two solar companies, one was very good and came to the Board
35 and discussed their proposal, but the other company only sent a brief email with no further information, and
36 according to the property owners of that company, treated them the same way. She said that the requirement
37 regarding the solar companies contacting the municipality could go both ways because they could provide a
38 lot of information with the first contact or provide the minimal amount of information. She said that when
39 she received the two notices, she only took one as being possible, because the other company appeared to be
40 only testing the waters, and it wasn't until the County sent out their information that she realized that the
41 company was truly serious about locating near St. Joseph.

1

2 Mr. Elwell asked Ms. Fruhling-Voges if a 15 day notice prior to the public hearing is enough time for a
3 municipality to prepare.

4

5 Ms. Fruhling-Voges stated that it should be adequate for receiving the bulk of the information, but receipt of
6 a postcard sent out earlier indicating receipt of a special use permit application would be beneficial so that
7 the municipality is put on notice. She said that it takes the smaller municipalities time to get prepared for a
8 public hearing because their staffing is low, and it takes them longer to compile the information. She said
9 that the 15 day notice for the public hearing is great for that aspect, but the postcard would give them serious
10 notice that an application has been filed.

11

12 Ms. Burgstrom stated that Ms. Lee's original motion indicated a one week notice, but the Board discussed
13 five business days; therefore, did she desire to revise her motion.

14

15 Ms. Lee revised her motion as follows:

16

17 **Ms. Lee moved to provide notice to municipalities within five business days after submittal of a special**
18 **use permit application for a PV Solar Farm within that municipality's ETJ.**

19

20 **Mr. DiNovo accepted the revision.**

21

22 Mr. Randol stated that anything that staff and the Board can do to inform people as to what is taking place is
23 a better representation for staff and the Board so that it doesn't appear that the ZBA forces things down
24 people's throats. He said that he understands that staff and the Board cannot please everyone, but whatever
25 we can do to help limit those feelings and be sure that people know what the ZBA is doing is a plus for us.

26

27 Mr. DiNovo stated that placing a specific limit on the time period for the notices also assists staff because it
28 protects them against a challenge regarding "upon receipt." He said that currently under the ordinance, if it
29 took a week to get the notices out, someone could state that staff sat on it for a week, so it is good for staff to
30 know that there is a certain timeframe by which they have to do this.

31

32 Mr. Wood asked if this would be treated differently than any other commercial development.

33

34 Mr. Hall stated yes.

35

36 **The motion carried by voice vote, with one opposing vote.**

37

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

39

40 **Mr. DiNovo moved, seconded by Mr. Anderson, to adopt the Summary Finding of Fact for Case 945-**
41 **AT-19, and that Case 945-AT-19 be enacted, as amended.**

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Ms. Lee asked if the Board voted on Case 945-AT-19, could the Board still vote on Case 946-AT-19.

Mr. DiNovo stated that if we approve both cases, they will be sent to ELUC without a recommendation.

Mr. Hall stated that two recommendations are required, one for each case.

Mr. Elwell requested a roll call vote.

The vote was called as follows:

DiNovo – yes	Lee - no	Randol – no
Wood - no	Anderson – yes	Elwell - yes

Mr. Hall informed the Board that Case 945-AT-19 will be forwarded to ELUC with a recommendation to deny.

Ms. Lee moved, seconded by Mr. DiNovo, to adopt the Summary Finding of Fact for Case 946-AT-19, and that Case 946-AT-19 be enacted, as amended.

Mr. Elwell requested a roll call vote.

The roll was called as follows:

Randol – yes	Wood – yes	Anderson – yes
DiNovo – no	Lee – yes	Elwell – no

Mr. Hall informed the Board that Case 946-AT-19 will be forwarded to ELUC with a recommendation of approval.

Mr. Hall also informed the Board that the two cases would not be forwarded to ELUC until December because there has been a new deadline established as to when information needs to be submitted for the following month, and that deadline has already passed.

Mr. Elwell requested a five minute recess.

Ms. Lee moved, seconded by Mr. Randol, to grant a five minute recess of the Board. The motion carried by voice vote.

**The Board recessed at 8:55 p.m.
The Board resumed at 9:00 p.m.**

Case 948-AT-19 Petitioner: Zoning Administrator Request: Amend the Champaign County

1 **Zoning Ordinance by amending Section 8.3.2 to authorize a variance to rebuild a nonconforming**
2 **structure before the structure is damaged.**

3
4 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign the
5 witness register for that public hearing. He reminded the audience that when they sign the witness register,
6 they are signing an oath. He asked the audience if anyone desired to sign the witness register and there was
7 no one.

8
9 Mr. Elwell asked Mr. Hall if he desired to make a statement regarding the request.

10
11 Ms. Lee asked if any new information had been mailed out regarding this case.

12
13 Mr. Hall stated that the only information regarding Case 948-AT-19 was included in the September 26th
14 mailing packet. He said that no Supplemental Memorandums were created for this case because no new
15 information has been received.

16
17 Mr. DiNovo stated that Case 948-AT-19 should not take a lot of time or effort; therefore, it could be
18 continued to the November 14th meeting.

19
20 Mr. Hall stated that he would not have a problem with continuing Case 948-AT-19 to the November 14th
21 meeting.

22
23 **Mr. DiNovo moved, seconded by Ms. Lee, to continue Case 948-AT-19 to the November 14, 2019,**
24 **public hearing. The motion carried by voice vote.**

25
26 **Case 957-V-19 Petitioner: Margaret B. Liu, Trustee of the Margaret B. Liu Revocable trust, via agent**
27 **Paul Cole. Request to authorize the following variance in the AG-1, Agriculture Zoning District:**
28 **Part A: Authorize a variance for the addition of 1.08 acres to an existing 31.835 acre lot, for a total of**
29 **32.915 acres in area, in lieu of the maximum allowed 3 acres for lots with soils that are best prime**
30 **farmland per Section 5.3 of the Champaign County Zoning Ordinance; and Part B: Authorize a**
31 **variance for a proposed division of a lot 5 acres or less in area, per Section 5.4.2 A. 3 of the zoning**
32 **Ordinance. Location: A 31.835 acre tract plus a 5-acre lot that are proposed to be subdivided into**
33 **three lots located in the Northeast Quarter of the Northeast Quarter of Section 8, Township 17**
34 **North, Range 9 East of the Third Principal Meridian in Crittenden Township with the 5-acre lot**
35 **having an address of 493 County Road 1400E, Tolono.**

36
37 Mr. Elwell informed the audience that Case 957-V-19 is an Administrative Case and as such, the County
38 allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for
39 a show of hands for those who would like to cross-examine, and each person will be called upon. He
40 requested that anyone called to cross-examine go to the cross-examination microphone to ask any questions.
41 He said that those who desire to cross-examine are not required to sign the witness register but are requested

1 to clearly state their name before asking any questions. He noted that no new testimony is to be given during
2 the cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
3 exempt from cross-examination.
4

5 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign the
6 witness register for that public hearing. He reminded the audience that when they sign the witness register,
7 they are signing an oath. He asked the audience if anyone desired to sign the witness register and there was
8 no one.
9

10 Mr. Elwell asked the petitioner if he desired to make a statement regarding the request.
11

12 Mr. Paul Cole, attorney for Margaret Liu, stated that the materials prepared by staff are about as
13 comprehensive and inclusive as they could possibly be, and they are very professionally done. He said that
14 such materials have to be comprehensive and inclusive because a record of determination of matters in a case
15 like this have to be almost unassailable as there are times when the record of a decision is brought up by
16 someone for review. He said that whether a decision is for or against, staff needs to be sure that every
17 possible point, fact, and reference to the application of an ordinance has been presented in a professional
18 manner. He said that if the Board was to look at this situation in its simplest terms it would be this: we have
19 a quarter-quarter section that has been in the Bedient family since Walter Bedient acquired that quarter-
20 quarter section in 1867. Mr. Cole stated that the location of Mr. Bedient's house at that time is now the
21 location of the petitioner's home. He said that at the last meeting, he indicated that he hoped to have more
22 members of the Bedient family present at the public hearing, and he thought that all of these matters required
23 a complete determination by as many Board members as possible. He said that the Bedient family is a
24 traveling family and the petitioner is currently in Maine with her husband because he is the head of an
25 organization called Jackson Laboratory in Bar Harbor, Maine, which does genomic cancer research. He said
26 that the petitioner's sister, Mary Lou Bedient, is present tonight to address any questions by the Board.
27

28 Mr. Cole stated that the location where Walter Bedient constructed his home is the current location of the
29 petitioner's home, and as years passed, Mary Lou Bedient, the petitioner's sister, constructed her home north
30 of the original homestead and John Bedient constructed his on the south end of the Bedient acreage. He
31 noted that this is the Bedient neighborhood, because there are no other homes within sight of the subject
32 property and there is a line of Bedient family residences stretching from its northeast corner. He said that the
33 40 acres subject property has a township road to its north and east sides, and the approximate 8 acres that
34 stretches along the east side of the 40 acres has a line of residential properties comprised of three homes. He
35 said that the approximate remaining 32 acres is considered best prime farmland and has been farmed since
36 Walter Bedient acquired the property in 1867, and the entire 40 acres has remained in the Bedient family,
37 which makes it a Centennial Farm.
38

39 Mr. Cole stated that the three residences are all occupied by three siblings, Mary Lou Bedient at the north
40 end on a property that is approximately 1.3 acres; the subject premises which is approximately 5 acres and is
41 where Margaret Bedient has her home; and then 2 acres to the south where John Bedient has his home. Mr.

1 Cole distributed a color map that indicates the proposed configuration of the request and submitted this
2 document as a Document of Record for the case. He said that he trusts that the Board has read every detail
3 in the materials that have been distributed to them in advance, but he knows that he would not have read all
4 the materials in detail; therefore, he is not going to assume that everyone else has. He said that the color map
5 is a survey that was prepared by Moore Surveying in 2003, and it appears that the result of the survey is not
6 necessarily trustworthy, because staff has come to the conclusion that the stated acreage is not exactly correct
7 with respect to the area marked in pink and yellow, which is the petitioner's property. He said that the pink
8 outlined area is what Margaret Bedient would like to keep as her current residence, and the pink filled area is
9 the proposed new lot, and the yellow area is what Ms. Bedient would like to cut off and add to the farm
10 property which is immediately to the west. He said that if the requested variances are approved, it would
11 mean that the yellow area would become part of Lot 1 consisting of 33 acres, and the petitioner's 5 acres
12 would become 4 acres, the outlined pink area at 2.5 acres and the solid pink area at approximately 1.45 acres.
13 He said that Mary Lou Bedient's property would remain at 1.3 acres. He said that the entire Bedient
14 neighborhood would like to construct a guest house in the area that is solid pink, approximately 1.45 acres,
15 on the colored map. He said that the proposed subdivision includes three lots, Lot 1 consisting of 33 acres of
16 best prime farmland, Lot 2 consisting of 2.47 acres, and Lot 3 consisting of 1.45 acres.

17
18 Mr. Cole stated that in any request for a variance, we are asked to say that there is a hardship imposed upon
19 us due to the restraint or restriction imposed by the fact that they are not allowed to cut the 1.45 acre off from
20 the 5 acres, and they are not allowed to cut the 1 acre off and send it back into best prime farmland, or send
21 the south 1.45 acre lot into a separate home, without coming before this Board for approval. He said that
22 hardship is either someone's inconvenience, or someone else's sacrifice, and it all comes down to how you
23 subjectively look at it. He said that the only way that you can consider what a hardship really is would be to
24 consider it to the potential for hardship upon someone else if the petitioner gains relief from the ordinance
25 restrictions. He said that if they were asking for relief from the restraints of two ordinances, which would
26 then cause great harm to an adjacent property, they would have to show this Board a tremendous amount of
27 hardship on their part, loss opportunity or value, which would overwhelm the loss to their neighbor by the
28 contemplated development. He asked what the hardship or harm would be imposed on others similarly
29 situated or adjacent to the petitioner's property, if they were allowed to construct a guest house on the
30 subject property and expand the best prime farmland lot. He said that no new infrastructure is required, and
31 no pollution would be imposed upon the neighbors. He said that no neighbors object to the proposal because
32 the neighbors are also the petitioners, and the entire Bedient family wants this to happen. He said that the
33 Board has a letter signed individually by each of the other three siblings indicating their support for the
34 request. He said that there are no similar neighborhoods within one-mile of the subject property, but there is
35 one house located approximately one-quarter mile to the north across the Embarras River which is occupied,
36 and an abandoned house one-quarter mile to the east. He said that there is no similarly situated property
37 other than John Bedient's home to the south and Mary Lou Bedient's home to the north, and each of them
38 have been allowed to build a home on 1.3 acres or 2 acres; therefore, why should the petitioner be expected
39 to maintain a five acre parcel and not be permitted to divide hers into a 1.45 acre parcel, larger than Mary
40 Lou Bedient's parcel, and a 2.47 acre parcel which is larger than John Bedient's property to the south. He
41 said that the benefits to the public are that the County will gain more tax dollars from the residential property

1 and the increased farmland, thus, a win-win situation.

2
3 Mr. Cole stated that during the beginning of his presentation, he mentioned that a record is being created
4 because when a Board has to make a decision at a public hearing, the expectation is that the reasons for the
5 decision would be very carefully articulated. He said that if this case is to be approved, say why, and if it is
6 to be denied, then state in particular detail why the variance requests are against the public interest or any
7 individual property owner; there must be a record. He said that the two requests in the case are linked, and
8 one cannot be approved without the other. He said that the other members of the Bedient family desire that
9 these requests be approved, and to assist with that desire they have deeded all of their interest to the
10 remaining farmland to Margaret Liu.

11
12 Mr. Elwell asked the Board and staff if there were any questions for Mr. Cole.

13
14 Mr. DiNovo stated that the 40 acre parcel dates back to 1867. He asked when the 1.3 acre parcel to the north
15 was created.

16
17 Ms. Mary Lou Bedient, who resides at 497 County Road 1400E, Tolono, stated that her home was
18 constructed approximately 22 years ago, which would be 1997.

19
20 Mr. DiNovo asked Ms. Bedient if she knew when the 2 acre tract to the south was created.

21
22 Ms. Bedient stated that her brother, John Bedient, constructed his home in 1999 or 2000 on those 2 acres.

23
24 Mr. Cole stated that the movement of one acre to the farmland is an odd variance to request. He said that the
25 ordinance is designed to not allow the creation of a lot greater than 3 acres if the underlying soil is
26 considered as best prime farmland. He said that the variance is proposed because they indeed are creating a
27 lot that is larger than 3 acres on land that is considered best prime farmland, and yet the purpose of the
28 ordinance is to prevent best prime farmland from being converted to developments. He said that the
29 ordinance doesn't fit the facts in this case, because we are not moving one acre into the 32 acres in order to
30 put some development on the 33 acres, so it is an anomaly in the ordinance. He said that if we were to look
31 as to whether or not an ordinance would apply, then he would say that this one is rather strange. He said that
32 it is easy enough to say that one could go ahead and add an acre to the lot and the only reason why he
33 believes that the restriction applies is because the parcel is being called a lot, which is necessary because the
34 property has to be subdivided into 3 lots and approved by the County. He said that the real issue is whether
35 Margaret Liu be permitted the same kind of development on her property, given the size of it, as her
36 neighbors received, regardless of when it occurred. He asked if it is a reasonable hardship on Ms. Liu in
37 telling her that she cannot have the same kind of development that the neighboring properties received even
38 though the neighboring properties are in favor of it. He said that if the request is reasonable and is not
39 causing harm to anyone, then why not allow it.

40
41 Mr. Elwell asked the Board and staff if there were any questions for Mr. Cole.

1
2 Mr. DiNovo asked Mr. Hall to indicate the cutoff dates for the Rural Residential Overlay (RRO) were as it
3 evolved.

4
5 Mr. Hall stated January 1, 1998.

6
7 Mr. DiNovo stated that the tract that existed in 1998 was 39 acres or less, and from that two lots were
8 created. He said that currently the remainder, plus the four or five acres, could be in common ownership,
9 depending on the names on the deeds.

10
11 Mr. Cole stated that the petitioner owns the 32 acre tract and the five acre tract.

12
13 Mr. DiNovo stated that he was assuming that the five acres was owned by Ms. Liu and her husband and was
14 just curious as to what names were on the deed for the 32 acre tract, but either way the two tracts could be
15 placed in the same ownership and treated as a single zoning lot. He said that what the Board is being asked
16 to do would be to think about a 36 acre tract as having one acre carved off, but he is not sure if this would
17 trigger the RRO requirement.

18
19 Mr. Hall stated that the number of lots that are being proposed are within the allowance of what is RRO
20 exempt.

21
22 Mr. DiNovo stated that there would still be more than 35 acres in the remaining tract. He said that what the
23 Board is being asked to do is similar to what would be allowed by-right.

24
25 Mr. Hall stated that if you imagine the facts are different, then this could have been done by-right.

26
27 Mr. DiNovo stated that we can clearly go back to the dimensions and configurations that the tract was in
28 during 2000, prior to when the 2 acres was parsed off. He said that the configuration could be put back the
29 way it was in 2000, a single tract under single ownership, but for the history of the distribution of the estate,
30 the request that is before the Board could be done by-right. He said that if the petitioner was an only child
31 and the one and two acre lots were split off and sold to unrelated people, Ms. Liu could create this lot out of
32 her 37 acres without issue. He said that the necessity of the variance is occasioned by handling the interests
33 in the estate.

34
35 Mr. Wood asked what happens after this point, do the other members of the family assume an interest back
36 in that 33 acres after this process is completed.

37
38 Mr. Cole stated no. He said that originally there were two separate parcels with meets and bounds
39 descriptions, one a five acre parcel owned by Ms. Liu and one that Ms. Liu owned with her siblings, two
40 separate forms of ownership. He said that currently Ms. Liu owns the 32 acres and the original five acres.
41 He said that he is having a hard time following Mr. DiNovo's comment, but he can say that the development

1 of a guest house is certainly what all the family members desire and he has heard no indication that any of
2 them wants to buy back their interest in common for the farmland, and if they did, he does not know what
3 difference it would make in relation to what we are doing tonight. He said that tonight we are dealing with
4 two very discrete issues, each is well defined. He noted that the survey that the Board has reviewed, the
5 color map, was prepared by a surveyor in 2003, and staff is of the opinion that it shows that Margaret Liu's
6 property is not 5.001 acres, as indicated, but is in fact 4.99 acres. He said that if this truly was a 5.001 acre
7 parcel, we would not have to be do this and Ms. Liu could divide it as of right, so we were very close in not
8 having to request a variance at all. He said that it could be argued that the survey does still show a 5.001
9 acre parcel regardless of the incorrect dimension, because if you had five surveys, not all would agree to one-
10 thousandth of an acre in accuracy. He said that the five acres was probably taken out because that was
11 allowed, and at some point, the ordinance allowed it, and the intent was, just to be safe, to take out 5.001
12 acres, and now someone is indicating that the parcel is only 4.99 acres, not safe enough. He said that it isn't
13 Ms. Liu's fault about the quality of the survey that she received, but she simply does not choose to have two
14 or three different surveys completed just to get an average better than what everyone can accept. He said that
15 they came here in order to make a simple presentation about something that has absolutely no objectionable
16 qualities at all, thus where is the harm to the public or the neighbors, because the neighbors are family and
17 they want it to happen. She said that the Bedient family is a large family that travels frequently and they are
18 unable to all stay in one location at the same time. He said that it would be a hardship for the Bedient family
19 to not have the ability to construct a guest house on the new lot and would only add one more home on the
20 east side of a quarter-quarter parcel that already has three homes on it. He said that the some may say that
21 the hardship is merely emotional, but not all hardships are economic, and hardships must be considered not
22 only for the impact on you, but the restraints caused by the ordinance.

23
24 Mr. Hall stated that if we had been presented with a tract of land that was 36 acres and they wanted to create
25 a new one acre lot through the subdivision process, there would have been no need for a variance, but that is
26 not what was presented. He said that what was presented was someone who had a five acre lot and desired
27 to divide it as described tonight, and if the survey had not had factual inaccuracies just on the numbers,
28 knowing the importance of the 5.001 acres, no variance would have been required.

29
30 Mr. Elwell asked the Board and staff if there were any additional questions for Mr. Cole or Ms. Bedient, and
31 there were none.

32
33 Mr. Elwell asked the audience if anyone desired to cross-examine Mr. Cole or Ms. Bedient, and there was no
34 one.

35
36 Mr. Elwell asked the audience if anyone desired to sign the witness register and present testimony regarding
37 this case, and there was no one.

38
39 Mr. Elwell closed the witness register.

40
41 Mr. Elwell asked the Board how they would like to proceed.

1
2 Mr. DiNovo stated that the annotated map submitted by Mr. Paul Cole should be added to the Documents of
3 Record.

4
5 Mr. Elwell stated that Supplemental Memorandum #1 dated October 31, 2019, with attachments, should be
6 added as a Document of Record as well.

7
8 **Mr. DiNovo moved, seconded by Mr. Randol, to move to the Findings of Fact for Case 957-V-19. The**
9 **motion carried by voice vote.**

10
11 **FINDINGS OF FACT FOR CASE 957-V-19:**

12 **From the documents of record and the testimony and exhibits received at the public hearing for**
13 **zoning case 957-V-19 held on October 31, 2019, the Zoning Board of Appeals of Champaign County**
14 **finds that:**

15
16 **1. Special conditions and circumstances DO exist which are peculiar to the land or structure**
17 **involved, which are not applicable to other similarly situated land and structures elsewhere in**
18 **the same district.**

19
20 Mr. DiNovo stated that special conditions and circumstances DO exist which are peculiar to the land or
21 structure involved, which are not applicable to other similarly situated land and structures elsewhere in the
22 same district, because the current configuration of the parcels is the result of a redistribution of interest in the
23 estate amongst the heirs, and the property was affected by an error in the survey.

24
25 Mr. Wood stated that the reconfiguration simplifies farming, as a bump out is difficult to farm.

26
27 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**
28 **sought to be varied WILL prevent reasonable or otherwise permitted use of the land or**
29 **structure or construction.**

30
31 Mr. DiNovo stated that practical difficulties or hardships created by carrying out the strict letter of the
32 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure
33 or construction because the ordinance does not allow for accessory dwellings like guest houses, and the only
34 way to achieve that purpose is by creating another lot.

35
36 Mr. Wood stated that it allows for increased functionality of what is to the north and south of the property.

37
38 **3. The special conditions, circumstances, hardships, or practical difficulties DO NOT result from**
39 **actions of the applicant.**

40

1 Mr. DiNovo stated that the special conditions, circumstances, hardships, or practical difficulties DO
2 NOT result from actions of the applicant, because the 4.99 acre tract was created prior to the adoption of
3 Ordinance 709 in 2004, which created the limitation for a minimum of 35 acres for remainder tracts and the
4 division of tracts five acres or smaller.

5
6 **4. The requested variance, SUBJECT TO THE PROPOSED CONDITION, IS in harmony with**
7 **the general purpose and intent of the Ordinance.**

8
9 Mr. DiNovo stated that the requested variance, SUBJECT TO THE PROPOSED CONDITION, IS in
10 harmony with the general purpose and intent of the Ordinance, because under slightly different fact
11 situations regarding the distribution of the estate, or with a different survey, we would be looking at the same
12 configuration of the property being permitted as of right.

13
14 **5. The requested variance, SUBJECT TO THE PROPOSED CONDITION, WILL NOT be**
15 **injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare.**

16
17 Mr. Randol stated that the requested variance, SUBJECT TO THE PROPOSED CONDITION, WILL
18 NOT be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare,
19 because all family members are in agreement with the changes that would be taking place in the lot
20 dimensions, and the closest neighbor is more than one-quarter of a mile away, and that is the only other
21 neighbor. He said that the variance would allow one acre of land to be put back into best prime farmland use.

22
23 **6. The requested variance, SUBJECT TO THE PROPOSED CONDITION, IS the minimum**
24 **variation that will make possible the reasonable use of the land/structure.**

25
26 Mr. DiNovo stated that the requested variance, SUBJECT TO THE PROPOSED CONDITION, IS the
27 minimum variation that will make possible the reasonable use of the land/structure, because the proposed lot
28 is close to the minimum lot size permitted in the ordinance, and it allows for the optimal configuration of the
29 adjacent farmland.

30
31 **7. THE SPECIAL CONDITION IMPOSED HEREIN IS REQUIRED FOR THE PARTICULAR**
32 **PURPOSES DESCRIBED BELOW:**

33
34 Mr. Elwell read special condition A. as follows:

35
36 **A. A Zoning Use Permit shall not be approved for construction on proposed Lot 3 unless**
37 **and until a Plat of Subdivision has been duly approved by the Champaign County**
38 **Board and filed with the Champaign County Recorder of Deeds.**

39
40 The special condition stated above is required to ensure the following:
41 **That the proposed land division is in compliance with the relevant subdivision**

1 requirements.

2
3 Mr. Elwell asked Mr. Cole if he agreed with special condition A.

4
5 Mr. Cole indicated that he agreed with special condition A.

6
7 Mr. Elwell entertained a motion to approve special condition A.

8
9 **Mr. DiNovo moved, seconded by Ms. Lee, to approve special condition A. The motion carried by**
10 **voice vote.**

11
12 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings of
13 Fact, as amended.

14
15 **Ms. Lee moved, seconded by Mr. DiNovo, to adopt the Summary of Evidence, Documents of Record,**
16 **and Findings of Fact, as amended. The motion carried by voice vote.**

17
18 Mr. Elwell entertained a motion to move to the Final Determination for Case 957-V-19.

19
20 **Mr. Randol moved, seconded by Ms. Lee, to move to the Final Determination for Case 957-V-19. The**
21 **motion carried by voice vote.**

22
23 **FINAL DETERMINATION FOR CASE 957-V-19;**

24 **Mr. Wood moved, seconded by Mr. DiNovo, that the Champaign County Zoning Board of Appeals**
25 **finds that, based upon the application, testimony, and other evidence received in this case, that the**
26 **requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority granted**
27 **by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of**
28 **Champaign County determines that:**

29 **The Variance requested in Case 957-V-19 is hereby GRANTED WITH ONE CONDITION to the**
30 **petitioners, Margaret B. Liu as Trustee of the Margaret B. Liu Revocable Trust dated July 9, 2003, to**
31 **authorize the following variance in the AG-1 Agriculture Zoning District:**

32
33 **Part A: Authorize a variance for the addition of 1.08 acres to an existing 31.835-acre lot, for a**
34 **total of 32.915 acres in area, in lieu of the maximum allowed 3 acres for lots with soils**
35 **that are best prime farmland, per Section 5.3 of the Champaign County Zoning**
36 **Ordinance.**

37
38 **Part B: Authorize a variance for a proposed division of a lot 5 acres or less in area, per**
39 **Section 5.4.2 A.3 of the Zoning Ordinance.**

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SUBJECT TO THE FOLLOWING CONDITION:

A. A Zoning Use Permit shall not be approved for construction on proposed Lot 3 unless and until a Plat of Subdivision has been duly approved by the Champaign County Board and filed with the Champaign County Recorder of Deeds.

Mr. Elwell requested a roll call vote.

The vote was called as follows:

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

Mr. Elwell stated that the Board would now return to the original order of the agenda, beginning with Case 945-AT-19.

6. New Public Hearings

Case 960-S-19 Petitioner: **Travis Heath Request to authorize a Special Use Permit for construction of an artificial lake of 1 or more acres in area in the AG-1 Agriculture Zoning District. Location: An 18.93 acre tract that is part of the West Half of the Northeast Quarter and part of the Northwest Quarter of the Southeast Quarter of Section 23, Township North, Range 7 East of the Third Principal Meridian in Newcomb Township, and commonly known as the vacant tract just west of the residence with an address of 485 CR 2675N, Mahomet.**

Ms. Lee stated that she had noted some contradictions in the information for Case 960-S-19 and would like to discuss them tonight.

Mr. Hall stated that the petitioner contacted staff today indicating that he had not received the stormwater drainage plan for his project yet and requested that his case be continued to a later date. Mr. Hall asked Ms. Burgstrom if a date certain for the continuance was determined.

Ms. Burgstrom stated that Mr. Heath indicated that he would get back to her, but she had not received any information prior to the meeting.

Ms. Lee stated that she would send her concerns to Ms. Burgstrom this week.

Mr. Hall stated that the case could be continued to the December 12th meeting.

Mr. Elwell entertained a motion to continue Case 960-S-19 to the December 12, 2019, public hearing.

1 **Mr. DiNovo moved, seconded by Mr. Wood, to continue Case 960-S-19 to the December 12, 2019,**
2 **public hearing. The motion carried by voice vote.**

3
4 **7. Staff Report - None**

5
6 **8. Other Business**
7 **A. Review of Docket**

8
9 Mr. Elwell asked the Board if there were any absences to add to the docket, and there were none.

10
11 Mr. Hall asked the Board if they desired to keep the December 26th meeting on the docket or cancel it.

12
13 **Mr. Randol moved, seconded by Mr. Wood, to cancel the December 26th meeting. The motion carried**
14 **by voice vote.**

15
16 **9. Audience participation with respect to matters other than cases pending before the Board**

17
18 None

19
20 **10. Adjournment**

21
22 Mr. Elwell entertained a motion to adjourn the meeting.

23
24 **Mr. DiNovo moved, seconded by Mr. Wood, to adjourn the meeting. The motion carried by voice vote.**

25
26 The meeting adjourned at 9:07 p.m.

27
28 Respectfully submitted

29
30
31
32 Secretary of Zoning Board of Appeals