

1 **MINUTES OF REGULAR MEETING**
 2 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**
 3 **1776 E. Washington Street**
 4 **Urbana, IL 61801**

6
 7 **DATE:** December 3, 2020 **PLACE:** ZOOM MEETING
 8 **Lyle Shields Meeting Room**
 9 **1776 East Washington Street**
 10 **Urbana, IL 61802**

11 **MEMBERS PRESENT:** *Using Zoom in Lyle Shields:* Ryan Elwell, Jim Randol, Larry Wood
 12 *Remotely via Zoom:* Tom Anderson, Marilyn Lee, Lee Roberts

13
 14
 15 **MEMBERS ABSENT:** None

16
 17 **STAFF PRESENT:** *Using Zoom in Lyle Shields:* Lori Busboom, Susan Burgstrom, John Hall

18
 19 **OTHERS PRESENT:** *Remotely via Zoom:* Jim & Kristen Enderle, Matt Faulkner, Les Hovel, n,
 20 Bridgette Moen, Roger Quinlan

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

24
 25 The meeting was called to order at 6:35 p.m.

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

28
 29 The roll was called, and a quorum declared present.

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

34
 35 **3. Correspondence - None**

36
 37 **4. Approval of Minutes – August 13, 2020 and September 17, 2020**

38
 39 Mr. Elwell entertained a motion to approve the August 13, 2020 and September 17, 2020 minutes.

40
 41 **Ms. Lee moved, seconded by Mr. Randol, to approve the August 13, 2020 minutes.**

42
 43 Mr. Elwell asked the Board if there were any required additions or corrections to the August 13, 2020
 44 minutes, and there were none.

45
 46 Mr. Elwell requested a roll call vote.

47
 48 The vote was called as follows:

49	Anderson – yes	Elwell - yes	Randol – yes
50	Roberts – yes	Wood - yes	Lee - yes

1 **The motion carried.**

2

3 Mr. Elwell entertained a motion to approve the September 17, 2020 minutes.

4

5 **Mr. Roberts moved, seconded by Mr. Randol, to approve the September 17, 2020 minutes.**

6

7 Mr. Elwell asked the Board if there were any required additions or corrections to the September 17, 2020
8 minutes, and there were none.

9

10 Mr. Elwell requested a roll call vote.

11

12 The vote was called as follows:

13	Anderson – yes	Elwell - yes	Randol – yes
14	Roberts – yes	Wood - yes	Lee - yes

15

16 **The motion carried.**

17

18 **5. Continued Public Hearings - None**

19

20 **6. New Public Hearings**

21

22 **Case 989-V-20: Petitioner: Matt and Sherrie Faulkner**

23 Request: **Authorize a variance for an existing detached shed to be converted to a dwelling with a side**
24 **yard of 11 feet and one-half inch in lieu of the minimum required 15 feet in the AG-1 Agriculture**
25 **Zoning District, per Section 5.3. of the Zoning Ordinance.**

26 Location: **The 2.99-acre Lot 1 of Quinlan Subdivision in Section 23, Township 22 North, Range 9**
27 **East of the Third Principal Meridian, in Ludlow Township and commonly known as the residence**
28 **at 1604 CR 3200N, Rantoul.**

29

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

33

34 Mr. Elwell informed the audience that this Case is an Administrative Case and as such, the County allows
35 anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a
36 show of hands or a verbal indication from those who would like to cross-examine, and each person will
37 be called upon. He said that those who desire to cross-examine asked to clearly state their name before
38 asking any questions. He noted that no new testimony is to be given during the cross-examination. He said
39 that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross-
40 examination. He asked Mr. Faulkner to outline the nature of his request.

41

42 Mr. Matt Faulkner, 1604 CR 3200N, Rantoul, stated that he purchased the property in April of 2019, and
43 determined that the best option was to convert the shed with the dirt floor into a dwelling. He said it is a
44 solid shed with the square footage they wanted, and they have provisions on the property for the home
45 such as 400-amp wattage. He said they found out about the issue with the side yard and need for the
46 variance after they purchased the property.

47

48 Mr. Elwell asked if there were any questions from the Board, and there were none. He asked if anyone

1 would like to cross-examine Mr. Faulkner, and there was no one.
2
3 Mr. Wood asked if there should be a special condition about tearing the existing house down.
4
5 Mr. Faulkner said that the old house is decommissioned, and will be torn down.
6
7 Mr. Wood asked Mr. Faulkner if he was hooking up to the original well and septic.
8
9 Mr. Faulkner said yes. He said that the well was working when he disconnected it, and the realtor said the
10 septic was working, but there is no paperwork for it.
11
12 Mr. Elwell asked if anyone else would like to testify for this case.
13
14 Mr. Roger Quinlan, 319 East Bell Avenue, Rantoul, stated that he owns the land to the north of Mr.
15 Faulkner. He said that he has no real problem with the variance. He said there are probably 50 feet between
16 the crops on his land and Mr. Faulkner’s shed, although he could farm right up to the property line. He
17 said he has an agreement that Mr. Faulkner mows the 50 feet of grass.
18
19 Mr. Elwell asked Mr. Quinlan if he expected to continue with the agreement to keep the 50 feet mowed.
20
21 Mr. Quinlan said that he does not anticipate farming it, since that area has pretty wet ground.
22
23 Mr. Elwell asked the Board how it would like to proceed.
24
25 **Mr. Randol moved, seconded by Mr. Wood, to accept the Summary of Evidence and Documents of**
26 **Record, and proceed to the Findings of Fact.**
27
28 The vote was called as follows:
29 **Anderson – yes** **Elwell - yes** **Randol – yes**
30 **Roberts – yes** **Wood - yes** **Lee - yes**
31
32 **The motion carried.**
33
34 **FINDINGS OF FACT FOR CASE 989-V-20:**
35
36 Mr. Elwell reviewed special condition A:
37
38 **A. A Change of Use Permit shall be applied for in conjunction with the Zoning Use**
39 **Permit for the addition to the shed.**
40
41 The special condition stated above is required to ensure the following:
42 **The establishment of the proposed use shall be properly documented as**
43 **required by the Zoning Ordinance.**
44
45 Mr. Elwell asked Mr. Faulkner if he agreed with special condition A.
46
47 Mr. Faulkner said yes.
48

1 From the documents of record and the testimony and exhibits received at the public hearing for
2 zoning case 989-V-20 held on December 3, 2020, the Zoning Board of Appeals of Champaign County
3 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 Ms. Burgstrom said that there is a new document staff is introducing, a Summary Draft Findings of Fact,
10 that is being distributed to the Board only. She said that this Summary shows the same evidence shown
11 earlier in the Summary of Evidence. She said the Board can use this sheet, and say that they like certain
12 statements or not, or they can go ahead with the Findings without using the new Summary. She referred to
13 the Summary Finding 1 on the screen, which included two statements. She asked Mr. Elwell to read aloud
14 the statements that the Board members choose to use so that they are clear for the record and the public in
15 attendance.
16

17 Mr. Wood stated that special conditions and circumstances DO exist which are peculiar to the land or
18 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
19 the same district because: the shed has been in the same location since the 1950s, and the property was
20 split off from a 175-acre farm.
21

22 Mr. Elwell stated that it is important to add that the existing shed meets the required 10 feet side yard for
23 a detached accessory structure, but not for a principal structure, which requires 15 feet.
24

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

29 Mr. Randol stated that practical difficulties or hardships created by carrying out the strict letter of the
30 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
31 structure or construction because: without the proposed variance, the petitioner would have to move the
32 shed or purchase an additional four feet from the neighbor to the north.
33

34 **3. The special conditions, circumstances, hardships, or practical difficulties DO NOT result**
35 **from actions of the applicant.**
36

37 Mr. Randol stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT
38 result from actions of the applicant because: all buildings on the subject property existed prior to the
39 adoption of the Zoning Ordinance on October 10, 1973, and Quinlan Subdivision, which created the 2.99-
40 acre lot, was approved by the Village of Rantoul on March 15, 2019, prior to the current owner's purchase
41 of the property.
42

43 **4. The requested variance IS in harmony with the general purpose and intent of the Ordinance.**
44

45 Mr. Wood stated that the requested variance IS in harmony with the general purpose and intent of the
46 Ordinance because: the petitioner will be improving the property and tearing down an old dilapidated
47 house when construction is complete; there is adequate light and air on the property, which is surrounded
48 by land in agricultural production; the subject property is 3.7 road miles from the Ludlow Fire Protection

District, and no comments have been received from the District; and the nearest structure is a residence approximately 370 feet to the west on the other side of CR 1600E.

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

Mr. Randol stated that the requested variance WILL NOT be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because: the Township and Fire Protection Districts have been notified, and no comments have been received; and the nearest structure is a residence approximately 370 feet to the west on the other side of CR 1600E.

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

Mr. Wood stated that the requested variance IS the minimum variation that will make possible the reasonable use of the land/structure because: this is the minimum variation that would not require relocating the shed.

Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings of Fact, as amended for Case 989-V-20.

Mr. Randol moved, seconded by Ms. Lee, to adopt the Summary of Evidence, Documents of Record, and Findings of Fact, as amended.

The vote was called as follows:

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

The motion carried.

Mr. Elwell entertained a motion to move to the Final Determination for Case 989-V-20.

Ms. Lee moved, seconded by Mr. Roberts, to move to the Final Determination for Case 989-V-20.

The vote was called as follows:

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

The motion carried.

FINAL DETERMINATION FOR CASE 989-V-20:

Mr. Randol moved, seconded by Ms. Lee, 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 for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

1 The Variance requested in Case 989-V-20 is hereby GRANTED WITH ONE CONDITION to
2 the petitioners, Matt and Sherrie Faulkner, to authorize the following variance:

3
4 Authorize a variance for an existing detached shed to be converted to a dwelling with a side
5 yard of 11 feet and one-half inch in lieu of the minimum required 15 feet in the AG-1
6 Agriculture Zoning District, per Section 5.3. of the Zoning Ordinance
7

8 **SUBJECT TO THE FOLLOWING CONDITION:**

9 **A. A Change of Use Permit shall be applied for in conjunction with the Zoning Use**
10 **Permit for the addition to the shed.**

11
12 **The special condition stated above is required to ensure the following:**

13 **The establishment of the proposed use shall be properly documented as**
14 **required by the Zoning Ordinance.**
15

16 Mr. Elwell requested a roll call vote.

17
18 The vote was called as follows:

19 Anderson – yes	Elwell - yes	Randol – yes
20 Roberts – yes	Wood - yes	Lee - yes

21
22 **The motion carried.**

23
24 Mr. Elwell told Mr. Faulkner that his variance has been approved.

25
26 Mr. Faulkner thanked everyone for their time.
27

28 **Case 991-V-20**

29 **Petitioners: Kristen & James Enderle**

30 **Request: Authorize a variance for an existing detached shed to be converted to a dwelling with a side**
31 **yard of 12 feet 3 inches in lieu of the minimum required 15 feet in the CR Conservation-Recreation**
32 **Zoning District, per Section 5.3 of the Zoning Ordinance.**

33 **Location: A 6.91-acre tract in the Southeast Quarter of the Northeast Quarter of Section 1, Township**
34 **18 North, Range 10 East of the Third Principal Meridian, in Sidney Township with an address of**
35 **1159 CR 2400E, St. Joseph.**
36

37 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
38 the witness register for that public hearing. He reminded the audience that when they sign the witness
39 register, they are signing an oath.
40

41 Mr. Elwell informed the audience that this Case is an Administrative Case and as such, the County allows
42 anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a
43 show of hands or a verbal indication from those who would like to cross-examine, and each person will
44 be called upon. He said that those who desire to cross-examine asked to clearly state their name before
45 asking any questions. He noted that no new testimony is to be given during the cross-examination. He said
46 that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross-
47 examination. He asked the petitioners to outline the nature of their request.
48

1 Mrs. Kristen Enderle, 612 Pittsfield Dr, Champaign, said that they purchased the property at the beginning
2 of 2020. She said they wanted to put a concrete slab in the existing shed, and the excavator suggested
3 raising the floor level due to the floodplain. She said that they want to add on to the shed to create a studio
4 apartment.

5
6 Mr. Elwell asked if there were any questions from the Board.

7
8 Mr. Anderson stated that he was at the site yesterday, and noticed the shed was already raised four feet,
9 but he's looking at the photograph of it in the packet, and it shows the shed still on legs. He asked if it is
10 true that the shed has already been raised four feet. He also asked if the concrete floor had already been
11 poured.

12
13 Mrs. Enderle said that they raised the shed four feet, and then brought in 70 tons of soil to build up the
14 land around it to bring it one foot above the floodplain. She said that they will pour the slab in the spring
15 once the ground has settled.

16
17 Mr. Anderson asked if they would have to remove trees on the east side to make room for the addition.

18
19 Mrs. Enderle referred to the first picture in the packet, and said that the addition will project south-
20 southwest into the property, and that the trees on the east side will stay. She said they removed five trees
21 from the center of the property to make sure there would be no issues with the new building.

22
23 Mr. Anderson said that it appeared there was a wet concrete floor in the shed when he visited the site.

24
25 Mrs. Enderle said that perhaps what he saw was the piers that were poured, but the floor should not have
26 been poured yet.

27
28 Mr. Elwell asked if there were any other questions from the Board.

29
30 Mr. Anderson noted that it was the second case of turning sheds into living quarters. He asked if that was
31 the trend among rural people now.

32
33 Mrs. Enderle said that this is a second property for them; they have a primary residence in Champaign.
34 She said they bought the second property for recreation and to have a studio apartment in case they have
35 family visiting from out of town or if their family wants to hang out for the weekend and enjoy the
36 property.

37
38 Mr. Elwell asked if there is water to the property.

39
40 She said that there is a well, septic, and electricity on site. She said there used to be a residence on the
41 property, but the previous owners bulldozed it. She said that all utilities are existing and will be connected
42 once the structure is finished.

43
44 Mr. Roberts asked if the roof runs north-south or east-west, because the blueprint shows it in a different
45 direction than what the pictures show.

46
47 Mrs. Enderle said it runs north-south, and that the drawings were done by another company that had not
48 visited the site and did not know the direction of the roof.

1 Mr. Roberts asked if the new addition would be to the south of the shed.

2
3 Mrs. Enderle said yes, to the south. She said that all the dirt had been built up already, and they just need
4 to smooth out the driveway.

5
6 Mr. Elwell asked if there were any questions from the Board or staff. Seeing none, he asked if anyone
7 would like to cross-examine Mrs. Enderle, and there was no one. He asked if anyone else would like to
8 testify, and there was no one. He asked how the Board would like to proceed.

9
10 **Mr. Randol moved, seconded by Ms. Lee, to accept the Summary of Evidence and Documents of**
11 **Record, and proceed to the Findings of Fact for Case 991-V-20.**

12
13 The vote was called as follows:

14	Anderson – yes	Elwell - yes	Randol – yes
15	Roberts – yes	Wood - yes	Lee - yes

16
17 **The motion carried.**

18
19 **FINDINGS OF FACT FOR CASE 991-V-20:**
20 **From the documents of record and the testimony and exhibits received at the public hearing for**
21 **zoning case 991-V-20 held on December 3, 2020, the Zoning Board of Appeals of Champaign County**
22 **finds that:**

23
24 **1. Special conditions and circumstances DO exist which are peculiar to the land or structure**
25 **involved, which are not applicable to other similarly situated land and structures elsewhere**
26 **in the same district.**

27
28 Mr. Wood stated that special conditions and circumstances DO exist which are peculiar to the land or
29 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
30 the same district because: the existing shed meets the required 10 feet side yard for a detached accessory
31 structure, but not for a principal structure, which requires 15 feet; and the separation to the property line
32 has been identified in a Boundary Survey by Berns, Clancy & Associates that was completed on July 20,
33 2020.

34
35 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**
36 **sought to be varied WILL prevent reasonable or otherwise permitted use of the land or**
37 **structure or construction.**

38
39 Mr. Wood stated that practical difficulties or hardships created by carrying out the strict letter of the
40 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
41 structure or construction because: without the proposed variance, the petitioner would have to move the
42 shed, trim about 3 feet off the north end of the shed, or purchase an additional three feet from the neighbor
43 to the north.

44
45 **3. The special conditions, circumstances, hardships, or practical difficulties DO NOT result**
46 **from actions of the applicant.**

47
48 Mr. Wood stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT

1 result from actions of the applicant because: the shed was constructed in 1984, prior to the petitioners’
2 purchase in 2020.

3
4 **4. The requested variance IS in harmony with the general purpose and intent of the Ordinance.**

5
6 Mr. Randol stated that the requested variance IS in harmony with the general purpose and intent of the
7 Ordinance because: the petitioners will be improving the property and have already raised the shed by 4
8 feet due to flood concerns; there is adequate light and air on the property; the subject property is 4.6 road
9 miles from the Sidney fire station, and no comments have been received from the Fire Protection District;
10 the nearest structure is a detached shed approximately 80 feet to the northwest; and the minimum side
11 yard for a dwelling in the AG-2 District, another rural zoning district, is only 10 feet, which is less than
12 the proposed 12 feet 3 inches.

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

16
17 Mr. Wood stated that the requested variance WILL NOT be injurious to the neighborhood or otherwise
18 detrimental to the public health, safety, or welfare because: the Township and Fire Protection Districts
19 have been notified, and no comments have been received; and the nearest structure is a detached shed
20 approximately 80 feet to the northwest.

21
22 **6. The requested variance IS the minimum variation that will make possible the reasonable use**
23 **of the land/structure.**

24
25 Mr. Randol stated that the requested variance IS the minimum variation that will make possible the
26 reasonable use of the land/structure because: the property was surveyed, and the verified property line is
27 12 feet 3 inches from the shed; and this is the minimum variation that would not require relocating the
28 shed.

29
30 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings
31 of Fact, as amended for Case 991-V-20.

32
33 **Mr. Wood moved, seconded by Ms. Lee, to adopt the Summary of Evidence, Documents of Record,**
34 **and Findings of Fact, as amended.**

35
36 The vote was called as follows:
37 **Anderson – yes** **Elwell - yes** **Randol – yes**
38 **Roberts – yes** **Wood - yes** **Lee - yes**

39
40 **The motion carried.**

41
42 Mr. Elwell entertained a motion to move to the Final Determination for Case 991-V-20.

43
44 **Ms. Lee moved, seconded by Mr. Roberts, to proceed to the Final Determination for Case 991-V-**
45 **20.**

46
47 The vote was called as follows:
48 **Anderson – yes** **Elwell - yes** **Randol – yes**

Roberts – yes

Wood - yes

Lee - yes

The motion carried.

FINAL DETERMINATION FOR CASE 991-V-20:

Mr. Wood moved, seconded by Ms. Lee, 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 for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Variance requested in Case 991-V-20 is hereby GRANTED to the petitioners, Kristen & James Enderle, to authorize the following variance:

Authorize a variance for an existing detached shed to be converted to a dwelling with a side yard of 12 feet 3 inches in lieu of the minimum required 15 feet in the CR Conservation-Recreation Zoning District, per Section 5.3. of the Zoning Ordinance.

Mr. Elwell requested a roll call vote.

The vote was called as follows:

Anderson – yes

Elwell - yes

Randol – yes

Roberts – yes

Wood - yes

Lee - yes

The motion carried.

Mr. Elwell told Mrs. Enderle that their variance has been approved.

Mr. and Mrs. Enderle thanked everyone for their time.

Case 992-V-20: Petitioner: Leslie Meier of Meier Farms II LLC, via agent Les Hoveln Request: Authorize a variance for a proposed outdoor commercial recreational enterprise (baseball field facility) with no loading berth and not using all-weather dustless material for parking in lieu of the minimum required one loading berth and the use of all-weather dustless material for parking in the I-1 Light Industry Zoning District, per Section 7.4 of the Zoning Ordinance.

Location: A 33.24-acre tract in the Northeast Quarter of the Northwest Quarter, and the Northwest Quarter of the Northeast Quarter of Section 15, which lies North of Old Police Park Rd, Township 19 North, Range 10 East of the Third Principal Meridian, in St. Joseph Township.

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.

Mr. Elwell informed the audience that this Case is an Administrative Case and as such, the County allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a show of hands or a verbal indication from those who would like to cross-examine, and each person will be called upon. He said that those who desire to cross-examine asked to clearly state their name before

1 asking any questions. He noted that no new testimony is to be given during the cross-examination. He said
2 that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross-
3 examination. He asked Mr. Hoveln to outline the nature of his request.

4
5 Mr. Les Hoveln, 1842 CR 1850 N, Urbana, stated that they are proposing a by-right commercial
6 recreational baseball facility west of St. Joseph on approximately 7.86 acres on the part of the property
7 that is in the I-1 Light Industrial Zoning District. He said that they are seeking a variance to have no
8 loading berth and grass parking. He said that grass parking causes less dust than agricultural activity like
9 tilling, planting and harvesting. He said that the use of grass parking is consistent with other ball fields in
10 the area and also consistent with nearby recreational facilities such as Salt Fork Paintball. He said that
11 players will carry their own equipment, so they do not feel they need a loading berth. He said that the field
12 builder estimates an increase in costs of \$500,000 if they do not get the variance, which would result in
13 this field not being built. He said that the ball field would be a valuable asset to the community and would
14 help new people patronize local businesses. He said that he has spoken to the John North, the neighbor to
15 the east; Tami Fruhling-Voges, Mayor of St. Joseph; and Brian Buss with St. Joseph Township, and all
16 have indicated they are in favor of the project.

17
18 Mr. Wood asked if all the property to the east is one entity.

19
20 Mr. Hoveln said yes, but there is also a 3-acre triangle lot to the west.

21
22 Mr. Wood asked if the whole field has been tiled to run to the Salt Fork River, and does he think there is
23 adequate drainage once the project is in place.

24
25 Mr. Hoveln said yes, they do, but they have not chosen a field designer yet, and they have not paid for the
26 topography map. He said that the proposed field location is the flattest part of the farm, so there will be
27 less dirt to move and it will be outside the CR Conservation Recreation district. He said that he has farmed
28 the property since November of 2018, and said that it seems to drain pretty well. He said they are not
29 proposing underground field tile for this project, because they are going to laser grade it and expect the
30 field to absorb its own water without much runoff.

31
32 Mr. Anderson said that he visited the site yesterday, and suggested that people would probably park on
33 Old Police Park Road. He said that parking there is probably okay, since there is not much traffic and it
34 dead ends down by the Salt Fork River. He said that the packet mentions that there will be no parking
35 allowed in the road right-of-way, and asked Mr. Hoveln if he foresees people parking on the road.

36
37 Mr. Hoveln referred to the site plan, and said that the dark green area is proposed parking totaling 111,000
38 square feet, which is enough area for about 370 parking spaces. He said that they are anticipating 100 to
39 150 people on any given day. He said that until grass gets established, they might have to cancel games.
40 He said that if it is too muddy, cars won't be able to get in and out of there.

41
42 Mr. Anderson said if it is too wet to park, maybe it is too wet to play.

43
44 Mr. Hoveln agreed.

45
46 Mr. Elwell asked Ms. Burgstrom about accessible parking.

47
48 Ms. Burgstrom said that the concrete rectangular area behind the bleachers would be paved for accessible

1 parking.
2
3 Mr. Elwell asked if there would be a need for an accessible sidewalk between the two ball diamonds.
4
5 Ms. Burgstrom said that the second diamond is a long-term plan that might not happen. She said that the
6 facility will have to have accessible routes from the accessible parking, as well as to the restrooms and
7 other facilities. She said that staff would verify accessibility as part of Zoning Use Permit approval. She
8 said that we have a special condition about accessibility to cover all of that.
9
10 Mr. Roberts asked if restrooms and other facilities are planned.
11
12 Ms. Burgstrom said yes, they are working on septic system size and things like that, but there are no final
13 plans yet.
14
15 Mr. Elwell asked about lighting.
16
17 Mr. Hoveln said no lighting is planned.
18
19 Mr. Anderson said that he thinks that the ballplayers in St. Joseph would really like this facility.
20
21 Mr. Hoveln said he hopes so.
22
23 Mr. Randol asked who would own the ball diamond.
24
25 Mr. Hoveln said that Meier Farms LLC, current landowner, would own it.
26
27 Mr. Randol asked if the ball field would be only for the St. Joseph community.
28
29 Mr. Hoveln said it would be for anyone, on a rental basis.
30
31 Mr. Wood asked if the ball field would have a separate LLC from Meier Farms LLC.
32
33 Mr. Hoveln said that the owner is working with an attorney to determine that.
34
35 Mr. Elwell asked how Mr. Hoveln could ensure there is no parking in the road right-of-way.
36
37 Mr. Hoveln said that they had not thought that far ahead, but it would be possible to put some signs in the
38 ditch.
39
40 Mr. Elwell said that signs close to the road could be a problem for farmers.
41
42 Mr. Hoveln said that signs close to the road are not planned.
43
44 Mr. Elwell asked if anyone would like to cross-examine Mr. Hoveln.
45
46 Ms. Bridgette Moen, Champaign County Forest Preserve District, asked what strategies the petitioners
47 have for preventing parking on the road.
48

1 Mr. Hovel said that there is no strategy, but he is willing to sit down with CCFPD, and that they are
2 willing to put signage up. He said that they want to be a good neighbor.

3
4 Mr. Wood said that there is a special condition that disallows parking in the road right-of-way, and how
5 Mr. Hovel does it is up to him.

6
7 Mr. Randol agreed with Mr. Wood.

8
9 Mr. Elwell asked staff if there were other cases where signs said no parking. He said that he recalled a
10 case with stables in the southern part of the county when the Board determined that signage would be
11 required. He asked Ms. Lee if she remembered the specifics. He said that he anticipates this project having
12 plenty of parking, and anticipates that they will want to do what is right by ushering people off the road.
13 He said that if we could have an agreement of having a no parking sign, wouldn't that be easier to enforce
14 and clearer than having to go to each car that is parked on the street.

15
16 Mr. Randol said that whenever we have it as a special condition that they are not to allow any parking,
17 that is up to them how they want to take care of it. He said that if they don't take care of it, then that is an
18 issue that would come back to the Board.

19
20 Ms. Lee asked if the case Mr. Elwell mentioned was down in rural Pesotum.

21
22 Ms. Burgstrom said yes, it was the Gill stables case. She said that we have had other similar things for
23 wedding event centers where they either have to say that they are going to have signs, and they will have
24 brochures that say there will be no parking on the road to give a heads-up to any clients. She said that
25 those specifics have not been part of the special condition, which was limited to only saying there will be
26 no parking in the right-of-way. She said that how they did it was up to them.

27
28 Mr. Randol said that the street does not belong to them; they can't just put signs out in the right-of-way.

29
30 Mr. Elwell said that in the Gill case, they were required to say there would be no parking in their brochures.
31 He said he would like to see some confirmation of how they will express that.

32
33 Ms. Bridgette Moen, 803 La Sell Dr, Champaign, said that Champaign County Forest Preserve District is
34 always excited when people use Kickapoo Rail Trail to reach any destination along that trail. She said
35 that CCFPD has some concerns about parking, and they want to make sure everyone is safe and to maintain
36 the pretty nice natural area along that part of the stretch of the KRT that they maintain. She said that
37 CCFPD is open to posting signage on their property if they need to and working with the landowners to
38 help deal with any issues and have a cooperative relationship.

39
40 Ms. Burgstrom said, to help clarify, the Kickapoo Rail Trail is located south of Old Police Park Road and
41 the proposed facility. She said that some might recall the Special Use Permit case for that part of the trail.
42 She said that CCFPD has some right-of-way amongst the natural areas where they could post signs if that
43 would be helpful.

44
45 Mr. Hovel requested that Ms. Burgstrom give his cell phone number to Ms. Moen so they can work
46 together on what she would like to see and talk over a few things.

47
48 Ms. Burgstrom agreed to share the information.

1 Ms. Moen said that would be appreciated.

2
3 Mr. Elwell asked if there were any questions from the Board, and there were none. He asked if anyone
4 would like to cross-examine Ms. Moen, and there was no one. He asked the Board how they would like
5 to proceed.
6

7 **Mr. Randol moved, seconded by Mr. Wood, to accept the Summary of Evidence and proceed to the**
8 **Findings of Fact.**

9
10 The vote was called as follows:
11 **Anderson – yes** **Elwell - yes** **Randol – yes**
12 **Roberts – yes** **Wood - yes** **Lee - yes**
13

14 **The motion carried.**

15
16 **FINDINGS OF FACT FOR CASE 992-V-20:**
17

18 Mr. Elwell reviewed special condition A:

19
20 **A. The Petitioner will not allow parking within any road right-of-way.**
21

22 The special condition stated above is required to ensure the following:
23 **To maximize safety for residents and facility users.**
24

25 Mr. Elwell asked Mr. Hoveln if he agreed with special condition A.
26

27 Mr. Hoveln said yes.
28

29 Mr. Elwell reviewed special condition B:

30
31 **B. The Zoning Administrator shall not issue a Zoning Use Permit or a Zoning**
32 **Compliance Certificate for the facility until the petitioner has demonstrated that the**
33 **proposed Special Use complies with the Illinois Accessibility Code.**
34

35 The special condition stated above is required to ensure the following:
36 **The proposed Special Use Permit meets applicable State codes for**
37 **accessibility.**
38

39 Mr. Elwell asked Mr. Hoveln if he agreed with special condition B.
40

41 Mr. Hoveln said yes.
42

43 Mr. Elwell asked Mr. Hall if there needed to be a special condition about septic.
44

45 Mr. Hall said that is up to the Board. He said that there will have to be a septic system, the petitioner
46 knows that. He said that all parking must be kept off the septic system.
47

48 Ms. Burgstrom said that there could also be a special condition prohibiting parking on the septic system

1 in the Zoning Use Permit approval so that it does not necessarily have to be done by this Board.

2

3 Mr. Elwell returned to the Findings of Fact in Attachment D, page 11 of 12.

4

5 **From the documents of record and the testimony and exhibits received at the public hearing for**
6 **zoning case 992-V-20 held on December 3, 2020, the Zoning Board of Appeals of Champaign County**
7 **finds that:**

8

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

12

13 Mr. Wood stated that special conditions and circumstances DO exist which are peculiar to the land or
14 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
15 the same district because: the only loading/unloading will be a player’s equipment or small miscellaneous
16 supplies which can be easily carried by hand and does not require a loading berth; and unpaved parking
17 is consistent with other rural ball park fields.

18

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

22

23 Mr. Randol stated that practical difficulties or hardships created by carrying out the strict letter of the
24 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
25 structure or construction because: without the proposed variance, the petitioner would have to spend funds
26 on a loading berth and paving, which would make the project financially infeasible.

27

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

30

31 Mr. Wood stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT
32 result from actions of the applicant because: the loading berth and paved parking requirements are due to
33 the land being partially zoned I-1 Light Industry, even though a ball field is not an industrial use.

34

35 **4. The requested variance IS in harmony with the general purpose and intent of the Ordinance.**

36

37 Mr. Randol stated that the requested variance IS in harmony with the general purpose and intent of the
38 Ordinance because: there will be paved, marked, and signed accessible parking, as required by the Illinois
39 Accessibility Code; there are no requirements for an Outdoor Commercial Recreational Enterprise to have
40 a loading berth or paved parking when it is approved via a Special Use Permit, and this ball field is a by-
41 right development.

42

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

45

46 Mr. Elwell asked Mr. Randol about the size of fire apparatus on grass.

47

48 Mr. Randol said that there would not be an issue unless it was muddy, and they would not play if it was

1 muddy.

2
3 Mr. Randol stated that the requested variance WILL NOT be injurious to the neighborhood or otherwise
4 detrimental to the public health, safety, or welfare because: requiring paved parking and a loading berth
5 would substantially increase impervious area on the property, which would increase runoff and risk of
6 flooding; the Township and Fire Protection Districts have been notified, and no comments have been
7 received; and the nearest structure is a residence approximately 900 feet to the east.

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

11
12 Mr. Wood stated that the requested variance IS the minimum variation that will make possible the
13 reasonable use of the land/structure because: there is no numerical range for these variance types; paved
14 parking and a loading berth are either built without a variance or not built and require the variance.

15
16 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings
17 of Fact, as amended for Case 992-V-20.

18
19 **Mr. Wood moved, seconded by Mr. Randol, to adopt the Summary of Evidence, Documents of**
20 **Record, and Findings of Fact, as amended.**

21
22 The vote was called as follows:
23 **Anderson – yes** **Elwell - yes** **Randol – yes**
24 **Roberts – yes** **Wood - yes** **Lee - yes**

25
26 **The motion carried.**

27
28 Mr. Elwell entertained a motion to move to the Final Determination for Case 992-V-20.

29
30 **Ms. Lee moved, seconded by Mr. Wood, to move to the Final Determination for Case 992-V-20.**

31
32 The vote was called as follows:
33 **Anderson – yes** **Elwell - yes** **Randol – yes**
34 **Roberts – yes** **Wood - yes** **Lee - yes**

35
36 **The motion carried.**

37
38 **FINAL DETERMINATION FOR CASE 992-V-20:**

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

44
45 **The Variance requested in Case 992-V-20 is hereby GRANTED WITH SPECIAL**
46 **CONDITIONS to the applicants, Leslie Meier of Meier Farms II LLC, via agent Les Hovel, to**
47 **authorize the following:**

1 Authorize a variance for a proposed baseball field facility with no loading berth and not
2 using all-weather dustless material for parking in lieu of the minimum required one loading
3 berth and the use of all-weather dustless material for parking in the I-1 Light Industry
4 Zoning District, per Section 7.4 of the Zoning Ordinance.
5

6 **SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:**

7 **A. The Petitioner will not allow parking within any road right-of-way.**
8

9 **B. The Zoning Administrator shall not issue a Zoning Use Permit or a Zoning**
10 **Compliance Certificate for the facility until the petitioner has demonstrated that the**
11 **proposed Special Use complies with the Illinois Accessibility Code.**
12

13 Mr. Elwell requested a roll call vote.
14

15 The vote was called as follows:

16 Anderson – yes	16 Elwell - yes	16 Randol – yes
17 Roberts – yes	17 Wood - yes	17 Lee - yes

18
19 **The motion carried.**
20

21 Mr. Elwell told Mr. Hoveln that his variance has been approved.
22

23 Mr. Anderson suggested that bike racks be installed at the facility.
24

25 **7. Staff Report**
26

27 Mr. Hall said that the Summary Draft Findings of Fact used during tonight’s cases seemed helpful.
28

29 Mr. Randol said that he thinks it is going to be a big help to some people. He said that all of the same
30 information is already in the packet materials.
31

32 Ms. Burgstrom invited the Board to add to or reject statements in the draft Findings, to not feel they are
33 limited to the statements listed. She asked for any other feedback from the Board.
34

35 **8. Other Business**

36 **A. Review of Docket - None**
37

38 **B. Draft 2021 ZBA Meetings Calendar**
39

40 Ms. Burgstrom introduced the draft 2021 ZBA meetings calendar. She explained that the December 7,
41 2020 County Board organizational meeting could influence the dates. She asked if there were any
42 comments or questions.
43

44 Mr. Randol said that December 30, 2021 would probably not be a good meeting day as it is right in the
45 middle of the holidays, but the date can stay on there.
46

47 Ms. Burgstrom asked if there was a motion to approve the draft calendar.
48

1 Mr. Randol moved, seconded by Ms. Lee, to approve the draft 2021 ZBA meetings calendar.

2

3 Mr. Elwell requested a roll call vote.

4

5 The vote was called as follows:

6	Anderson – yes	Elwell - yes	Randol – yes
7	Roberts – yes	Wood - yes	Lee - yes

8

9 The motion carried.

10

11 Mr. Anderson told Mr. Elwell that he thinks he does an outstanding job.

12

13 Mr. Elwell said that he has to keep up with the rest of the Board members. He thanked Mr. Anderson.

14

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

16

17 None

18

19 10. Adjournment

20

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

22

23 Ms. Lee moved, seconded by Mr. Roberts, to adjourn the meeting.

24

25 Mr. Elwell requested a roll call vote.

26

27 The vote was called as follows:

28	Anderson – yes	Elwell - no	Randol – yes
29	Roberts – yes	Wood - yes	Lee - yes

30

31 The motion carried.

32

33 The meeting adjourned at 8:15 p.m.

34

35 Respectfully submitted

36

37

38

39 Secretary of Zoning Board of Appeals

40

41

42

43

44

45

46

47

48