

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

**1776 E. Washington Street
Urbana, IL 61801**

DATE: July 15, 2021

**PLACE: Shields-Carter Meeting Room
1776 East Washington Street**

TIME: 6:33 p.m.

Urbana, IL 61802

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

MEMBERS ABSENT: None

STAFF PRESENT: Susan Burgstrom, Stephanie Berry

STAFF ABSENT: John Hall

OTHERS PRESENT: Adam Kimball, Andrew Fell, Collin Carlier, Mike Royse, Norman Davis, Rob Smith, Stephen Frank

1. Call to Order

The meeting was called to order at 6:33 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.

3. Correspondence - None

4. Approval of Minutes – May 27, 2021

Mr. Elwell asked if there was any discussion for the May 27, 2021 minutes.

Mr. Elwell entertained a motion to approve the May 27, 2021 minutes.

Ms. Lee moved, seconded by Mr. Randol, to approve the May 27, 2021 minutes. The motion carried by voice vote.

5. Continued Public Hearings

Petitioners: **Adam & Jodi Kimball**

Request: **Case 995-S-20**

Authorize multiple principal structures on the same lot consisting of self-storage warehouses previously authorized in Cases 977-S-20 and 979-V-20 and a sign structure with two off-premises freestanding advertising signs as a Special Use in the B-3

Highway Business Zoning District, subject to approval of the variances requested in related Case 996-V-20.

Case 996-V-20

Authorize the following variances for the Special Use Permit requested in related Zoning Case 995-S-20 for proposed off-premises signs in the B-3 Highway Business Zoning District, per Section 7.3.5 of the Zoning Ordinance:

Part A: A variance for two off-premises freestanding advertising signs on one sign structure on one frontage that total 300 square feet in sign face area in lieu of the maximum allowed one off-premises sign per frontage that totals 300 square feet in sign face area.

Part B: A variance for two off-premises freestanding advertising signs on one sign structure with a setback of 71 feet from the street centerline of IL Route 47 and a front yard of 22 feet, in lieu of the minimum required setback of 85 feet and front yard of 35 feet along a State highway.

Location: A 3.36-acre tract in the South Half of the Northeast Quarter of Section 9, Township 19 North, Range 7 East of the Third Principal Meridian in Scott Township, and commonly known as the tract just east of the residence with an address of 285 CR 1675N, Seymour.

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 will be asked to clearly state their name before asking any questions. He noted that no new testimony is to be given during the cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross-examination. He asked if the petitioner would like to outline the nature of their request prior to introducing evidence.

Adam Kimball stated that he lives at 1103 Farm Lake Drive in Mahomet. He referred to Attachment B in Supplemental Memo #3. He said the original request was the sign on the left, which was a total face area of 1,152 square feet. He said that tonight the revised request is on the right side, which is a sign with a total face area of 300 square feet. He said that they had come to this over a series of previous public hearings and that the allowable square footage for sign faces is 300 square feet; the thought was to get down to that allowable square footage. He said the proposed sign is one sign structure with one face northbound and one face southbound; the sign face is 10 feet in height, and 15 feet in length. He referred to Attachment C, page two of two in Supplemental Memo #3, and said that the sign he is proposing is pretty much identical to this sign structure. He said this sign is approximately three miles north on IL Route 47 at the intersection of IL Route 47 and US 150. He said the size of the construction, the height, the proximity to IL Route 47, the proximity to the metal building being used for storage, and a lot of things are similar to this site. He said it is a good comparable and that is why he included it, other than that he didn't have anything different since the May 27, 2021 public hearing meeting.

1 Mr. Elwell thanked Mr. Kimball. He asked if there were any questions from the Board.
2
3 Ms. Lee asked if the sign Mr. Kimball referred to in Attachment C was in the Village of Mahomet.
4
5 Mr. Kimball asked if she meant the comparable structure, yes.
6
7 Ms. Burgstrom said she received an email from Abby Heckman, the Planner with the Village of Mahomet.
8 She said that the sign structure is about 675 feet south of US 150 on IL Route 47 and she wanted to point
9 out that it is a non-conforming sign. She said that she doesn't believe they allow signs like this at all in
10 Mahomet, but this one is old enough it's allowed to stay for now.
11
12 Mr. Elwell asked Mr. Kimball if the proposed location was still going to be the same as the previous
13 testimony had been, in the upper northeast corner of that parcel.
14
15 Mr. Kimball said correct.
16
17 Mr. Wood replied that he thought it was going to be located right up against the building.
18
19 Mr. Kimball said yes.
20
21 Mr. Wood said they already approved the Variance for the building in terms of distance from the road.
22
23 Mr. Elwell referred to Attachment B, and asked if the previously proposed sign, the photo of the sign
24 located on IL Route 47, and the current sign he is proposing are all to scale.
25
26 Ms. Burgstrom said it was to scale.
27
28 Mr. Elwell said that the bottom of the newly proposed sign is going to be fairly similar to what was
29 originally proposed. He asked the height from grade level to the bottom of the sign.
30
31 Mr. Kimball said yes, they made the bottom of the sign 13.5 feet in height to make sure a fire truck could
32 clear under the proposed sign.
33
34 Mr. Elwell asked if there were any other questions from the Board.
35
36 Mr. Anderson asked Mr. Randol if the Seymour Fire Department had found any more problems with the
37 sign.
38
39 Mr. Randol responded that they still object to the size of the sign, the location, and that it is too large. He
40 said they made their reference based on IL Route 47 having four-foot shoulders on the road. He said it has
41 a four-foot shoulder because it is approaching the ramp area for Interstate 72.
42
43 Mr. Elwell asked if there were any other questions from the Board or Staff. He asked if anyone would like
44 to cross-examine the witness and to please signify by raising their hand. Seeing none, he asked if anyone
45 else would like to testify in this case, and to please signify by raising their hand. Seeing none, he closed
46 the Witness Register.
47
48 Mr. Elwell asked the Board how they would like to proceed.
49

1 Mr. Randol said that the issue with this sign is the size and location. He said if the Board allows a sign of
2 this size to be approved, then they are opening the door on all four sides of the Interstate 72 intersection
3 for any commercial development. He said if they make this exception, then they are going to be making
4 exceptions for every commercial property that comes in and wants to apply to put a large sign up.

5
6 Ms. Burgstrom responded that she wanted to clarify that the request in Case 996-V-20 Part A used to have
7 the size aspect to it, because at one point the request was over 1,152 square feet. She said that now the
8 request is down to 300 square feet, so the size itself is not in question anymore for Part A; it's just that
9 there are two sign faces instead of one.

10
11 Mr. Elwell said that the governmental body over this area in the past designated this B-3, instead of AG-
12 1 or AG-2 Zoning Districts. He said there was anticipation for business development in this area and there
13 is probably a reason why it's B-3, and not AG-1 or AG-2.

14
15 Ms. Lee asked if there was going to be another sign located on County Road 1675 North for the self-
16 storage warehouses. She asked if he was going to have two different freestanding signs on the property.

17
18 Ms. Burgstrom said that is correct, and with this particular parcel being on a corner, that allows them to
19 have one sign on each frontage. She said that the sign on County Road 1675 North will be for self-
20 advertisement and that is within the rights of the Zoning Ordinance.

21
22 Mr. Elwell said it has boiled down to the 300 square feet per sign face, but they're asking for two sign
23 faces.

24
25 Ms. Burgstrom said they're asking for a total of 300 square feet for two sign faces and each sign face
26 would be 150 square feet.

27
28 Mr. Elwell asked how the Board would like to proceed.

29
30 **Mr. Wood moved that they proceed with the Special Conditions for Case 995-S-20.**

31
32 Mr. Elwell said he had a motion to move to Special Conditions for Case 995-S-20. He asked if he could
33 have a second on the motion.

34
35 Ms. Burgstrom said that there is no need to make a motion to discuss the Special Conditions for Case 995-
36 S-20, because it's part of the Summary of Evidence. She said they can go ahead and go through those, and
37 they start on page 21.

38
39 Mr. Elwell said that he would be reading from Attachment D, page 21 of 30 in Supplemental Memo #3,
40 as follows:

41
42 Mr. Elwell informed Mr. Kimball that if he was in an agreement to acknowledge each Special Condition
43 with an affirmative after he reads each one.

44
45 **18. Regarding proposed special conditions of approval:**

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

**The special condition stated above is required to ensure the following:
That the proposed uses are in compliance with the Zoning Ordinance.**

Mr. Elwell asked Mr. Kimball if he was in agreement with that.

Mr. Kimball stated yes.

B. Regarding the existing on-premises advertising sign, within 30 days of approval of Zoning Cases 995-S-20 and 996-V-20, the petitioner must either:

(1) Provide written verification to the P&Z Department that the sign is temporary and will be removed with 14 days of completing construction of the first self-storage building, or

(2) Apply for a Zoning Use Permit for the permanent sign, pay the corresponding fee, and receive permit approval, or remove the sign.

**The special condition stated above is required to ensure the following:
That all structures on the property comply with the Zoning Ordinance.**

Mr. Elwell asked Mr. Kimball if he was in agreement with that.

Mr. Kimball stated yes.

C. Any future sale of the subject property may be subject to the Illinois Plat Act (765 ILCS 205/0.01 et seq.) or the Champaign County Subdivision Regulations; or the subdivision regulations of a municipality that has jurisdiction within one and one-half miles of the corporate limits.

**The special condition stated above is required to ensure the following:
That the subject property complies with the Zoning Ordinance.**

Mr. Elwell asked Mr. Kimball if he was in agreement with that.

Mr. Kimball said Ms. Burgstrom had explained this to him, but he has since forgot.

Ms. Burgstrom said that this is something that is obscure in the Zoning Ordinance, because he is requesting two uses. She said if the two principal structures are approved, then this is saying that he needs to make sure a lot split is not required in the future should he decide to separate both principal structures and try to sell them separately. She said it is saying that it has to be compliant with all the local and state regulations.

Mr. Kimball asked if it was for the split of the two principal structures or 100 percent for all the other Ordinances that might not have anything to do with the two principal structures and the split.

Ms. Burgstrom said this is only related to the principal structures and that's why this is listed here.

Mr. Kimball said it doesn't change the Zoning Ordinance the property falls under; it is still going to be Champaign County versus the Village of Mahomet.

1 Ms. Burgstrom said if he would decide to split this property in the future, then he is close enough to the
2 Village of Mahomet that it is within their subdivision jurisdiction and any split has to go through their
3 Board.

4
5 Mr. Kimball replied just for a split.

6
7 Ms. Burgstrom said correct.

8
9 Ms. Burgstrom said the Village of Mahomet might require him to annex to do the split or they might keep
10 him in Champaign County’s jurisdiction, but they would still be responsible for approving a split.

11
12 Mr. Kimball said he has no intentions of splitting it and if that’s all it is, then his answer for Mr. Elwell is
13 yes.

14
15 Ms. Burgstrom said that is all it is.

16
17 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and move to
18 the Findings of Fact for Case 995-S-20, as amended.

19
20 **Mr. Wood moved, seconded by Mr. Roberts, to adopt the Summary of Evidence, Documents of**
21 **Record, and move to the Findings of Fact for Case 995-S-20. The motion carried by voice vote.**

22
23 Mr. Elwell said that he would be reading the Findings of Fact for Case 995-S-20 from Attachment D, page
24 24 of 30, in Supplemental Memo #3, as follows:

25
26 **FINDINGS OF FACT FOR CASE 995-S-20**

27 From the documents of record and the testimony and exhibits received at the public hearing for zoning
28 case **995-S-20** held on **January 28, 2021, March 25, 2021, and May 27, 2021, and July 15, 2021**, the
29 Zoning Board of Appeals of Champaign County finds that:

- 30
31 **1. The requested Special Use Permit {IS/IS NOT} necessary for the public convenience at this**
32 **location because:**

33
34 Ms. Lee said the requested Special Use Permit IS NOT necessary for the public convenience at this
35 location because: in the news, she thought it was today that she saw that it said the State of Illinois has
36 among the most distracted drivers. She said she doesn’t think they need to add one more sign to have more
37 distracted drivers. She said if you have one accident where someone is injured or killed, it is just one too
38 many.

39
40 Mr. Elwell told Mr. Kimball that he greatly appreciates the steps that he has taken from January 2021 up
41 to today. He said he came in with a huge ask in the beginning and took their advice, then came back with
42 one sign with two sign faces that is within the Zoning Ordinance. He said that the biggest concern is what
43 Mr. Randol had said about the proximity to Interstate 72. He said it is 660 to 700 feet away from Interstate
44 72, and he thinks he would have different feelings if it was a little bit further away from Interstate 72. He
45 said it is really hard for him to say yes, that it is necessary for the public convenience, because of where
46 the proposed sign is to be located. He said that he understands the real estate side of things and he is on
47 board with the business of signs and advertisement, because that is a lot of his personal business. He said
48 that he agrees with Ms. Lee and he doesn’t know if there is a public convenience need at this particular
49 location.

1 Mr. Elwell asked if there were any other comments from the Board on this or would anyone else like to
2 add why this is not necessary for this location.

3
4 Mr. Anderson said that he could be convinced of this if there were some data that this intersection is
5 currently highly trafficked with inquisitive drivers that get persuaded to read instead of pay attention to
6 the traffic that easily. He said after seeing that sign of equal size in the Village of Mahomet in Attachment
7 B, he thinks the sign would work just fine at this location.

8
9 Mr. Elwell asked the Board if the requested Special Use Permit is or is not necessary for public
10 convenience at this location, what convenience is this providing to the public.

11
12 Mr. Roberts asked isn't the purpose of the sign to advertise businesses in the area of Mahomet.

13
14 Mr. Elwell asked Ms. Burgstrom if she would be willing to give him an historical view on what the public
15 is and if she could describe what a public convenience would be or relate something to this.

16
17 Ms. Burgstrom said in other cases they have seen that the public convenience can be not only for the
18 general public, but also for the business on the property; it can be pretty wide ranging. She said at this
19 location, they have seen other things allowed for development around interchanges with the basis of it
20 being in a Business Zoning District. She said that signage is allowed in the Business District and there are
21 things such as the location, and how interchanges are known for having advertising. She said people are
22 wanting to advertise in high traffic areas and for signs being allowed in those areas. She said that one of
23 the things they put down as a potential reason for having the public convenience at this location is that
24 this a B-3 Business Zoning District, and this size of sign is allowed in that district.

25
26 Mr. Wood said just to clarify, isn't what is allowed a 300 square foot sign.

27
28 Ms. Burgstrom said correct.

29
30 Mr. Wood said just one sign face.

31
32 Ms. Burgstrom said just one sign face, one north facing and one south facing sign, so you wouldn't be
33 able to see both sides from any place. She said it is not like they would have two signs both facing the
34 interchange towards Interstate 72, for example.

35
36 Mr. Wood replied in this case, they just have a front and back and each sign is half the size of what's
37 allowed.

38
39 Ms. Burgstrom said correct.

40
41 Ms. Lee asked Ms. Burgstrom that when she typed the comments, she put that Illinois has the most
42 distracted drivers; she said it's among the most distracted drivers.

43
44 Ms. Burgstrom said thank you.

45
46 Mr. Elwell reread number one in the Findings of Fact for Case 995-S-20.

47
48 **1. The requested Special Use Permit *{IS/IS NOT}* necessary for the public convenience at this**
49 **location because:**

1 Ms. Lee asked if they needed to take a vote on this.
2
3 Mr. Elwell said he thinks they can have some further discussion, but they need to have a good amount of
4 supporting evidence.
5
6 Mr. Randol said he thinks the biggest issue that the Board members all have, is that it is a distraction at a
7 busy intersection that is not needed. He said it is a safety issue with a sign that size that is elevated in the
8 air, and people draw their eyes off of the road at that point of the highway to read a sign.
9
10 Mr. Elwell asked Mr. Randol if at any other point on IL Route 47 he would have any reservations for
11 something like this.
12
13 Mr. Randol said no, as long as it was away from a busy intersection. He said he doesn't think a sign like
14 this should be located in a high trafficked area like that, starting from County Road 1700 North, and going
15 half of a mile to three quarters of the way south from Interstate 72 to IL Route 10. He said if the sign was
16 located a half of a mile further to the south, he doesn't think it would be an issue. He said he wouldn't
17 have a problem with it if the location of the sign wasn't located where there is a lot of traffic. He said it's
18 not like in Champaign, Mahomet, or where the sign is in Mahomet that Mr. Kimball is referring to in
19 Attachment B, where the traffic is driving 35 to 40 miles per hour. He said on IL Route 47, the traffic is
20 driving 60 to 65 miles per hour, because the speed limit of 55 miles per hour means nothing. He said that
21 there is traffic that flies through there, and accidents happen when people are driving that fast trying to
22 turn off of IL Route 47 onto Interstate 72; if there is a sign there in that close of proximity, it is a safety
23 issue.
24
25 Mr. Elwell asked Ms. Lee if she shared those same concerns.
26
27 Ms. Lee responded yes, she does.
28
29 Mr. Elwell asked if she would be okay with the 300 square feet of proposed sign if it wasn't immediately
30 adjacent to Interstate 72.
31
32 Ms. Lee said if it complied with the Zoning Ordinance and the 300 square feet of proposed sign wasn't at
33 a busy intersection where there are many things that Mr. Randol had mentioned were going on. She said
34 it is easy to get distracted and look at something, then not see that the car in front of you might be putting
35 on their brakes. She said that people can't do two things at once all the time.
36
37 Mr. Elwell asked Ms. Burgstrom what they should do if they were not in agreement with the is or is not
38 on number one.
39
40 Ms. Burgstrom said they can make a motion to say that the requested Special Use Permit is or is not
41 necessary for the public convenience, and for the Board Members to give their reason with it. She said
42 that then he can take a roll call or a voice vote on that and then if it fails, they need to proceed with another
43 motion if they can't get through this with simple testimony.
44
45 Mr. Elwell said it is his understanding that they all have to be positive before they move to a roll call vote.
46
47 Ms. Burgstrom said that is correct, and if they have even one negative finding for either the Special Use
48 Permit or the Variance that's after, then that would be a denial.
49

1 Mr. Elwell replied that at this point in the timeline, if it is necessary for the public convenience and they
2 get to their vote, then they can vote their conscience at that point.

3
4 Ms. Burgstrom said if they are going to vote for denial at the Final Determination, then there has to be at
5 least one piece of evidence in the Summary Draft Findings of Fact. She said that they have the criteria for
6 the public health, safety, and general welfare; and what she is hearing from them all is that distractions
7 and safety would fall under that as well, positive or negative. She said item one doesn't have to necessarily
8 be the thing that would create a denial for this case.

9
10 Mr. Elwell asked the Board again if the requested Special Use Permit IS or IS NOT necessary for the
11 public convenience at this location.

12
13 Mr. Randol said the requested Special Use Permit IS NOT necessary for the public convenience at this
14 location.

15
16 Ms. Lee said she agrees with that.

17
18 Mr. Elwell read Item 2 from the Findings of Fact.

19
20 **2. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
21 **IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it**
22 **{WILL/WILL NOT} be injurious to the district in which it shall be located or otherwise**
23 **detrimental to the public health, safety, and welfare because:**

24
25 **a. The street has {ADEQUATE/INADEQUATE} traffic capacity, and the entrance location**
26 **has {ADEQUATE/INADEQUATE} visibility.**

27
28 Ms. Lee said based on what she said in number one, she believes the same issue with safety is involved
29 and distraction is a great hindrance.

30
31 Mr. Elwell asked if there was adequate or inadequate traffic capacity at this location.

32
33 Mr. Randol said there is ADEQUATE traffic capacity at this location.

34
35 Mr. Elwell asked if there was adequate or inadequate visibility at this location.

36
37 Mr. Roberts said there is ADEQUATE visibility at this location.

38
39 Ms. Burgstrom said if there is an agreement that those are adequate, it would be helpful to have a why,
40 and there is a why provided in the Preliminary Draft if they would like to use that. She said that they can
41 come up with something else that relates to why it is adequate, or they can put a period on it and be done.
42 She said that with all the controversy this case has had, it is better to have some sort of reasoning to go
43 along with the Summary Findings of Fact.

44
45 Mr. Elwell said that maybe this is naive of him to say, but the reason that he wants to put the sign here is
46 because there is adequate traffic and there is adequate visibility. He said the visibility of the sign is a
47 detriment to this case if he is understanding Ms. Lee and Mr. Randol, because eyes are going to be drawn
48 away from the road to the sign.

1 Ms. Burgstrom said like Mr. Elwell had stated, for these particular findings they are only talking about
2 whether there is adequate traffic capacity for this property that could have the self-storage buildings and
3 a sign structure. She said the Board said there is adequate traffic capacity.
4

5 Mr. Elwell said yes.
6

7 Ms. Burgstrom said that if there is adequate visibility, the Board said yes to both. She said that this is a
8 positive finding, so to stick a reasoning on the end that would be negative would be contradicting their
9 “adequate” and “adequate” statements.
10

11 Mr. Elwell said correct, he thinks going into 2b. is where the safety comes in.
12

13 Mr. Randol said that he thinks the “adequate” and “adequate” apply to normal traffic conditions. He said
14 they are not asking if there are adequate road conditions, traffic capacity, and all of that. He said that it is
15 your normal, everyday driving, but they are talking about a distraction for that normal traffic, and that is
16 what they are looking at. He said that it is a good road and there is a lot of traffic, so the road handles the
17 traffic that is there. He said that whenever people are taking their eyes off of the road to look at the sign
18 is when there is a problem, and at that point the highway does not have adequate traffic to handle that
19 capacity.
20

21 Mr. Burgstrom said that the traffic capacity is referring to traffic volumes and the interruption of the
22 creation of traffic from this particular use. She said it seems to her that the logical thing for this particular
23 finding, which they can agree or disagree with, would be to put “adequate” and “adequate” and put a
24 period after visibility; and take out the reasoning for this particular finding, because she thinks there are
25 other places where they can refer to what they are referring to.
26

27 Mr. Elwell said he agrees.
28

29 Mr. Elwell continued by reading item 2.b. in the Findings of Fact for Case 995-S-20, as follows:
30

31 **b. Emergency services availability is *{ADEQUATE/INADEQUATE}*.**
32

33 Mr. Randol said the emergency services are ADEQUATE. He said they can't sit here and say it's not,
34 because the fire department is a mile and half away and at that point they go two miles.
35

36 **c. The Special Use *{WILL/WILL NOT}* be compatible with adjacent uses because:**
37

38 Mr. Elwell said he knows that the parcels that are surrounding the interstate are B-3 and this would be
39 compatible if they are looking at those potential uses, but there are adjacent uses on the surrounding parcels
40 that are AG-1 to the north and the east.
41

42 Ms. Burgstrom said they told them in the previous case for the self-storage warehouses that the self-storage
43 warehouses were compatible with the adjacent uses, so now the question becomes if his sign structure is
44 compatible with adjacent uses.
45

46 Mr. Randol said the Special Use WILL NOT be compatible with adjacent uses because: everything around
47 that whole intersection on IL Route 47 is agriculture and this sign has nothing to do with agriculture. He
48 said that it is not going to have any effect on a house that is a half mile away.
49

1 **d. Surface and subsurface drainage will be *{ADEQUATE/INADEQUATE}* because:**
2

3 Mr. Randol said the surface and subsurface drainage will be ADEQUATE because: the Storm Water
4 Drainage Plan will be adequate, but the sign has nothing to do with stormwater drainage unless they put
5 it in the ditch or block the tile.
6

7 Mr. Elwell said he would like to add that a Stormwater Drainage Plan and a drainage basin will be
8 completed for the previous cases 977-S-20 and 979-V-20.
9

10 **e. Public safety will be *{ADEQUATE/INADEQUATE}* because:**
11

12 Ms. Lee said the public safety for the self-storage warehouses, as Mr. Randol had mentioned, has nothing
13 to do with the sign. She said that the sign is going to be a distraction, so it is a question of public safety,
14 whereas the self-storage warehouses are not that type of issue where people are going to be distracted by
15 looking at the structures as they would a sign.
16

17 Mr. Randol said another thing he would like to add is that the fire and rescue departments that would be
18 responding, if and when there are accidents there, then their lives are put in added danger whenever there
19 is distracted driving. He said it is a bad deal whenever they are involved with any type of an incident on a
20 highway, whether it be on an interstate, county, or township roads. He said that being there himself, he
21 can tell them that drivers pay no attention to what is going on, so if they have an issue where they have
22 emergency vehicles, then that is just one more problem for them.
23

24 Ms. Burgstrom asked if she was hearing inadequate, rather than adequate.
25

26 Mr. Elwell said he believes they said INADEQUATE, and if Ms. Burgstrom could add the 660 feet away
27 from the entrance to Interstate 72, he thinks that would be important to add.
28

29 Ms. Burgstrom asked Mr. Elwell what he wanted to say in regard to the distance to Interstate 72.
30

31 Mr. Elwell said that he has no problem with the size of sign with both sides; he thinks that only makes
32 sense. He said that his biggest concern is that they are going to have this sign within 660 to 700 feet of the
33 Interstate 72 entrance ramp.
34

35 Mr. Elwell read item 2.f. in the Findings of Fact for Case 995-S-20, as follows:
36

37 **f. The provisions for parking will be *{ADEQUATE/INADEQUATE}* because:**
38

39 Mr. Randol said the provisions for parking will be ADEQUATE because: as it says here, there are no
40 parking requirements for a sign.
41

42 Mr. Elwell said and, therefore.
43

44 Mr. Randol said that since there aren't any requirements for a sign, he said it would be inadequate.
45

46 Mr. Elwell said that it would be adequate for parking, correct.
47

48 Mr. Randol said correct.
49

1 Ms. Burgstrom said they have four statements that are favorable and two statements that are not favorable
2 for this part two.

3
4 Ms. Lee said the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED
5 HEREIN, is so designed, located, and proposed to be operated so that it WILL be injurious to the district
6 in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

7
8 Mr. Elwell said he would continue reading the Findings of Fact for Case 995-S-20 in Attachment D, page
9 25 of 30, in Supplemental Memo #3, as follows:

10
11 **3a. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
12 **IMPOSED HEREIN, {DOES/DOES NOT} conform to the applicable regulations and**
13 **standards of the DISTRICT in which it is located.**

14
15 Mr. Randol said the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
16 IMPOSED HEREIN, DOES NOT conform to the applicable regulations and standards of the DISTRICT
17 in which it is located because: if the sign conformed to the Ordinance, then the petitioner wouldn't have
18 to request variances.

19
20 Mr. Elwell said it only does not conform because of the two sign faces and not the total amount of sign
21 face square footage.

22
23 Mr. Randol said that is true, but it still doesn't conform.

24
25 Mr. Elwell said he thinks it is important to add that it's not the square footage that they are denying.

26
27 Ms. Burgstrom said as the Board knows, the Special Use is intertwined with the Variance Case since the
28 sign is the variance theme, and the sign is the second principal structure. She said the legal ad stated that
29 the Special Use Permit is subject to the Variance and vice versa, so the presumption is that this does
30 conform with the applicable regulations, because the variance will allow that if the variance is passed.

31
32 Mr. Elwell said then the requested Special Use Permit, subject to this SUBJECT TO THE SPECIAL
33 CONDITIONS IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the
34 DISTRICT in which it is located.

35
36 **3b. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
37 **IMPOSED HEREIN, {DOES/DOES NOT} preserve the essential character of the**
38 **DISTRICT in which it is located because:**

39 **a. The Special Use will be designed to {CONFORM/NOT CONFORM} to all relevant**
40 **County ordinances and codes.**

41
42 **b. The Special Use {WILL/WILL NOT} be compatible with adjacent uses.**

43
44 **c. Public safety will be {ADEQUATE/INADEQUATE}.**

45
46 Ms. Burgstrom said with statement 3a. being DOES, then that makes 3b. part a., CONFORM. She said
47 with part b., with compatibility as mentioned above that it WILL NOT, so therefore statement 3b. part b.
48 should be WILL NOT. She said that public safety above was INADEQUATE, so it would be
49 INADEQUATE again.

1 Mr. Elwell said did they agree that the public safety would be inadequate or adequate.

2
3 Mr. Elwell said that 3b. would be the requested Special Use Permit SUBJECT TO THE SPECIAL
4 CONDITIONS IMPOSED HEREIN, DOES NOT preserve the essential character of the DISTRICT in
5 which it is located, is that what he understood.

6
7 Ms. Lee asked if he said does not.

8
9 Mr. Elwell said correct, does not.

10
11 Mr. Wood said two out of three would suggest that they only have one positive finding.

12
13 **4. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**
14 **HEREIN, {IS/IS NOT} in harmony with the general purpose and intent of the Ordinance**
15 **because:**

16 **a. The Special Use is authorized in the District.**

17
18 **b. The requested Special Use Permit {IS/IS NOT} necessary for the public convenience**
19 **at this location.**

20
21 Ms. Lee said the requested Special Use Permit IS NOT necessary for the public convenience at this
22 location because: it was said at the very beginning.

23
24 **c. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
25 **IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it**
26 **{WILL/WILL NOT} be injurious to the district in which it shall be located or otherwise**
27 **detrimental to the public health, safety, and welfare.**

28
29 Mr. Wood said the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
30 IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL be injurious to
31 the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare
32 because: it would have to be WILL to agree with their previous statements.

33
34 **d. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
35 **IMPOSED HEREIN, {DOES/DOES NOT} preserve the essential character of the**
36 **DISTRICT in which it is located.**

37
38 Mr. Wood said the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
39 IMPOSED HEREIN, DOES NOT preserve the essential character of the DISTRICT in which it is located
40 because: it has to be DOES NOT to agree with 3b.

41
42 **5. The requested Special Use IS NOT an existing nonconforming use.**

43
44 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and the
45 Finding of Fact for Case 995-S-20, as amended.

46 **Mr. Randol moved, seconded by Mr. Wood, to adopt the Summary of Evidence, Documents of**
47 **Record, and the Findings of Fact for Case 995-S-20, as amended.**

1 Ms. Burgstrom asked if they had summarized item 4. after going through parts a. through d.

2

3 Ms. Lee said she thought Mr. Elwell did say that.

4

5 Ms. Burgstrom asked what the response was.

6

7 Ms. Lee said the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED
8 HEREIN, IS NOT in harmony with the general purpose and intent of the Ordinance.

9

10 Mr. Elwell said correct.

11

12 Ms. Burgstrom said thank you.

13

14 Mr. Elwell said they had a motion on the table, then called for a voice vote.

15

16 Hearing conflicting responses from the voice vote, Ms. Burgstrom suggested they do a voice vote again.

17

18 Mr. Elwell said the motion on the table is to adopt the Summary of Evidence, Documents of Record, and
19 the Findings of Fact for Case 995-S-20, as amended.

20

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

22

23 Mr. Elwell entertained a motion to move to the Final Determination for Case 995-S-20.

24

25 Ms. Burgstrom said with these combined cases, they have the Summary Findings of Fact for Case 995-S-
26 20, which they just finished. She said they have the Findings of Fact for the variance case, and then they
27 have the Final Determinations.

28

29 Mr. Elwell said for 996-V-20.

30

31 Ms. Burgstrom said yes.

32

33 Mr. Elwell said he would be reading the Findings of Fact for Case 996-V-20 in Attachment D, page 27 of
34 30, in Supplemental Memo #3, as follows:

35

36 **FINDINGS OF FACT FOR CASE 996-V-20**

37 From the documents of record and the testimony and exhibits received at the public hearing for zoning
38 case **996-V-20** held on **January 28, 2021, March 25, 2021, May 27, 2021, and July 15, 2021**, the
39 Zoning Board of Appeals of Champaign County finds that:

- 40 **1. Special conditions and circumstances {DO/DO NOT} exist which are peculiar to the land or**
- 41 **structure involved, which are not applicable to other similarly situated land and structures**
- 42 **elsewhere in the same district because:**

43

44 Ms. Lee said the Special conditions and circumstances DO NOT exist which are peculiar to the land or
45 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
46 the same district because: the location of the sign being close to the entrance of the freeway is a major
47 concern.

48

1 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**
 2 **sought to be varied {WILL/WILL NOT} prevent reasonable or otherwise permitted use of**
 3 **the land or structure or construction because:**
 4

5 Mr. Wood said the practical difficulties or hardships created by carrying out the strict letter of the
 6 regulations sought to be varied WILL NOT prevent reasonable or otherwise permitted use of the land or
 7 structure or construction because: it really has nothing to do with the original proposed warehouses that
 8 were approved there already. He said that it is an additional business and the issues that have already been
 9 stated here tonight would suggest that the proposed sign would be a problem from a safety perspective.

10
 11 **3. The special conditions, circumstances, hardships, or practical difficulties {DO/DO NOT}**
 12 **result from actions of the applicant because:**
 13

14 Mr. Randol said the special conditions, circumstances, hardships, or practical difficulties DO result from
 15 actions of the applicant because: the requested variances for the proposed sign have to meet the
 16 requirements to be in compliant with the Ordinance.

17
 18 Mr. Elwell asked if it was the location of the sign or was it the two-faced sign.

19
 20 Mr. Randol said the location of the sign.

21
 22 Ms. Burgstrom asked him to complete the sentence.

23
 24 Mr. Randol said he could not hear her.

25
 26 Ms. Burgstrom said that she is looking for one sentence that says why the conditions do result from the
 27 actions of the applicant. She said she is hearing a few different things, but she would like just one or two
 28 sentences.

29
 30 Mr. Randol the special conditions, circumstances, hardships, or practical difficulties DO result from
 31 actions of the applicant because: the problem is the location of the sign.

32
 33 Mr. Elwell said the front yard and setback.

34
 35 Mr. Randol said right, the distances for setbacks are not following the requirements of the Ordinance.

36
 37 **4. The requested variance {IS/IS NOT} in harmony with the general purpose and intent of the**
 38 **Ordinance because:**
 39

40 Mr. Elwell said the requested variance IS in harmony with the general purpose and intent of the Ordinance
 41 because: from what they have discussed this evening, he does not think that the traffic volumes would
 42 increase, there wouldn't be an impact to parking, and there wouldn't be any worsening of storm water
 43 runoff or drainage, however, he does believe there are public safety concerns at this particular location.

44
 45 **5. The requested variance {WILL/WILL NOT} be injurious to the neighborhood or otherwise**
 46 **detrimental to the public health, safety, or welfare because:**
 47

48 Mr. Randol said the requested variance WILL be injurious to the neighborhood or otherwise detrimental
 49 to the public health, safety, or welfare because: the increased potential for safety, accidents, distracted

1 driving, and the sign would have no effect on oncoming traffic from County Road 1675 North; the
2 concerns deal strictly with IL Route 47.

3
4 **6. The requested variance {IS/IS NOT} the minimum variation that will make possible the**
5 **reasonable use of the land/structure because:**

6
7 Mr. Randol said the requested variance IS NOT the minimum variation that will make possible the
8 reasonable use of the land/structure because: a different location and smaller sign could be adapted.

9
10 Ms. Burgstrom said that the size of the sign was not in question here.

11
12 Mr. Randol said true.

13
14 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and the
15 Findings of Fact for Case 996-V-20, as amended.

16
17 **Mr. Wood moved, seconded by Mr. Randol, to adopt the Summary of Evidence, Documents of**
18 **Record, and the Findings of Fact for Case 996-V-20, as amended.**

19
20 Mr. Anderson said that he would like to make a comment in regard to that decision. He said thus far, they
21 have assumed that every time a driver passes that sign, he or she is distracted, and will read the sign. He
22 said that his experience as a driver and as a human being is once he has seen the sign, the next time he
23 drives by the sign he may or may not pay attention to it. He said unless the sign is moving or changing its
24 message, the driver won't be distracted by the sign after the first or second time driving by it. He said
25 these are based on the premise that people are inherently distracted by signs that are not moving, the same
26 message is displayed every day, and he can't believe that this signage will cause accidents even if it is
27 close to Interstate 72.

28
29 Mr. Randol told Mr. Anderson that the whole issue of wanting the sign in the first place was to tell people
30 that are not familiar with the area what is available. He said everybody that is familiar with the area, which
31 he agrees they might read the sign once, but for the most part they are not going to pay attention to it. He
32 said that the people that travel those highways that are not local, those are the people that are going to be
33 distracted by the sign. He said that people come off of Interstate 72 to go to Mahomet all the time to go
34 visiting who are not familiar with the area.

35
36 Mr. Anderson said that during the busy traffic times, how many people travel from Mahomet to the
37 intersection and look at the sign. He said that is an assumption that Mr. Randol is making, that everybody
38 is a new passenger, and everybody is curious to read signs every day.

39
40 Mr. Elwell asked Mr. Anderson if he would agree that the purpose of an efficient sign is to communicate,
41 whoever is advertising, to the people that are traveling north and south on IL Route 47.

42
43 Mr. Anderson said yes.

44
45 Mr. Elwell said that if they had an efficient sign and want to garner the attention from the driver and/or
46 the passenger in the vehicle, correct.

47
48 Mr. Anderson said if they changed it every week.

1 Mr. Elwell said just the definition of an efficient sign.

2

3 Mr. Anderson said he doesn't know what an efficient sign is.

4

5 Mr. Elwell said that the reason that he wants to put the sign there is because someone is going to pay to
6 have their message put on that sign. He said that they are paying for that message to be conveyed to the
7 drivers along IL Route 47, correct.

8

9 Mr. Anderson said correct. He said he knows people that live out by there and that travel that intersection
10 every day, and they are not going to read this sign after the third day.

11

12 Mr. Elwell said if they don't read this sign, then the money that is being used to advertise on that sign is
13 not being spent very well.

14

15 Mr. Anderson said he is not saying that no one will read it, but he doesn't believe that drivers will read it
16 every time they go by that intersection and be distracted by it.

17

18 Mr. Elwell asked the Board if there was any further discussion. He said that they do have a motion and
19 requested a voice vote.

20

21 Mr. Wood said the motion is to adopt the Summary of Evidence, Documents of Record, and the Finding
22 of Fact for Case 996-V-20.

23

24 Mr. Elwell said as amended.

25

26 Mr. Wood said as amended.

27

28 Mr. Elwell said correct, and the motion was already seconded.

29

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

31

32 Mr. Elwell entertained a motion to move to the Final Determination for Case 995-S-20.

33

34 **Mr. Randol moved, seconded by Mr. Wood, to move to the Final Determination for Case 995-S-20.**

35

36 Mr. Elwell said he needs to do a roll call vote, but he needs to read it. He said he was just trying to figure
37 out if they had a full Board, which they do.

38

39 Mr. Elwell told Mr. Kimball that he would be reading from Attachment D, page 29 of 30.

40

41 Ms. Burgstrom said to hang on a second, sorry, he had a seconded motion, but she doesn't think they had
42 the voice vote on whether they are going to the Final Determination for Case 995-S-20.

43

44 Mr. Elwell called for a voice vote.

45

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

47

48 Mr. Elwell said he would be reading the Final Determination for Case 995-S-20 from Attachment D, page
49 29 of 30 in Supplemental Memo #3, as follows:

FINAL DETERMINATION FOR CASE 995-S-20

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

The Special Use requested in Case 995-S-20 is hereby GRANTED WITH SPECIAL CONDITIONS to the applicants, Adam & Jodi Kimball, to authorize the following:

Authorize multiple principal structures on the same lot consisting of self-storage warehouses previously authorized in Cases 977-S-20 and 979-V-20 and a sign structure with two off-premises freestanding advertising signs as a Special Use in the B-3 Highway Business Zoning District, subject to approval of the variances requested in related Case 996-V-20.

Ms. Lee moved that the Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, the requirements of Section 9.1.11B. for approval HAVE NOT been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that: the Special Use requested in Case 995-S-20 is hereby DENIED to the applicants, Adam & Jodi Kimball.

Mr. Elwell asked Ms. Burgstrom if they could have an off-premises freestanding advertising or a two-sided off-premises freestanding advertising sign as a Special Use in B-3 Highway Business Zoning District.

Ms. Burgstrom asked him if they were to vote in favor of this case.

Mr. Elwell said yes.

Ms. Burgstrom said if they voted in favor of this case, they could have the two off-premises freestanding signs, but they would have to vote in favor of the variance that at least allows two sign faces. She said they need that aspect of the Variance Case at the minimum to have this case pass, so in this case let's say they vote in favor of allowing two sign faces here. She said as long as the variance passes with those two sign faces that doesn't include the setback or front yard, then this can pass.

Mr. Elwell said that he was okay with having the two sign faces but not the proposed location.

Ms. Burgstrom said yes, that could be the way that the variance goes and so they could do that.

Mr. Elwell said okay. He asked Ms. Lee if she could be okay with the two off-premises freestanding advertising signs.

Ms. Lee said no.

Mr. Elwell added as long as they meet the 300 square feet.

Ms. Lee said that the 300 square feet is not the issue in this case, because they don't exceed the 300 square feet. She said they are dealing with other issues other than the 300 square feet.

1 Mr. Elwell asked if the petitioner found a different location for this sign, would she be okay with the
2 petitioner being able to come back.

3
4 Ms. Lee said that is not what is before them tonight. She said they have a definite location and that is what
5 they are voting on.

6
7 Ms. Burgstrom said that if they have a variance where they deny the setback and front yard, that signifies
8 that they are not allowing it to be on IL Route 47. She said if they approve the Variance and the Special
9 Use Permit for two sign faces, then they are allowing a two-sided structure that is otherwise fully
10 compliant with the Zoning Ordinance to be allow on this property.

11
12 Ms. Lee said that is not what the language says that they have before them. She said it says, "Authorize
13 multiple principal structures on the same lot consisting of self-storage warehouses previously authorized
14 in Cases 977-S-20 and 979-V-20 and a sign structure."

15
16 Ms. Burgstrom said correct.

17
18 Mr. Elwell said the two primary structures are the warehouse storage and the sign.

19
20 Ms. Lee said that the sign is in the same location and asking her if it was in a different location is not what
21 they are voting on tonight. She said they are voting on it being where the self-storage warehouses are, not
22 someplace else.

23
24 Ms. Burgstrom asked Mr. Elwell that when he said other location, was he signifying on the property, but
25 in some other position on the property.

26
27 Mr. Elwell said correct.

28
29 Ms. Burgstrom said that Mr. Elwell is asking if Ms. Lee would allow a sign structure with two sign faces
30 on the property to allow the Special Use, but that would otherwise have to make it compliant with Zoning
31 Ordinance.

32
33 Ms. Lee said that the testimony is that they have a specific location where the proposed sign is.

34
35 Mr. Elwell said he understands that, and he is not in favor of where Mr. Kimball wants to put the proposed
36 sign. He said he doesn't want to tell him that he can't have a sign, he just doesn't think this is the most
37 prudent place to put the sign. He said if Mr. Kimball comes back and says that this is a better place for a
38 sign and it is still on this parcel and having two principal structures, that negates the security or the public
39 safety aspect that the Board was concerned with. He said he doesn't want to tell him that he can't do that,
40 and to his knowledge that is what they are saying right now is no to two principal structures.

41
42 Ms. Burgstrom said correct.

43
44 Mr. Elwell told Ms. Lee that he is in agreement with her, but he also doesn't want to tell the petitioner that
45 he can't have a sign. He said he doesn't want to see where it is and it may be one of those things to where
46 it is not feasible, but he doesn't want to tell him no, that he can't have the sign on that parcel. He said that
47 he prefers the sign not to be in that location.

48
49

1 Ms. Burgstrom said if the Board is okay with Mr. Kimball having a sign structure as the second principal
2 use, this is the place to vote yes, or if they are not okay with having a second principal structure then they
3 vote no on this. She said there are still choices to be had in the variance if they do allow this sign structure
4 to be the second principal use.

5
6 Mr. Elwell said correct, he asked Ms. Lee if that made sense.

7
8 Ms. Lee said that what Ms. Burgstrom is saying is if they do not want to allow two off-premises
9 freestanding advertising signs, they have to say that the requirements have not been met and that the sign
10 be denied, correct.

11
12 Ms. Burgstrom said yes, if they do not want the sign to be there at all or anywhere on the property, then
13 they can vote no on this, that the requirements have not been met.

14
15 Mr. Elwell said that to his knowledge, and correct him if he is wrong, this is for if he can have a sign; not
16 at this particular location that is going to come up in Case 996-V-20.

17
18 Mr. Wood said that is for 995-S-20; for 996-V-20 they would have to make the decision about whether or
19 not they allow the variance for the sign to be at the proposed location.

20
21 Ms. Burgstrom and Mr. Elwell said correct.

22
23 Mr. Elwell said that the location is in 996-V-20.

24
25 Mr. Wood said yes.

26
27 Mr. Elwell said that just to have the sign is in 995-S-20.

28
29 Mr. Wood said he would agree with that.

30
31 **Mr. Wood moved that the Champaign County Zoning Board of Appeals finds that, based upon the**
32 **application, testimony, and other evidence received in this case, the requirements of Section 9.1.11B.**
33 **for approval HAVE been met, and pursuant to the authority granted by Section 9.1.6 B. of the**
34 **Champaign County Zoning Ordinance, determines that: the Special Use requested in Case 995-S-**
35 **20 is hereby GRANTED WITH SPECIAL CONDITIONS to the applicants, Adam & Jodi Kimball.**

36
37 Mr. Elwell said thank you.

38
39 Ms. Burgstrom asked if that was a motion.

40
41 Mr. Elwell asked if he could have a second.

42
43 Mr. Wood said Ms. Lee still had a motion on the floor.

44
45 **Ms. Lee said she would withdraw her motion.**

46
47 Mr. Elwell said thank you. He said that Mr. Wood had a motion to say HAVE been met and is GRANTED
48 WITH SPECIAL CONDITIONS. He asked if he could have a second motion.

49

1 Mr. Wood said yes.

2

3 **Mr. Randol seconded the motion.**

4

5 Mr. Elwell requested a roll call vote.

6

7 The vote was called as follows:

8	Lee- no	Randol- no	Roberts- yes
9	Anderson- yes	Elwell- yes	Wood - yes

10

11 **The motion passed.**

12

13 Ms. Lee asked if they needed a motion to go to the Final Determination for Case 996-V-20.

14

15 Mr. Elwell said yes.

16

17 **Ms. Lee moved, seconded by Mr. Wood, to move to the Final Determination for Case 996-V-20. The motion carried by voice vote.**

18

19
20 Mr. Elwell said that he would be reading the Final Determination for Case 996-V-20 from Attachment D, page 30 of 30 in Supplemental Memo #3, as follows:

21

22

23 **FINAL DETERMINATION FOR CASE 996-V-20**

24 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/HAVE NOT}* 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:

25

26
27 **The Variance requested in Case 996-V-20 is hereby *{GRANTED, GRANTED WITH SPECIAL CONDITIONS/DENIED}* to the applicants, Adam & Jodi Kimball, to authorize the following:**

28

29
30 **Authorize the following variances for the Special Use Permit requested in related Zoning Case 995-S-20 for proposed off-premises signs in the B-3 Highway Business Zoning District, per Section 7.3.5 of the Zoning Ordinance:**

31

32
33
34
35 Ms. Burgstrom said the Board can feel free to take these variance parts one at a time. She said they are welcome to do a roll call vote on Part A and Part B, because like they said, Part A is only for allowing two sign faces instead of one, and Part B is for that setback and front yard, so that is the location aspect.

36

37
38 Mr. Elwell read Part A as follows:

39

40
41 **Part A: A variance for two off-premises freestanding advertising signs on one sign structure on one frontage in lieu of the maximum allowed one off-premises sign per frontage.**

42

43
44 Mr. Elwell requested a roll call vote.

45

46
47 The vote was called as follows:

48	Lee- no	Randol- no	Roberts- yes
49	Anderson- yes	Elwell- yes	Wood – yes

1 **The motion passed.**

2

3 Mr. Elwell read Part B as follows:

4

5 **Part B: A variance for two off-premises freestanding advertising signs on one sign**
6 **structure with a setback of 71 feet from the street centerline of IL Route 47 and a**
7 **front yard of 22 feet, in lieu of the minimum required setback of 85 feet and front**
8 **yard of 35 feet along a State highway.**

9

10 Mr. Elwell requested a roll call vote.

11

12 The vote was called as follows:

13	Lee- no	Randol- no	Roberts- yes
14	Anderson- yes	Elwell- no	Wood – no

15

16 **The motion failed.**

17

18 **Mr. Elwell said that from the Final Determination in Case 996-V-20, they did affirm that Mr.**
19 **Kimball could have the sign, but he could not have it with those setbacks. He asked him if that**
20 **made sense.**

21

22 **Ms. Burgstrom said he can do the two sign faces.**

23

24 Mr. Kimball said yes and thanked them.

25

26 Ms. Burgstrom thanked him for his time and said she would be in touch about next steps.

27

28 Mr. Kimball said thank you and thanked everyone for their time. He said he knows they have had a few
29 meetings here and he really appreciates everyone. He said a big shout out to Ms. Burgstrom for all her
30 work on these packets and timely responses, so thank you.

31

32 Mr. Elwell said he also wanted to thank him, he took a lot of their recommendations and there was a lot
33 of growth from the first meeting to this meeting, so that is greatly appreciated.

34

35 Mr. Elwell asked if he could have a motion for a 7-minute recess.

36

37 **Mr. Roberts moved, seconded by Mr. Wood, to have a 7-minute recess until 8:21 pm. The motion**
38 **carried by voice vote.**

39

40 Mr. Elwell called the meeting back to order at 8:21 p.m.

41

42 Mr. Elwell said Case 013-V-21 is a Variance Case. He asked if they would entertain opening Case 013-
43 V-21 next instead of Case 012-S-21 and 017-V-21.

44

45 **Ms. Lee moved, seconded by Mr. Wood, to hear Case 013-V-21 next. The motion carried by voice**
46 **vote.**

47

48

49

1 **Case 013-V-21**

2 Petitioner: **Michael Royse, via agent Collin Carlier**

3 Request: **Authorize the following variance in the R-1 Single Family Residence Zoning District:**
4 **Part A: Authorize a variance for an existing residence and proposed additions to**
5 **have a lot coverage of 42% in lieu of the maximum allowed 30%, per Section 5.3 of**
6 **the Zoning Ordinance.**

7
8 **Part B: Authorize a variance for an existing non-conforming residence with a side**
9 **yard of 7 feet 7 and one-half inches in lieu of the minimum required 8 feet, per**
10 **Section 5.3, Footnote 8 of the Zoning Ordinance.**

11
12 Location: **Lot 38 of Maynard Lake 1st Subdivision in Section 21, Champaign Township, and**
13 **commonly known as the residence with an address of 1926 Maynard Drive, Champaign.**

14
15 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
16 the witness register for that public hearing. He reminded the audience that when they sign the witness
17 register, they are signing an oath.

18
19 Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County allows
20 anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a
21 show of hands or a verbal indication from those who would like to cross-examine, and each person will
22 be called upon. He said that those who desire to cross-examine will be asked to clearly state their name
23 before asking any questions. He noted that no new testimony is to be given during the cross-examination.
24 He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross-
25 examination. He asked if the petitioner would like to outline the nature of their request prior to introducing
26 evidence.

27
28 Mike Royse stated he lives at 1926 Maynard Drive in Champaign. He said that he and his wife have lived
29 in Maynard Lake Subdivision for almost 15 years now. He said that this is their second home in Maynard
30 Lake, and they have downsized to a more modest home. He said they would like to put a screened-in porch
31 on the house, and they had prepared to shore up the lake frontage to keep the lot from getting smaller,
32 which tends to happen over time. He said that they were excited about it and they collaborated with their
33 neighbors, of which two of them had improved their lots as well. He said one neighbor used the same
34 contractor that they had used on their frontage. He said as they were getting a permit for the architectural
35 components, they were surprised that the surveyed lot wasn't as large as they had thought it was. He said
36 that the percentage of the roof space that the porch they are adding came out much bigger and would
37 require a variance also. He said that their house is one of the very first houses built in Maynard Lake
38 Subdivision before the Zoning Ordinance had come into effect. He said it turns out it is not in compliance
39 with the Zoning Ordinance, and if it were to burn down or something, they would love to replace it; they
40 are here to seek permission.

41
42 Mr. Elwell thanked Mr. Royse and asked if there were any questions from the Board.

43
44 Mr. Anderson said he understands that the house, porch, and all structures would consume 43 percent of
45 the overall lot coverage. He said this doesn't surprise him, because Maynard Lake Subdivision houses are
46 very large and consume around half of the overall lots. He said that he used to live over on Cameron Drive
47 quite a few years ago and he watched Maynard Lake Subdivision grow. He said that they are big, beautiful
48 houses on a lovely lake, and he applauds them for making things more useable and beautiful.

49

1 Mr. Royse said thank you.
2
3 Mr. Elwell asked how much of the prep had already been done.
4
5 Mr. Royse asked what he meant by prep.
6
7 Mr. Elwell asked if the Board said absolutely not, they are not going to approve this to happen, what
8 damages would he have already incurred.
9
10 Mr. Royse said that they had already gone ahead and poured the foundations for a porch and a patio. He
11 said that they have not done any work other than with their very talented architect. He said that he doesn't
12 know that they would be damaged, but they would be disappointed.
13
14 Mr. Elwell said that pouring concrete is pretty expensive.
15
16 Mr. Royse said that it is, except that it doesn't go away. He said that they plan to live there forever, and
17 they thought that they better do a good job. He said that decks fall in and this isn't going to move; he
18 doesn't think they would have put the three-and-half foot deep footings underneath if they weren't
19 planning to build a structure holding a roof, and that would be wasted.
20
21 Mr. Elwell said that he is saying this to help the Board have some evidence for later on in the case.
22
23 Mr. Royse said he sees.
24
25 Mr. Elwell said he hopes that makes sense, and asked if there were any other questions from the Board.
26
27 Mr. Randol said that basically if he doesn't do these improvements, then he is going to slowly start losing
28 land by Maynard Lake taking it over.
29
30 Mr. Royse said no, the part that they are here for is a variance on the roof. He said that they had already
31 put in the lake improvements and it's not going anywhere, but yes that was the reason for putting all that
32 concrete in, theirs and his neighbors' lots.
33
34 Mr. Elwell asked if there were any other questions from the Board or Staff.
35
36 Mr. Elwell asked Ms. Burgstrom if 42 percent was unheard of in these types of cases. He said what would
37 be, in a reasonable person's mind, "unheard of."
38
39 Ms. Burgstrom said that the Board historically has approved greater lot coverages and she thinks they
40 have seen that in Wilbur Heights Subdivision, for example, with the Eastern Prairie Fire Station. She said
41 that the variance that was approved for that lot coverage was, well that is an Industrial District, so that is
42 different. She said they do see a lot of lot coverages that are larger than what Mr. Royse is asking for here.
43
44 Mr. Elwell said that they have approved larger percentages.
45
46 Ms. Burgstrom said yes.
47
48 Mr. Elwell said okay and thank you.
49

1 Mr. Wood said that he thinks the real issue here is the fact that it was out of compliance once the Zoning
2 Ordinance went into effect. He said he thinks that Mr. Royse’s point here is if something dramatic
3 happened to the house, he wouldn’t be able to replace it.
4

5 Ms. Burgstrom said yes, that is correct. She said that the house without the additions was already at 33
6 percent overall lot coverage and then they added in the little part about Maynard Lake taking up more of
7 the lot over time. She said that it is a pretty unique situation in that way, but the overall lot coverage that
8 staff is estimating based on what Maynard Lake has submerged of the lot is 42 percent.
9

10 Mr. Elwell asked if there were any other questions from the Board and staff. Seeing none, he informed
11 the public that anyone wanting to cross-examine the witness should raise their hand at this time. Seeing
12 none, he asked if anyone else would like to testify in this case, and he saw no one.
13

14 Ms. Burgstrom said that she received a complaint and she had already made the petitioner aware of this
15 last week. She said that the complaint was they have had cement trucks all summer in and out and they
16 think that there is too much concrete on the property. She said that they were concerned that an asphalt
17 company was brought in rather than a retaining wall company to do the retaining wall, which does not
18 deal with this particular variance of course, because it’s not about the retaining wall. She said that they
19 thought that property values could be reduced with all the concrete and for disregarding the legal
20 allowances from the Zoning Ordinance. She said that this was a neighbor, but since she didn’t ask
21 permission to identify them, she has to leave it anonymous.
22

23 Mr. Elwell said thank you. He asked how the Board would like to proceed.
24

25 **Mr. Randol moved, seconded by Mr. Roberts, to accept the Preliminary Draft, Documents of**
26 **Record, and move to the Findings of Fact for Case 013-V-21. The motion carried by voice vote.**
27

28 Mr. Elwell informed the audience that he was closing the Witness Register for Case 013-V-21.
29

30 Mr. Elwell said that he would be reading the Findings of Fact for Case 013-V-21 from Attachment F, page
31 10 of 12 in the Preliminary Draft, as follows:
32

33 **FINDINGS OF FACT FOR CASE 013-V-21**

34 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
35 **013-V-21** held on **July 15, 2021**, the Zoning Board of Appeals of Champaign County finds that:
36

- 37 **1. Special conditions and circumstances {DO/DO NOT} exist which are peculiar to the land or**
38 **structure involved, which are not applicable to other similarly situated land and structures**
39 **elsewhere in the same district because:**
40

41 Mr. Randol said the special conditions and circumstances DO exist which are peculiar to the land or
42 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
43 the same district because: the residence was constructed prior to the Zoning Ordinance and the lot size
44 required then was less than required now. He said that over time, the lot has shrunk due to Maynard Lake,
45 so there is less square footage available for construction.
46

47 Mr. Elwell asked Ms. Burgstrom if they could also add that the house right now sets at 33.8 percent, which
48 is greater than the overall allowed lot coverage of 30 percent.
49

1 Ms. Burgstrom said yes, but it actually already says that under Part 1.a. in the draft finding, the second
2 part of the sentence.

3

4 Mr. Elwell said okay, correct.

5

6 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**
7 **sought to be varied {WILL/WILL NOT} prevent reasonable or otherwise permitted use of**
8 **the land or structure or construction because:**

9

10 Mr. Wood said the practical difficulties or hardships created by carrying out the strict letter of the
11 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
12 structure or construction because: without the proposed variance Part A for lot coverage, the petitioner
13 would not be able to add onto the house, because the original house is nonconforming and could not be
14 reconstructed if the house was destroyed by any means to an extent of more than 50 percent of its
15 replacement cost. He said that without the proposed variance for Part B on the side yard, because the
16 original house is nonconforming, that also means the petitioner could not reconstruct the house should it
17 be destroyed as it exists today.

18

19 **3. The special conditions, circumstances, hardships, or practical difficulties {DO/DO NOT}**
20 **result from actions of the applicant because:**

21

22 Mr. Wood said the special conditions, circumstances, hardships, or practical difficulties DO NOT result
23 from actions of the applicant because: the house was constructed prior to the Zoning Ordinance and in
24 addition to that, the petitioner has only been in the house for the last 15 years, so it has been that way for
25 quite a bit longer than his ownership.

26

27 **4. The requested variance IS in harmony with the general purpose and intent of the Ordinance**
28 **because:**

29

30 Mr. Randol said the requested variance IS in harmony with the general purpose and intent of the Ordinance
31 because: the requested variance for the lot size is 40 percent over the maximum allowed. He said the
32 requested side yard is five percent less, and there is adequate light and air on the property with the
33 lakefront. He said the nearest structure on adjacent property to the south is about ten feet away.

34

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

37

38 Mr. Wood said the requested variance WILL NOT be injurious to the neighborhood or otherwise
39 detrimental to the public health, safety, or welfare because: relevant jurisdictions have been notified of the
40 variance, and they haven't received any comments.

41

42 **6. The requested variance IS the minimum variation that will make possible the reasonable use**
43 **of the land/structure because:**

44

45 Mr. Wood said the requested variance IS the minimum variation that will make possible the reasonable
46 use of the land/structure because: the existing house can't be reduced to meet the side yard and lot coverage
47 requirements.

48

49 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and the

1 Findings of Fact for Case 013-V-21, as amended.

2

3 **Ms. Lee moved to adopt the Summary of Evidence, Documents of Record, and the Findings of Fact**
4 **for Case 013-V-21, as amended.**

5

6 Mr. Randol said that they probably should put in the Documents of Record that there was an anonymous
7 complaint about the lot area being covered with concrete. He said that would have no effect on the
8 stormwater drainage, because all the direct water drainage will be going into Maynard Lake.

9

10 Mr. Elwell asked Mr. Randol how they know that. He said that he agrees with him, especially with the
11 lake right there, because the water is probably going to flow into the lake.

12

13 Mr. Randol said that being familiar with the lay of the land there, the drainage surface water all goes to
14 the lake when it doesn't soak into the ground.

15

16 Mr. Elwell asked if they could say that the drainage would be adequate.

17

18 Ms. Burgstrom asked where he wanted to put that evidence. She said that they could put it under item one
19 in the Findings of Fact.

20

21 Mr. Elwell asked if they could say that.

22

23 Ms. Burgstrom said it is a Finding of Fact, so is that an opinion or a fact.

24

25 Mr. Elwell said that he personally thought it was an opinion.

26

27 Mr. Randol said that if it is not a concern with anybody, then he is not going to worry about it. He said he
28 is going by other issues where stormwater drainage runoff for the area that is covered has been a concern.

29

30 Mr. Elwell said that he agrees 100 percent with him, but he thinks it's an opinion and not a fact.

31

32 Mr. Elwell entertained a motion to adopt the Summary of Evidence and Documents of Record. He asked
33 if they could add the complaint, but how would that work since it was anonymous.

34

35 Ms. Burgstrom said that they do need to. She said she can add it saying that item four of the Documents
36 of Record would be a complaint received from a neighbor.

37

38 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and the
39 Findings of Fact for Case 013-V-21, as amended.

40

41 **Mr. Roberts moved, seconded by Ms. Lee, to adopt the Summary of Evidence, Documents of**
42 **Record, and the Findings of Fact for Case 013-V-21, as amended. The motion carried by voice vote.**

43

44 Mr. Elwell entertained a motion to move to the Final Determination for Case 013-V-21.

45 **Ms. Lee moved, seconded by Mr. Roberts, to move to the Final Determination for Case 013-V-21.**
46 **The motion carried by voice vote.**

47

48 Mr. Elwell said he would be reading the Final Determination for Case 013-V-21 from Attachment F, page
49 12 of 12 in the Preliminary Draft, as follows:

FINAL DETERMINATION FOR CASE 013-V-21

Ms. Lee moved, seconded by Mr. Randol, that the Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements 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 013-V-21 is hereby GRANTED to the petitioner, Michael Royse, to authorize the following variance in the R-1 Single Family Residence Zoning District:

Part A: Authorize a variance for an existing residence and proposed additions to have a lot coverage of 42% in lieu of the maximum allowed 30%, per Section 5.3 of the Zoning Ordinance.

Part B: Authorize a variance for an existing residence with a side yard of 7 feet 7 and one-half inches in lieu of the minimum required 8 feet, per Section 5.3, Footnote 8 of the Zoning Ordinance.

Mr. Elwell requested a roll call vote.

The vote was called as follows:

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

The motion passed.

Mr. Elwell congratulated Mr. Royse and told him they expect to have some really awesome pictures after everything is finished.

Mr. Royse said will do and thank you very much.

Petitioners: **Robert R. Smith II, via agent Steve Frank**

Request: **Case 012-S-21**
Authorize a Special Use Permit for multiple principal structures consisting of an existing office, two existing warehouses, an existing multi-tenant building, and a proposed multi-tenant building in the I-1 Light Industry Zoning District, subject to the variance in related Zoning Case 017-V-21.

Case 017-V-21
Authorize the following Variance for the Special Use Permit requested in related Zoning Case 012-S-21:

Authorize two principal structures with 8 feet of open space between them, in lieu of the minimum required 40 feet of open space in the I-1 Light Industry Zoning District, per Section 4.2.1 F.2.d of the Zoning Ordinance.

Location: **Two tracts of land comprising 15.2 acres located in the Northeast Corner of the South Half of the Southwest Quarter of Section 29, Township 20 North, Range 8 East of the**

1 **Third Principal Meridian in Hensley Township, and commonly known as the**
2 **TSI/Commercial Flooring Warehouse with an address of 3611 North Staley Road,**
3 **Champaign.**
4

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

9 Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County allows
10 anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a
11 show of hands or a verbal indication from those who would like to cross-examine, and each person will
12 be called upon. He said that those who desire to cross-examine will be asked to clearly state their name
13 before asking any questions. He noted that no new testimony is to be given during the cross-examination.
14 He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross-
15 examination. He asked if the petitioner would like to outline the nature of their request prior to introducing
16 evidence.
17

18 Steve Frank stated that he represents the owner, Mr. Robert Smith II, who is here tonight and can testify
19 and answer any questions that Board or Staff might have regarding the property.
20

21 Mr. Elwell asked if they could tell them about their project, they would greatly appreciate it.
22

23 Mr. Frank said that they first came to the P & Z Department in October 2020 to file for a building permit
24 to put up cold storage and they built a building out there. He said that they did their due diligence, and
25 they had the stormwater drainage done by Berns, Clancy and Associates. He said that they put in a metal
26 building that had 12,000 square feet with approximately three bays. He said that in the development of
27 that property, Mr. Smith found that there was a lot of interest in that area from potential tenants who
28 wanted to look at the building and know if he could possibly rent that building out to them. He said that
29 he found that a building that had both the industrial zoning and was a warehouse with offices was pretty
30 tough to come by. He said that they decided that they would come before the Board to ask for the Special
31 Use Permit so that they can change the nature of the building from cold storage into leased property. He
32 said that in that discussion with the architects and engineers, they found that they had enough room to
33 build another building. He said they thought that the optimal choice would be to come in and ask the
34 Board all at once rather than two separate times for both buildings. He said that what they would like to
35 do is convert the one building that is currently cold storage into lease space and build a second building
36 for lease space. He said that they redid the stormwater drainage and have submitted a modified stormwater
37 drainage plan to the P & Z Department to accommodate both buildings. He said that is where they are at,
38 at this point.
39

40 Mr. Elwell thanked him and asked if there were any questions from the Board.
41

42 Mr. Wood asked if there was a specific reason for the eight-foot separation between the two buildings as
43 opposed to extending the building.
44

45 Mr. Frank said that there is, because to the back of the property and west of the buildings they have a
46 lagoon out there that does all of their septic procedures, and with the lagoon they can't go further back.
47 He said with the stormwater drainage, there is a swale that runs through and there is a culvert, so if they
48 put the buildings further back, they would have the problem of cutting the size of the building if they
49 couldn't get the variance.

1 Mr. Wood said that his point was to just extend the original building that they already have there. He asked
2 if they need an eight-foot space to get through there.

3
4 Mr. Frank said that he would let Mr. Smith answer that question.

5
6 Mr. Robert Smith II stated that he lives at 4705 Chestnut Grove in Champaign and he owns TSI
7 Commercial Floor Covering and Advanced Commercial Roofing. He said to answer Mr. Woods question,
8 the thought process originally was to put the one building up for cold storage and then they put the building
9 up. He said secondly, they have had so much interest in that building that the structure already has the
10 four walls up. He said now it's time to go a little bit further and they were going to put a fire wall in
11 between the two structures. He said jumping ahead a little bit, they are looking for the right tenant, not a
12 stereo blaring type of tenant or an autobody type of tenant; they are looking for a light industrial tenant.
13 He said that today alone they had the company that is building the Interstate 57 and Interstate 74 ramp
14 interchange around The Atkins Group properties, they had stopped by and wanted to rent immediately.
15 He had told them that he couldn't rent until he had approval from the Board, and they had anticipation of
16 hoping that these cases would get approved. He said that they have an engineering firm that compliments
17 the buildings, which is Berns, Clancy and Associates and they basically check ponds, lakes, and they work
18 a lot with the University of Illinois. He said that in anticipation of these cases getting approved, they have
19 a small prominent construction company that built several of the assisted living centers here in town and
20 at other locations. He said that he had no idea when he put the cold storage up and quite frankly, they
21 don't need it right now. He said that COVID-19 has kicked his butt with everything, because they chase
22 commercial work and throughout COVID-19, a lot of their University work was shut down. He said that
23 people started knocking his door down, literally, the company came today that is building Interstate 57
24 and Interstate 74 ramp interchange, because they had heard that he wanted to do this project and they want
25 to rent from him. He said that is what has driven them to try to rent it and kind of help with the off-setting
26 of COVID-19 and the direction that they have gone. He said he hoped he didn't talk too much and
27 explained everything okay.

28
29 Ms. Burgstrom said that she just wanted to clarify, is there a reason why he didn't add on to that new
30 building instead of making that eight-foot separation. She said instead of having two buildings, why not
31 do just one building.

32
33 Mr. Smith said that the four walls are up on the first building already and to keep in mind that he was
34 asking for cold storage. He said that now he is looking at doing the project differently, so now he has to
35 start a new building and not attach to another building. He said that is what he is trying to say, and he
36 doesn't know if he made sense.

37
38 Ms. Burgstrom said thank you.

39
40 Mr. Smith said thank you.

41
42 Mr. Anderson said he had two questions, the first one is the sewage treatment lagoons off to the west of
43 his property. He asked what function those lagoons serve and how far along are these new buildings. He
44 said that he drove out there within the last day or two and they looked like they were up already. He said
45 that it is just not four walls, it's four walls and a roof.

46
47 Mr. Smith said yes, he is sorry, he should have clarified there are four walls and a roof. He asked if he
48 could take them back to the sewage lagoon. He said that the sewage lagoon purpose at their facility when
49 he purchased this property from Colwell Patterson, he believes was the company, back in August 1999,

1 maybe, no, he is losing track of when he bought it. He said that the building serviced a factory environment
2 out there. He said that there is no septic system out there and no city sewage. He said what that sewage
3 lagoon does is, basically it is like a small city, they designed that sewage lagoon for 600 to 1,000 people
4 to work in that building when it was Colwell. He said that they had a small restaurant inside the facility,
5 and they had to put a huge kitchen in for all of the tenants that were in there and that sewage lagoon took
6 care of all of the wants and needs of 600 to 1,000 people. He said that he was told that the capacity never
7 got up past 600 people; it is overkill for what they are using it for. He said that they probably will have 75
8 people in the building when they get done asking for their variance tonight.

9
10 Mr. Anderson asked if that was within Champaign County's codes, to have an open sewer like that.

11
12 Mr. Smith said yes, his sewage lagoon is monitored by the Environmental Protection Agency. He said that
13 they hired the individual that ran the sewage lagoon, Jim Bustard, who works at Parkland College. He said
14 he was the guy who ran it for Colwell and Patterson over the years, so when he bought the property, he
15 kind of went into panic mode to be honest with them. He said that he didn't realize what he was getting
16 himself into with a sewage lagoon that is the size of Homer, Philo, or Sidney. He said that he bought it
17 with his father-in-law and his attorney present, and his father-in-law walked out of the closing when he
18 heard they had a sewage lagoon and asked him what in the world they were going to do with that. He said
19 that he tried to hold the deal together with a panicking father-in-law and people in the closing. He said he
20 hired Jim Bustard and then he trained one of his Safety Directors to monitor and work with the EPA
21 closely on the sewage lagoon. He said believe him, he wishes that Champaign County or City of
22 Champaign would get sewage out to him, because it is a pain. He said that they monitor it and drive out
23 around it; it is a pretty complex and the size of it would remind the Board of Philo, Sidney, or Homer,
24 something of that nature.

25
26 Mr. Elwell said that it is kind of a crappy way to leave a closing.

27
28 Mr. Smith said yes, he had Mr. Frank at the closing and his father-in-law who is about 74 years old now.
29 He said that they bought the property 10 to 12 years ago, something like that, and he walked out of the
30 closing and Mr. Frank had to go settle his father-in-law down; he cleaned up the mess, no pun intended.
31 He said he hopes he gave a good enough excuse on his sewage lagoon.

32
33 Mr. Frank said that they are in compliance for the lagoon; they have a licensed operator. He said the EPA
34 he thinks has responded to Ms. Burgstrom, because she put in a Special Condition for having the County's
35 Public Health look at it, and they really don't have any jurisdiction over the it. He said that Public Health
36 responded back and said go back to the EPA, so the EPA has sent some emails back. He said that is really
37 not a matter that the Board has to worry about, because they are in total compliance and as Mr. Smith said,
38 they are so overbuilt as far as the lagoon itself. He said if it's a concern that these extra people that these
39 buildings would accommodate, it is not going to come anywhere close to what it can handle.

40
41 Mr. Randol said have no fear, the EPA will see that they operate it correctly.

42
43 Mr. Frank said that's for sure.

44
45 Mr. Elwell said the one question he has for Mr. Smith is with these buildings, do they anticipate any type
46 of fire apparatus having to visit; there shouldn't be any type of hindrances to a fire apparatus, Emergency
47 Medical Services, or anything like that, correct.

48
49 Mr. Smith said he is correct; he thinks that the Cornbelt Fire Department is the one that services the

1 property, and he thinks they are five or six miles out. He said that Champaign County Sheriff's Department
2 sits in the parking lot all night long, so they are pretty secure out there, and if they needed medics, they
3 probably have them in the parking lot.
4

5 Ms. Burgstrom said that she would like to go back to Mr. Anderson's second question, because they didn't
6 quite jump into that again. She said that he asked how much construction had already occurred, and she
7 knows that they have the permit in place for the first building that is already constructed. She said that last
8 time she was out there, eight feet to the west of the newly constructed building, there was a concrete
9 foundation for the proposed new building that will be contingent on this Special Use and Variance. She
10 asked Mr. Smith if anything else had been constructed on top of that foundation.
11

12 Mr. Smith said they had started the construction on top of the foundation.
13

14 Mr. Frank said and the fire wall between the two buildings.
15

16 Mr. Elwell asked Ms. Burgstrom if they had the parking that would meet the ADA guidelines needed for
17 the new offices.
18

19 Ms. Burgstrom said yes, she did a calculation of required parking per the Zoning Ordinance, and they
20 appear to have more than sufficient space out there, and the site plan includes quite a few accessible
21 parking spaces, which she believes are sufficient. She said because they are doing more than 50,000 dollars
22 of construction, the Illinois Accessibility Code comes into play and they have to have the signed and
23 sealed set of plans that will be reviewed as part of the Zoning Use Permit to ensure that there are sufficient
24 accessible spaces there. She said that they are fine for purposes of the Special Use Permit and the Variance.
25

26 Mr. Randol said that looking at the different plans for the warehouse space, he saw that they all just look
27 ground level, they don't have a need for any type of loading docks.
28

29 Mr. Smith said yes, for instance from the discussion today with the potential client that stopped by and
30 wants to rent one of buildings, it was a joint venture with a Chicago and Springfield, Illinois firm that is
31 putting in Interstate 57 and Interstate 74 ramp interchange. He said that they have no need for a loading
32 dock and all the other tenants that are waiting in line are perfectly fine with it, assuming that the Board
33 approves his variance. He said that it is light commercial, and what he would define as a good client for
34 him would be, since he is in the roofing business but heavily invested in the finishing business, so he
35 doesn't like junk and clutter, he can't stand it. He said that a perfect client for him that would want to
36 potentially move out there would be a small construction company that is going to build assisted living
37 centers, which he thinks they have five of them in this town, and an engineering firm that is professional.
38 He said he doesn't want what is going on in Bondville, Illinois, no disrespect; there is a lot of stuff back
39 behind the Circle K, but he's not sure what the business is presently. He said that his grandfather used to
40 own that corner right there and he sold it before he died, but back behind there is a lot of warehousing. He
41 said that he has driven back there and that is not what he is looking for; if they look at his place, it is A
42 grade, it's not C grade. He said that he is not trying to brag, but he is just trying to explain to them what
43 he is looking for.
44

45 Mr. Randol said thank you.
46

47 Mr. Elwell asked Ms. Burgstrom that for the I-1 Zoning District, they don't need a loading dock do they.
48

49 Ms. Burgstrom said no, they have sufficient loading berths with the existing buildings and new ones are

1 not required.

2
3 Mr. Elwell asked if there were any other questions from the Board or P & Z Staff. Seeing none, he
4 informed the public that anyone wanting to cross-examine the witness should raise their hand at this time.
5 Seeing none, he asked if anyone else would like to testify in this case. Seeing none, he informed everyone
6 he was closing the Witness Register.

7
8 **Mr. Randol moved, seconded by Mr. Roberts, to accept the Preliminary Draft, Documents of**
9 **Record, and move to the Findings of Fact for Cases 012-S-21 and 017-V-21.**

10
11 Mr. Wood said that they also need to do the Special Conditions.

12
13 Mr. Elwell said yes, let's do that first.

14
15 Mr. Randol asked Mr. Smith if he was going to have any ugly signs.

16
17 Mr. Frank said no two-sided signs.

18
19 Mr. Smith said absolutely not.

20
21 Mr. Elwell said that he would be reading the Special Conditions for Cases 012-S-21 and 017-V-21 from
22 Attachment F, page 20 of 29 in the Preliminary Draft.

23
24 Ms. Burgstrom said she would like to point something out, they probably already realized it, but this
25 Special Use Permit and the Variance are built a little different than the one they had earlier tonight. She
26 said that the variance question is actually part of the same Summary Finding of Fact, so they are together
27 here. She said the variance is under number six, so they don't have two separate Findings.

28
29 Mr. Elwell said that they still need go through the Special Conditions though, correct.

30
31 Ms. Burgstrom said absolutely.

32
33 Mr. Elwell said that he would be reading the Special Conditions for Cases 012-S-21 and 017-V-21 from
34 Attachment F, page 20 of 29 in the Preliminary Draft, starting with Number 18, as follows:

35
36 Mr. Elwell informed Mr. Smith that if he was in agreement, to acknowledge each Special Condition with
37 an affirmative after he reads each one.

38
39 **18. Regarding proposed special conditions of approval:**

40 **A. A Change of Use Permit shall be applied for within 30 days of the approval of Case**
41 **012-S-21.**

42
43 **The special condition stated above is required to ensure the following:**

44 **The establishment of the proposed uses shall be properly documented as**
45 **required by the Zoning Ordinance.**

46
47 Mr. Elwell asked Mr. Smith if he was in agreement with that.

48
49 Mr. Smith responded yes.

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

4
5 **The special condition stated above is required to ensure the following:**
6 **That any proposed exterior lighting is in compliance with the Zoning**
7 **Ordinance.**

8
9 Mr. Elwell asked Mr. Smith if he was in agreement with that.

10
11 Mr. Smith responded yes.

12
13 **C. The Zoning Administrator shall not authorize a Zoning Use Permit Application or**
14 **issue a Zoning Compliance Certificate on the subject property until the Petitioner has**
15 **ensured compliance with the Illinois Accessibility Code.**

16
17 **The special condition stated above is required to ensure the following:**
18 **That all state accessibility requirements have been met.**

19
20 Mr. Elwell asked Mr. Smith if he was in agreement with that.

21
22 Mr. Smith responded yes.

23
24 **D. No materials shall be stored outdoors in the southeast paved area of the subject**
25 **property unless the petitioners install a Type D screen on the south and east sides to**
26 **conceal that area.**

27
28 **The special condition stated above is required to ensure the following:**
29 **That outdoor storage and operations comply with the Zoning Ordinance.**

30
31 Mr. Elwell asked Mr. Smith if he was in agreement with that.

32
33 Mr. Smith responded yes.

34
35 **E. Any future sale of the subject property may be subject to the Illinois Plat Act (765**
36 **ILCS 205/0.01 et seq.) or the Champaign County Subdivision Regulations; or the**
37 **subdivision regulations of a municipality that has jurisdiction within one and one-half**
38 **miles of the corporate limits.**

39
40 **The special condition stated above is required to ensure the following:**
41 **That the subject property complies with the Zoning Ordinance.**

42
43 Mr. Elwell asked Mr. Smith if he was in agreement with that.

44
45 Mr. Smith responded yes.

46
47 **F. The owner shall submit documentation that the Champaign County Health**
48 **Department has approved either the use of the sewage treatment lagoons by the**
49 **proposed new building areas or has approved some other means of wastewater**

1 treatment and disposal for the proposed new building areas, as part of any Zoning
2 Use Permit Application for the proposed new building area.

3
4 **The special condition stated above is required to ensure the following:**

5 **To ensure there is proper wastewater treatment and disposal for the proposed**
6 **expansion in building area to protect public health and safety.**
7

8 Mr. Frank said that he thought that had been amended.
9

10 Ms. Burgstrom said exactly, they had this packet prepared and then they had this Supplemental Memo #1
11 that she distributed via email yesterday that they should have received. She said that in that it has revisions
12 to that particular Special Condition.
13

14 Mr. Randol asked Ms. Burgstrom that in event that some point down the road, maybe it would be through
15 a change of ownership or whatever the case may be, if they would decide to sell either or both of these
16 new buildings, does this have any effect on our Zoning Ordinance.
17

18 Ms. Burgstrom said that they would have to split the property if they're only going to sell a portion of it.
19 She said they would just have to make sure that the split is in compliance with the Subdivision Ordinance
20 and whether that would be City of Champaign Jurisdiction, which it might be, or if it would stay with the
21 County, they would have to make sure that it is all complaint.
22

23 Mr. Randol said okay, thank you.
24

25 Mr. Frank said that these buildings are in the interior of the property, which is 15.2 acres, so there is really
26 no way to split those out and sell them either individually or together; they would have to sell the whole
27 property.
28

29 Mr. Randol said that there is always a variance.
30

31 Mr. Frank said that is true, but the ingress and egress would be pretty tough to get to these.
32

33 Mr. Elwell reread the revised item 18.F. from Supplemental Memo #1, as follows:
34

- 35 **F. The owner shall submit documentation that either the Illinois Environmental**
36 **Protection Agency Water Pollution Permit Section has determined that the sewage**
37 **treatment lagoons have adequate capacity to serve the proposed new building areas**
38 **or the Champaign County Health Department has approved some other means of**
39 **wastewater treatment and disposal for the proposed new building areas, as part of**
40 **any Zoning Use Permit Application for the proposed new building area.**
41

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

43 **To ensure there is proper wastewater treatment and disposal for the proposed**
44 **expansion in building area to protect public health and safety.**
45

46 Mr. Elwell asked Mr. Smith if he was in agreement with that.
47

48 Mr. Smith said yes.
49

1 Ms. Burgstrom said that they also have a new Special Condition, G., also from yesterday’s Supplemental
2 Memo #1.

3
4 Mr. Elwell said okay.

5
6 Mr. Elwell read the revised item 18.G. from Supplemental Memo #1, as follows:

7
8 **G. Regarding leased space on the subject property, any change of use shall be**
9 **authorized by an approved Change of Use Permit.**

10
11 **The special condition stated above is required to ensure the following:**

12 **To ensure that only those uses authorized in the I-1 Light Industry District are**
13 **located on the subject property and that adequate parking spaces are**
14 **provided.**

15
16 Mr. Elwell asked what that means.

17
18 Ms. Burgstrom said that when they have people renting space, sometimes they have had owners of the
19 property allow uses in those lease spaces that are not compatible with the Zoning District. She said that
20 they have actually had a situation where they had forced people to move out of a place they had moved
21 into and they had to go somewhere else because they were not compliant. She said they didn’t know it
22 before they moved in, so it created a contract problem for the owner and the lessee. She said that whatever
23 investment they had put into that particular place, they lost and had to move. She said that they just want
24 to avoid that if they can and have people apply for a Change of Use Permit as they come in.

25
26 Mr. Elwell reread the revised item 18.G. from Supplemental Memo #1, as follows:

27
28 **G. Regarding leased space on the subject property, any change of use shall be**
29 **authorized by an approved Change of Use Permit.**

30
31 **The special condition stated above is required to ensure the following:**

32 **To ensure that only those uses authorized in the I-1 Light Industry District are**
33 **located on the subject property and that adequate parking spaces are**
34 **provided.**

35
36 Mr. Elwell asked Mr. Smith if he was in agreement with that.

37
38 Mr. Smith responded yes.

39
40 Mr. Elwell entertained a motion to move to the Findings of Fact for Cases 012-S-21 and 017-V-21.

41
42 **Ms. Lee moved, seconded by Mr. Roberts, to move to the Findings of Fact for Cases 012-S-21 and**
43 **017-V-21. The motion carried by voice vote.**

44
45 Mr. Elwell said that he would be reading from Attachment F, page 23 of 29 in the Preliminary Draft, as
46 follows:

47
48
49

FINDINGS OF FACT FOR CASES 012-S-21 AND 017-V-21

From the documents of record and the testimony and exhibits received at the public hearing for zoning cases **012-S-21** and **017-V-21** held on **July 15, 2021**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{IS/IS NOT}* necessary for the public convenience at this location because:

Mr. Randol said the requested Special Use Permit IS necessary for the public convenience at this location because: the TSI Commercial Floor Covering, and Advanced Commercial Roofing business has been located on the subject property for 5 years. He said the subject property is located at the intersection of US 150 and Staley Road, one and one-half miles from the Village of Mahomet and approximately one mile from the City of Champaign boundaries. He said that it is a little over two miles west of the Interstate 74 and Interstate 57 interchange, and a lot of other entrance and exit areas.

Mr. Elwell asked if they could also add that there is a pretty good amount of traffic capacity there as well.

2. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it *{WILL/WILL NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:

a. The street has *{ADEQUATE/INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE/INADEQUATE}* visibility because:

Mr. Wood said the street has ADEQUATE traffic capacity and the entrance location has ADEQUATE visibility because: traffic volumes along US 150/Bloomington Road and Staley Road are below capacity at this point, except during fall harvest, and the entrance location has been in place for many years.

b. Emergency services availability is *{ADEQUATE/INADEQUATE}* because:

Mr. Wood said that the emergency services availability is ADEQUATE because: the subject property is located about five and one-half miles from the Cornbelt Fire Protection District in Mahomet, and no comments have been received from the Fire Protection District.

c. The Special Use *{WILL/WILL NOT}* be compatible with adjacent uses because:

Mr. Wood said the Special Use WILL be compatible with adjacent uses because: the property has been in commercial and industrial use since the late 1970s that he knows of since they sold that property. He said that it is surrounded by land in agricultural production and the Andersons facility to the southwest, which have also existed for many years.

d. Surface and subsurface drainage will be *{ADEQUATE/INADEQUATE}* because:

Mr. Wood said the surface and subsurface drainage will be ADEQUATE because: the facility requires a detention plan and basin that has been reviewed by an independent engineering firm, and it is sitting right on top of a drainage system that runs on down through the Anderson's property that would handle quite a bit of capacity if needed.

e. Public safety will be {ADEQUATE/INADEQUATE} because:

Mr. Wood said the public safety will be ADEQUATE because: there are no residential properties adjacent to the subject property, and the Township Highway Commissioner, IDOT, and Cornbelt Fire Protection District have been notified of this case, and no comments have been received.

f. The provisions for parking will be {ADEQUATE/INADEQUATE} because:

Mr. Wood said the provisions for parking will be ADEQUATE because: there are 154 existing and proposed parking spaces, including 7 accessible parking spaces. The number of loading berths meets the minimum required. No screening is required for parking.

Mr. Wood said the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

Mr. Elwell entertained a motion to extend the meeting until 9:45pm.

Ms. Lee moved, seconded by Mr. Wood, to extend the meeting until 9:45pm. The motion carried by voice vote.

Mr. Elwell said that he would continue reading from Attachment F, page 24 of 29 in the Preliminary Draft, as follows:

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

Mr. Wood said the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the district in which it is located.

3b. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, {DOES/DOES NOT} preserve the essential character of the DISTRICT in which it is located because:

a. The Special Use will be designed to {CONFORM/NOT CONFORM} to all relevant County ordinances and codes.

Mr. Wood said the Special Use will be designed to CONFORM to all relevant County ordinances and codes.

b. The Special Use {WILL/WILL NOT} be compatible with adjacent uses.

Mr. Wood said the Special Use WILL be compatible with adjacent uses.

c. Public safety will be {ADEQUATE/INADEQUATE}.

1 Mr. Wood said that Public safety will be ADEQUATE.

2
3 Mr. Wood said the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
4 IMPOSED HEREIN, DOES preserve the essential character of the district in which it is located.

5
6 **4. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
7 **IMPOSED HEREIN, {IS/IS NOT} in harmony with the general purpose and intent of the**
8 **Ordinance because:**

- 9 **a. The Special Use is authorized in the District.**
- 10
- 11 **b. The requested Special Use Permit {IS/IS NOT} necessary for the public convenience**
12 **at this location.**

13
14 Mr. Randol said the requested Special Use Permit IS necessary for the public convenience at this location.

- 15
- 16 **c. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
17 **IMPOSED HEREIN is so designed, located, and proposed to be operated so that it**
18 **{WILL/WILL NOT} be injurious to the district in which it shall be located or**
19 **otherwise detrimental to the public health, safety, and welfare.**

20
21 Mr. Randol said the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
22 IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be
23 injurious to the district in which it shall be located or otherwise detrimental to the public health, safety,
24 and welfare.

- 25
- 26 **d. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
27 **IMPOSED HEREIN, {DOES/DOES NOT} preserve the essential character of the**
28 **DISTRICT in which it is located.**

29
30 Mr. Randol said the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
31 IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

32
33 Mr. Randol said the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
34 IMPOSED HEREIN, IS in harmony with the general purpose and intent of the Ordinance.

35
36 **5. The requested Special Use IS NOT an existing nonconforming use.**

- 37
- 38 **6. Regarding the variance:**
- 39 **a. Special conditions and circumstances {DO/DO NOT} exist which are peculiar to the**
40 **land or structure involved, which are not applicable to other similarly situated land**
41 **and structures elsewhere in the same district because:**

42
43 Mr. Randol said the special conditions and circumstances DO exist which are peculiar to the land or
44 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
45 the same district because: there is an existing culvert less than 10 feet from the west side of the proposed
46 building.

47
48
49

1 **b. Practical difficulties or hardships created by carrying out the strict letter of the**
 2 **regulations sought to be varied {WILL/WILL NOT} prevent reasonable or otherwise**
 3 **permitted use of the land or structure or construction because:**
 4

5 Mr. Randol said the practical difficulties or hardships created by carrying out the strict letter of the
 6 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
 7 structure or construction because: without the proposed variance, the petitioners would have to reduce the
 8 size of the proposed building.
 9

10 **c. The special conditions, circumstances, hardships, or practical difficulties {DO/DO**
 11 **NOT} result from actions of the applicant because:**
 12

13 Mr. Randol said the special conditions, circumstances, hardships, or practical difficulties DO NOT result
 14 from actions of the applicant because: P&Z Staff did not recognize the need for the variance until they
 15 started working on the case in June, and then notified the petitioner.
 16

17 Mr. Elwell said that he thinks they need to keep b. too: the petitioners have constructed the concrete
 18 building foundation, but otherwise have been waiting for approval of the Special Use Permit before they
 19 construct the building.
 20

21 Ms. Burgstrom said that they have done a little more than the condition when she visited.
 22

23 Mr. Smith said yes, the reasoning was the last folks that were in here, Royse and Brinkmeyer, they are
 24 building a building next to El Toro's on Springfield Avenue. He said that they have had some difficulties
 25 to say the least and they were able to jump him ahead, otherwise it would have been December or January
 26 for the building.
 27

28 Ms. Burgstrom said she doesn't think there is a detriment to removing this statement or rephrasing it any
 29 way they want, but that is up to the Board. She said that it is not true as listed anymore.
 30

31 Mr. Elwell said correct, he doesn't think they need to include it as it is written and would not hurt his
 32 feelings if they just take it out. He asked if they could go ahead and do that, please.
 33

34 Mr. Elwell continued reading from Attachment F, page 25 of 29 in the Preliminary Draft, as follows:
 35

36 **d. The requested variance {IS/IS NOT} in harmony with the general purpose and intent**
 37 **of the Ordinance because:**
 38

39 Mr. Wood said the requested variance IS in harmony with the general purpose and intent of the Ordinance
 40 because: the proposed building location does not disturb the existing culvert and it minimizes the amount
 41 of pavement needed for the development. He said the subject property is five and one-half miles from the
 42 Cornbelt Fire Protection District in Mahomet; notice of this zoning case was sent to the Cornbelt Fire
 43 Protection District, and no comments have been received. He said that the nearest structure on adjacent
 44 property is the Andersons, which is approximately 650 feet to the southwest.
 45

46 **e. The requested variance {WILL/WILL NOT} be injurious to the neighborhood or**
 47 **otherwise detrimental to the public health, safety, or welfare because:**
 48

1 Mr. Randol said the requested variance WILL NOT be injurious to the neighborhood or otherwise
 2 detrimental to the public health, safety, or welfare because: notice of the proposed variance was sent to
 3 relevant jurisdictions, and no comments have been received.

4
 5 **f. The requested variance *{IS/IS NOT}* the minimum variation that will make possible
 6 the reasonable use of the land/structure because:**

7
 8 Mr. Wood said the requested variance IS the minimum variation that will make possible the reasonable
 9 use of the land/structure.

10
 11 **7. *{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS***
 12 ***IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED***
 13 ***BELOW:}***

14
 15 Mr. Wood said that they had been through those already.

16
 17 Ms. Burgstrom said that they have the added Document of Record that is Supplemental Memo #1 that was
 18 created before they would approve the Findings of Fact and everything is amended.

19
 20 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and the
 21 Findings of Fact for Cases 012-S-21 and 017-V-21, as amended.

22
 23 **Mr. Roberts moved, seconded by Ms. Lee, to adopt the Summary of Evidence, Documents of**
 24 **Record, and the Findings of Fact for Cases 012-S-21 and 017-V-21, as amended. The motion carried**
 25 **by voice vote.**

26
 27 Mr. Elwell entertained a motion to move to the Final Determination for Cases 012-S-21 and 017-S-21.

28
 29 **Mr. Roberts moved, seconded by Ms. Lee, to move to the Final Determination for Cases 012-S-21**
 30 **and 017-S-21. The motion carried by voice vote.**

31
 32 Mr. Elwell said he would be reading from Attachment F, page 27 of 29 in the Preliminary Draft.

33
 34 Mr. Elwell said technically shouldn't they have two separate Final Determinations.

35
 36 Ms. Burgstrom said that they need to do the two Final Determinations separately.

37
 38 Mr. Elwell entertained a motion to move to the Final Determination for Case 012-S-21.

39
 40 **Mr. Roberts moved, seconded by Mr. Randol, to move to the Final Determination for Case 012-S-**
 41 **21. The motion carried by voice vote.**

42
 43 Mr. Elwell said he would be reading from Attachment F, page 27 of 29 in the Preliminary Draft, as follows:

44
 45 **FINAL DETERMINATION FOR CASE 012-S-21**

46 **Ms. Lee moved, seconded by Mr. Randol, that the Champaign County Zoning Board of Appeals**
 47 **finds that, based upon the application, testimony, and other evidence received in this case, the**
 48 **requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority**
 49 **granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:**

1 The Special Use requested in Case 012-S-21 is hereby GRANTED WITH SPECIAL
2 CONDITIONS to the applicant, Robert Smith II, to authorize the following as a Special Use on
3 land in the I-1 Light Industry Zoning District:

4 Authorize a Special Use Permit for multiple principal structures consisting of an existing
5 office, two existing warehouses, an existing multi-tenant building, and a proposed multi-
6 tenant building in the I-1 Light Industry Zoning District, subject to the variance in related
7 Zoning Case 017-V-21.
8

9 Mr. Elwell requested a roll call vote.

10
11 The vote was called as follows:

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

15 The motion passed.

16
17 Mr. Elwell entertained a motion to move to the Final Determination for Case 017-V-21.
18

19 Ms. Lee moved, seconded by Mr. Wood, to move to the Final Determination for Case 017-V-21. The
20 motion carried by voice vote.
21

22 Mr. Elwell said he would be reading from Attachment F, page 29 of 29 in the Preliminary Draft, as follows:
23

24 **FINAL DETERMINATION FOR CASE 017-V-21**

25 Ms. Lee moved, seconded by Mr. Wood, that the Champaign County Zoning Board of Appeals finds
26 that, based upon the application, testimony, and other evidence received in this case, that the
27 requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority
28 granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of
29 Appeals of Champaign County determines that:
30

31 The Variance requested in Case 017-V-21 is hereby GRANTED to the applicant, Robert Smith II,
32 to authorize the following variance in the I-1 Light Industry Zoning District:
33

34 Authorize the following Variance for the Special Use Permit requested in related Zoning
35 Case 012-S-21:

36 Authorize two principal structures with 8 feet of open space between them, in lieu of the
37 minimum required 40 feet of open space in the I-1 Light Industry Zoning District, per
38 Section 4.2.1 F.2.d of the Zoning Ordinance.
39

40 Mr. Elwell asked if it should be granted with special conditions.
41

42 Ms. Burgstrom said no.
43

44 Mr. Elwell requested a roll call vote.
45

46 The vote was called as follows:

47 Lee- yes Randol- yes Roberts- yes
48 Anderson- yes Elwell- yes Wood – yes
49

1 **The motion passed.**

2
3 Mr. Elwell said congratulations Mr. Smith, he had affirmative votes on both of his Cases.

4
5 Mr. Frank said thank you.

6
7 Mr. Smith said thank you very much and he appreciates their help.

8
9 **7. Staff Report - None**

10
11 **8. Other Business**

12 **A. Review of Docket**

13
14 Mr. Elwell told the Board that there was one thing he wanted their opinion on. He said that one thing he
15 has noticed with participating in the Champaign County Association of Realtors is when they start their
16 meetings, they always start with the Pledge of Allegiance. He said he wonders if there is any reason why
17 they don't; he hasn't been to a County Board meeting, so he couldn't speak to that. He asked Ms.
18 Burgstrom if there was any reason why they haven't.

19
20 Ms. Burgstrom said that it has never been a question since she has been here since 2015. She said that she
21 doesn't know of any historical significance, one way or the other, for not doing it or doing it. She said that
22 it would really be up to the Board to determine whether they would like to do that at their meetings. She
23 said that Staff checked with the State's Attorney and they said there would be nothing against it, but it
24 would have to be considered optional for anyone who does not want to participate.

25
26 **9. Audience participation with respect to matters other than cases pending before the Board**

27
28 None

29
30 **10. Adjournment**

31
32 Mr. Elwell entertained a motion to adjourn the meeting.

33
34 **Mr. Roberts moved, seconded by Mr. Wood, to adjourn the meeting.**

35
36 Mr. Elwell requested a roll call vote.

37
38 The vote was called as follows:

39	Lee- yes	Randol- yes	Roberts - yes
40	Anderson- yes	Elwell - no	Wood - yes

41
42 **The motion passed.**

43
44 The meeting adjourned at 9:40 p.m.

45
46 Respectfully submitted,

47
48 Secretary of Zoning Board of Appeals

49