

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

**1776 E. Washington Street
Urbana, IL 61802**

**DATE: May 12, 2022 PLACE: Shields-Carter Meeting Room
1776 East Washington Street
Urbana, IL 61802**

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

MEMBERS ABSENT: Thaddeus Bates

STAFF PRESENT: Susan Burgstrom, Stephanie Berry, Isaak Simmers

OTHERS PRESENT: Norman Davis, Darren Taylor, Mary Tiefenbrunn, Tom Chek, Mike Hoch,
Kelly Kocher

1. Call to Order

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

2. Roll Call and Declaration of Quorum

The roll was called, and a quorum declared present.

Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign the Witness Register.

3. Correspondence - None

4. Minutes- April 14, 2022

Mr. Elwell asked if there was any discussion on the March 31, 2022 minutes.

Mr. Woods moved, seconded by Mr. Randol, to approve the March 31, 2022 minutes. The motion carried by voice vote.

5. Continued Public Hearings - None

6. New Public Hearings

Cases 052-V-22

Petitioners: Kelly and Diane Kocher

Request: Authorize a variance for an average lot width of 165 feet in lieu of the minimum required 200 feet in the AG-1 Agricultural Zoning District, per Section 5.3 of the Zoning Ordinance.

1 Location: **A 2.53-acre tract of land in the Northeast Quarter of the Southeast Quarter of Section**
2 **35, Township 21 N, Range 10 East of the Third Principal Meridian in Compromise**
3 **Township, and commonly known as the residence with an address of 2447 CR 2300E,**
4 **St. Joseph.**
5

6 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
7 the witness register for that public hearing. He reminded the audience that when they sign the witness
8 register, they are signing an oath.
9

10 Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County allows
11 anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a
12 show of hands from those who would like to cross-examine, and each person will be called upon. He said
13 that those who desire to cross-examine do not have to sign the Witness Register, but will be asked to
14 clearly state their name before asking any questions. He noted that no new testimony is to be given during
15 the cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws
16 are exempt from cross-examination. He asked if the petitioner would like to outline the nature of their
17 request prior to introducing evidence.
18

19 Kelly Kocher, 2447 CR 2300E, St. Joseph, said that his property was apparently not zoned correctly in
20 1982 and stated he was the third or fourth owner. He pointed out the letter from the surrounding landowner
21 stating they had no interest in selling Mr. Kocher the land required to make it correct. Mr. Kocher asked
22 for the variance and to move forward.
23

24 Mr. Elwell thanked Mr. Kocher and asked if there were any questions from the Board.
25

26 Mr. Wood asked if you would have to add 35 feet to that.
27

28 Ms. Burgstrom said yes.
29

30 Mr. Wood pointed out if you add 35 feet to the property as long as it is, you would be adding another 0.54-
31 acres, putting it over the 3-acre limit requiring a variance anyway.
32

33 Ms. Burgstrom said correct, and that Mr. Wood has been doing his homework.
34

35 Mr. Wood said yes.
36

37 Mr. Elwell asked if there were any questions from the board.
38

39 Mr. Anderson said that it looks like Mr. Kocher built the barn.
40

41 Mr. Kocher responded, the shed, yes.
42

43 Ms. Burgstrom said that Mr. Kocher was given permission to continue with the construction so long as he
44 pursued the variance, and so he did that with the permission from the P&Z Department.
45

46 Mr. Anderson responded okay, that helps.
47

48 Mr. Elwell asked if there were any more questions from the Board or from Staff.
49

1 Mr. Randol moved to accept the Preliminary Draft and the Documents of Record.

2
3 Mr. Elwell reminded Mr. Randol that he still needs to ask for any cross examination and needs to ask if
4 anyone else would like to testify in this case before accepting Mr. Randol's motion. Seeing no questions
5 from the Board, he asked if anyone would like to cross examine this witness. Seeing no one, he asked if
6 anyone would like to testify in this case. Seeing no one, Mr. Elwell told Mr. Randol that he would love to
7 entertain a motion.

8
9 **Mr. Randol moved, seconded by Mr. Woods, to accept the Preliminary Draft, Documents of Record,
10 and move to the Findings of Fact for Case 052-V-22. The motion carried by voice vote.**

11
12 Mr. Elwell said that he would be reading the Findings of Fact for Case 052-V-22 from Attachment D,
13 page eight of nine in the Preliminary Memorandum, as follows:

14
15 **FINDINGS OF FACT FOR CASES 052-V-22**

16 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
17 **052-V-22** held on **May 12, 2022**, the Zoning Board of Appeals of Champaign County finds that:

18
19 **1. Special conditions and circumstances {DO / DO NOT} exist which are peculiar to the land or
20 structure involved, which are not applicable to other similarly situated land and structures
21 elsewhere in the same district because:**

22
23 Mr. Wood said special conditions and circumstances DO exist which are peculiar to the land or structure
24 involved, which are not applicable to other similarly situated land and structures elsewhere in the same
25 district because: the lot did not conform to the Zoning Ordinance minimum average lot width requirement
26 when it was created from a larger tract in 1981, and of course we have been through several owners in the
27 past. Mr. Wood said 2.53 acres is as big as it's going to get, particularly with the letter from Mrs. Huls
28 indicating they are not willing to sell their ground around it.

29
30 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations
31 sought to be varied {WILL / WILL NOT} prevent reasonable or otherwise permitted use of
32 the land or structure or construction because:**

33
34 Mr. Randol said practical difficulties or hardships created by carrying out the strict letter of the regulations
35 sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or
36 construction because: the variance is needed to construct the proposed barn, and the petitioner has
37 indicated that previous attempts to purchase the surrounding land have not been successful. Mr. Randol
38 referenced Mrs. Huls's letter.

39
40 **3. The special conditions, circumstances, hardships, or practical difficulties {DO / DO NOT}
41 result from actions of the applicant because:**

42
43 Mr. Herbert said special conditions, circumstances, hardships, or practical difficulties DO NOT result
44 from actions of the applicant because: the lot was created prior to the current owner's purchase of the
45 property in 2009.

46
47 **4. The requested variance {SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT} in
48 harmony with the general purpose and intent of the Ordinance because:**

1 Mr. Randol said the requested variance IS in harmony with the general purpose and intent of the Ordinance
2 because: there is adequate light and air, and sufficient area for septic tank replacement if needed.

3
4 **5. The requested variance {SUBJECT TO THE PROPOSED CONDITION} {WILL / WILL**
5 **NOT} be injurious to the neighborhood or otherwise detrimental to the public health, safety,**
6 **or welfare because:**

7
8 Mr. Wood said the requested variance WILL NOT be injurious to the neighborhood or otherwise
9 detrimental to the public health, safety, or welfare because: all the jurisdictions have been notified of this
10 case and no comments have been received from them.

11
12 **6. The requested variance {SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT} the**
13 **minimum variation that will make possible the reasonable use of the land/structure because:**

14
15 Mr. Herbert said the requested variance IS the minimum variation that will make possible the reasonable
16 use of the land/structure because: there were previous attempts to purchase adjacent land that were
17 unsuccessful.

18
19 **7. NO SPECIAL CONDITIONS ARE HEREBY IMPOSED.**

20
21 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and the
22 Findings of Fact for Cases 052-V-22, as amended.

23
24 **Mr. Randol moved, seconded by Mr. Roberts, to adopt the Summary of Evidence, Documents of**
25 **Record, and the Findings of Fact, noting that there are no Special Conditions for Case 052-V-22.**
26 **The motion carried by voice vote.**

27
28 Mr. Elwell entertained a motion to move to the Final Determination for Case 052-V-22.

29
30 **Mr. Randol moved, seconded by Mr. Roberts, to move to the Final Determination for Case 052-V-**
31 **22. The motion carried by voice vote.**

32
33 Mr. Elwell informed Mr. Kocher that there was not a full Board present, and he needs four affirmative
34 votes to grant the variance presented. Mr. Elwell said there were two options: continue with the case today
35 or move the case to a later date when the full Board is present. Mr. Elwell told Mr. Kocher that all Findings
36 of Fact were in the affirmative, but it is at his discretion.

37
38 Mr. Kocher asked if that meant we are just one Board member short.

39
40 Mr. Elwell said that was correct.

41
42 Mr. Kocher asked if all the members voted for it to pass.

43
44 Mr. Elwell confirmed that all Findings of Fact were found to be in the affirmative.

45
46 Mr. Kocher said he would prefer to get it wrapped up tonight.

47
48 Mr. Elwell said he would start reading the Final Determination for Case 052-V-22 from Attachment D,
49 page nine of nine in the Preliminary Memorandum, as follows:

FINAL DETERMINATION FOR CASE 052-V-22

Mr. Randol moved, seconded by Mr. Roberts, 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 been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

The variance requested in Case 052-V-22 is hereby GRANTED to the petitioners, Kelly & Diane Kocher, to authorize the following variance in the AG-1 Agricultural Zoning District:

Variance for an average lot width of 165 feet in lieu of the minimum required 200 feet, per Section 5.3 of the Zoning Ordinance.

Mr. Elwell requested a roll call vote.

The vote was called as follows:

Randol- yes	Roberts- yes	Anderson- yes	Herbert- yes
Elwell- yes	Wood – yes	Bates- absent	

The motion carried.

Mr. Elwell congratulated Mr. Kocher on receiving four affirmative votes on Case 052-V-22. He said the Zoning Staff would be in touch with him shortly with further information.

Mr. Kocher thanked the Board and Staff.

Cases 053-V-22

Petitioners: Champaign County Humane Society, via agent Darren Taylor

Request: Authorize the following variance in the I-1 Light Industry Zoning District on the subject property described below:

Part A: Authorize a variance for parking 0 feet from the front line in lieu of the minimum distance of 10 feet from any front lot line, per Section 7.4.1 A.3. of the Zoning Ordinance.

Part B: Authorize a variance for 47 parking spaces in lieu of the minimum required 90 parking spaces, per Section 7.4.1 C.3.e. of the Zoning Ordinance.

Part C: Authorize a variance for one loading berth in lieu of the minimum required two loading berths, per Section 7.4.2 C.5. of the Zoning Ordinance.

Location: Lots 4 and 5 of L & O Industrial Park Addition, Section 16, Township 19 North, Range 8 East of the Third Principal Meridian in Champaign Township and commonly known as the proposed Champaign County Humane Society facility with an address of 4005 Kearns Drive, Champaign, Illinois.

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.

1 Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County allows
2 anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a
3 show of hands from those who would like to cross-examine, and each person will be called upon. He said
4 that those who desire to cross-examine do not have to sign the Witness Register but will be asked to clearly
5 state their name before asking any questions. He noted that no new testimony is to be given during the
6 cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
7 exempt from cross-examination. He asked if the petitioner would like to outline the nature of their request
8 prior to introducing evidence.
9

10 Mr. Darren Taylor introduced himself as an attorney from Harrington Law in Champaign, Illinois and his
11 address is 201 West Springfield, Suite 601. He said he is the sitting president for the Champaign County
12 Humane Society and has been on the board for a little over five years. Mr. Taylor then introduced the
13 woman sitting to his left as Mary Tiefenbrunn, also known as Tief, the Executive Director of the
14 Champaign County Humane Society. Mr. Taylor also introduced Mr. Mike Hoch, the construction
15 manager and the eyes and ears on the ground for the actual project. Mr. Taylor said when they first got
16 started out there, their general contractor applied for the permit. Mr. Taylor thought the permit was
17 required because of a vestibule to be built on the front of their building. Mr. Taylor said the permit they
18 applied for was being held back because of an existing parking lot that was located on their property. He
19 said their proposed operation generated a need to include additional parking spots per the Champaign
20 County Zoning Ordinance, and the preliminary draft notes from the Zoning Staff notified their team of
21 the two minimum required loading berths. Mr. Taylor assured the Board that they are not looking to
22 change the existing north parking lot, but simply use what was already there. He said from his
23 understanding, the lot has been there for a long time, guessing at least over a decade from the wear and
24 tear on the actual parking lot. Mr. Taylor pointed out they have an architect on staff and they are trying to
25 pull out every resource they can to do the most with the lot in the most efficient and best manner. He said
26 each time they go back to the architect they accrue more fees, but they have tried to create the best site
27 plan to address as many of the county issues they are facing as possible. He said the application included
28 a conceptual site plan of the property, but essentially they cannot expand that north parking lot for several
29 reasons, one of which is the natural drainage ditch, a water course, in the front between the north parking
30 lot and Kearns Drive. Mr. Taylor said they cannot expand to the west of the lot because of their neighbors
31 and to the south you would find a building and existing security gate that stretches across to their east
32 building. Mr. Taylor feels that if they were to do anything with that lot they would lose parking spaces, or
33 it would be excessively expensive to potentially knock down part of the building or look to expand into
34 the adjoining property. He said it does not seem like a viable option from their perspective because they
35 are working with a really limited footprint. He said when they first found out about the spots and increasing
36 the amount of parking, they looked at the north lot and the available options. He said they worked with
37 their architect and started expanding into the green space, which Mr. Taylor used to segue into the second
38 part of the Variance, the amount of parking spaces. He said since they could not expand the north lot, they
39 investigated expanding what they call the secured lot, because it will be used more for staff, volunteers,
40 and directors. He said right now they have a septic tank and a well. He said they are trying their best to
41 work around the previously listed issues. Mr. Taylor said the septic requires a leach field and they cannot
42 improve on that. He said they spoke to their plumbing contractor whom they are working with very closely
43 as well. He said they just submitted their permit to the Champaign County Department of Public Health
44 on that septic layout. Mr. Taylor said if they planned on expanding into the back secured lot, then it would
45 compromise the existing septic tank and leach field and reduce the campus they can use for animal welfare.
46 He said they intend to use that green space in the back for their business operations i.e., walking animals,
47 more so than adding parking spaces. Mr. Taylor said they took a very serious comparison to what their
48 current operations hold now at the lot very close to this building, just right up the road, and then factored
49 that into what they believed they would need at the new facility and concluded they had more spots at the

1 new property than what they have now. He said they do not plan on using all the spaces they have now.
2 Mr. Taylor said obviously there could be busier times and he cannot guarantee the lot will not ever be full,
3 but they do feel confident they will not be using those spaces. He said they do not want to spend a lot
4 more money trying to shuffle around the current improvements on the lot, and the limitations of the
5 boundary to create more parking spots that may or may not lead to compromising the integrity of the septic
6 system for spots they will not use. Mr. Taylor said this is essentially their position on the variance. Mr.
7 Taylor said the loading docks were a little bit different because they are a humane society and do not load
8 or unload anything. He pointed out that they do have one loading dock already which would absolutely
9 suffice any need they would have in the future. Mr. Taylor included that he is not as familiar with that
10 variance requirement because it was not brought up to them, which was fine, and assured all direct
11 questions about that aspect of the variance can be answered between the three of them. Mr. Taylor ended
12 saying that is essentially their position.

13
14 Mr. Elwell asked Ms. Burgstrom to orient him to Part A. He asked if it was it facing Kearns Drive.

15
16 Ms. Burgstrom answered yes, it is facing Kearns Drive. She said Part A is the parking area right along
17 Kearns Drive and there is a ditch between the street and parking area.

18
19 Ms. Burgstrom said the best picture Mr. Elwell will get is on the second page of Attachment D.

20
21 Mr. Elwell asked if there were any questions from the Board.

22
23 Mr. Wood asked if this property was recently obtained.

24
25 Mr. Taylor said yes sir. He said they bought it a year ago in April.

26
27 Mr. Wood asked if there were no previous variances issued to the north parking lot prior to this.

28
29 Ms. Burgstrom answered no, no variance was issued. She said the previous owners had been there awhile,
30 so there was nothing that triggered the variance for this.

31
32 Mr. Wood asked about the original construction permit.

33
34 Ms. Burgstrom said no, nothing.

35
36 Mr. Wood said it is what it is.

37
38 Ms. Burgstrom said it is what it is, yes.

39
40 Mr. Anderson asked how many employees now work at the humane society and how many are projected?

41
42 Mrs. Tiefenbrunn began to speak when Mr. Elwell asked her to please say her name and address before
43 speaking.

44
45 Mrs. Tiefenbrunn said sure, her name is Mary Tiefenbrunn. She said they currently have anywhere from
46 22 to 23 employees at any one time and are looking to probably expand by a couple of positions, to about
47 25 at the new facility. She said some of them will not drive but most do, and some of them work different
48 hours than others. She said their heaviest work hours are from 9 to 5 on site, but they do stay open late
49 into the evening and have people that come in early. She said the new facility will stay open for dog

1 training classes in the new education building during the evening, when the administrative and medical
2 staff are all gone. She said that was one of the reasons they looked at what they intended for the property.
3 She said they are currently doing every kind of shift during the day and would never have dog training
4 classes and student activities/tours at the same time as full shelter time operations and board meetings,
5 etc. She said she felt the parking should work out very well.
6

7 Mr. Anderson said he was over there yesterday, and it was a shame they could not use the public parking
8 for employee parking. He said they could put a sign out there stating “if lot full park around back of the
9 building.”
10

11 Mr. Taylor responded yes, at that property it worked out better than they thought with the security gate
12 bifurcating the property. He said sometimes they will have animal drop-offs and want to control which
13 doors they will come in and out of. He said the north parking lot really equips them with minimal intake
14 and outtake away from the other operations. He said the way they specked their building out has allowed
15 them to separate and segment out the different things they are doing. He said to Mr. Anderson’s point,
16 there might be times when they do open the gate and let the public park in the employee lot. He said maybe
17 on busier events, or a special event, but for the most part they look forward to keeping them kind of
18 separate, so for staff leaving at 8pm at night they are in a secured area with that gate closed. He said if the
19 public is up front, they are not kind of co-mingling in the back where animals are being walked, so it really
20 worked out for them.
21

22 Mr. Elwell asked if there were any more questions from the Board.
23

24 Mr. Elwell asked if anyone would like to cross examine this witness.
25

26 Mr. Randol asked where the training classes would be taking place.
27

28 Mrs. Tiefenbrunn said the training classes will be in the west building. She said that is what they are
29 calling the large metal building on the west side of the property. She said there will be a big open space
30 in there for dog training and on average will have no more than 10 dogs per class, usually two people per
31 dog, or solo.
32

33 Mr. Randol asked if the public was going to use the gate when the classes are taking place.
34

35 Mrs. Tiefenbrunn said her current thinking is yes, because the classes will be going on when a lot of the
36 staff has left, and the front parking lot will still be open for visitors that want to adopt. She said it will be
37 easy for clients to go from the front parking lot to the adoption entrance, as it will be easy for them to go
38 to the cat surrender, the cat door, or the dog door if they are bringing animals in.
39

40 Mr. Randol said thank you.
41

42 Mr. Elwell asked if there were any more questions from the Board.
43

44 Mr. Elwell asked if anyone else would like to testify in this case.
45

46 Mr. Elwell asked Mr. Davis to say his address and full name into the microphone before he continued
47 with his testimony.
48

49 Norman Davis said he is the Supervisor for Champaign Township whose building is right across the street

1 from the proposed Humane Society. He said the address to that building is 3900 Kearns Drive, Champaign
2 61822. He said he first wanted to start off and say they had no objections to what the Humane Society was
3 proposing. He said they only had a couple of things they would like to say about the noted ditch in front
4 of the north parking lot. He said he would like to be assured there would be adequate barriers preventing
5 cars from going into the ditch because there are utilities in there. He said the ditch also flowed water from
6 the west. He said they know it would not be anything deliberate, but someone could just hit the gas instead
7 of the brake and go in. He said they would like to make sure that area is protected and wished they would
8 have come to them first for suggestions. He said they have no objections to the Humane Society's proposal
9 provided they install adequate parking barriers to keep the cars parking on the north side from going into
10 the ditch.

11
12 Mr. Elwell said thank you and asked if there were any questions from the Board or staff.

13
14 Mr. Herbert asked if by a barrier he meant a parking block or curb.

15
16 Mr. Davis said that would be perfect, just something to keep the cars from jumping into the ditch. He said
17 if you look at the pictures, especially exhibit B, you will see there is a ditch, and you will see the Township
18 building on the right, and you will see in the shadow where this will be. He said it is not a deep ditch, but
19 it will still carry what ditches carry.

20
21 Mr. Wood said Mr. Davis indicated that there were utilities present in the ditch.

22
23 Mr. Davis said he was not fully conversive on that, but his Road Commissioner would be. He said he had
24 personal issues or else he would have come to the meeting tonight.

25
26 Mr. Wood said but there are utilities in there so whatever you erect needs to make sure to miss them.

27
28 Mr. Davis said he does not expect them to go through some elaborate expense, but just something to help
29 stop somebody from inadvertently going in.

30
31 Mr. Taylor said Mr. Davis's point was very well taken. Mr. Taylor confirmed with Mr. Hoch, their
32 contractor, that they currently do not have any bumpers.

33
34 Ms. Tiefenbrunn said they have the barriers on the other side.

35
36 Mr. Davis said if they can ensure they get barriers, then there are no objections from the Township.

37
38 Mr. Randol added that parking blocks would also help keep the public from parking on the sidewalk,
39 although there is not a lot of pedestrian traffic there. He pointed out in one photo where it showed at least
40 two of the vehicles parked almost over the sidewalk, on page three of five in Attachment C.

41
42 Mr. Elwell asked if there were any other questions for this witness. Seeing none, he asked if anyone else
43 would like to testify in this case. Seeing no one, he entertained a motion to close the Witness Register for
44 Case 053-V-22.

45
46 **Mr. Robert moved, seconded by Mr. Randol, to close to the Witness Register for Case 053-V-22.**
47 **The motion carried by voice vote.**

48
49 Mr. Randol asked Mr. Elwell if they needed to make the parking barriers a special condition or just an

1 agreement that they are going to do that.

2
3 Ms. Burgstrom said the Board can if they want, but they seem to have verbally agreed to do so. She said
4 the Humane Society and the Township can work together without an indication from Staff with a special
5 condition. She said it would be up to the Board.

6
7 Mr. Randol said that sounded fine to him, he wanted to be clear.

8
9 Mr. Herbert asked if it would be a bad idea to include the special condition in there.

10
11 Ms. Burgstrom said it would not be a bad idea or a good idea. She said it really was up to the Board on
12 this situation since the parties have verbally agreed. She said if you want it more official than we can do
13 that.

14
15 Mr. Herbert said then it would be written down.

16
17 Ms. Burgstrom confirmed. She said it will be in the minutes, but the Staff would be happy to formulate a
18 special condition on the fly here and add it in if the Board wants.

19
20 Mr. Elwell asked Mr. Davis if he would feel more comfortable with there being a special condition for the
21 parking bumpers.

22
23 Mr. Davis said that the agreement they have in the minutes would be sufficient.

24
25 Mr. Elwell asked Mr. Taylor if he would prefer there to be a special condition for the parking bumpers.

26
27 Mr. Taylor said they are okay without the formality of the special condition and will absolutely respect
28 the conversation they had tonight.

29
30 Mr. Elwell thanked Mr. Taylor and said he did not think the special condition was necessary in this
31 situation. He asked for thoughts from the Board.

32
33 **Mr. Wood moved, seconded by Mr. Roberts, to accept the Preliminary Draft, Documents of Record,
34 and move to the Findings of Fact for Case 052-V-22. The motion carried by voice vote.**

35
36 Mr. Elwell said he would be reading from page 14 of Attachment E at the top.

37
38 **FINDINGS OF FACT FOR CASE 053-V-22**

39 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
40 **053-V-22** held on **May 12, 2022**, the Zoning Board of Appeals of Champaign County finds that:

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

45
46 Mr. Wood said special conditions and circumstances DO exist which are peculiar to the land or structure
47 involved, which are not applicable to other similarly situated land and structures elsewhere in the same
48 district because: regarding the variance for parking within 10 feet of the front line and the ditch, the way
49 it was originally constructed there was not a whole lot of room for rearranging it to make it fit better

1 without losing space. He said regarding the variance for number of parking spaces, current and historic
 2 operations as they have testified provide a reasonable estimate of the number of needed parking spaces at
 3 their facility. He said the petitioner suggests they will never need more than 40 for general purposes. He
 4 said regarding the last variance for one loading berth, according to their testimony they really do not use
 5 a loading berth. He asked Mr. Taylor if they needed a loading berth for cats and dogs.

6
 7 Mr. Wood says he thinks leaving it with one loading berth would be sufficient for their purposes.
 8

9 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**
 10 **sought to be varied {WILL / WILL NOT} prevent reasonable or otherwise permitted use of**
 11 **the land or structure or construction because:**
 12

13 Mr. Randolph said it WILL prevent reasonable or otherwise permitted use of the land or structure or
 14 construction because: for the variance for parking within 10 feet of the front lot line, without the proposed
 15 variance, the number of parking spaces in the north lot would have to be reduced from 15 to nine, and that
 16 would increase the need for another variance for parking spaces. He said regarding the variance for number
 17 of parking spaces, without the proposed variance, the petitioners would have to forego the existing septic
 18 tank system to make room for more parking and undertake the expense of annexation to the city sewer
 19 and other expenses of annexing to the city. Mr. Randol said regarding the proposed variance for one
 20 loading berth, without the proposed variance, four parking spaces would need to be removed to create one
 21 more loading berth, and under these conditions of this business there is not a need for two loading berths.
 22

23 **3. The special conditions, circumstances, hardships, or practical difficulties {DO / DO NOT}**
 24 **result from actions of the applicant because:**
 25

26 Mr. Herbert said special conditions, circumstances, hardships, or practical difficulties DO NOT result
 27 from actions of the applicant because: regarding the variance for parking within 10 feet of the front lot
 28 line, the north parking lot is existing and cannot be increased in size to accommodate a 10-foot setback.
 29 He said regarding the variance for the number of parking spaces, there is no additional area for parking
 30 spaces due to the existing buildings and septic field. He said regarding the variance for loading berth, the
 31 petitioners were not made aware of this requirement by the P&Z Staff. He said it was discovered after the
 32 site plan was received.
 33

34 **4. The requested variance {SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT} in**
 35 **harmony with the general purpose and intent of the Ordinance because:**
 36

37 Mr. Randol said the requested variance IS in harmony with the general purpose and intent of the Ordinance
 38 because: regarding the variance for parking within ten feet of the front lot line, there is a ditch between
 39 Kearns Drive and the north parking lot that serves to funnel access safely to and from the north parking
 40 lot. He said regarding the variance for number of parking spaces, providing fewer spaces would allow
 41 sufficient room for the facility's septic system and open space for exercising the animals. He said
 42 regarding the variance for loading berth, providing one loading berth instead of two will allow more
 43 parking spaces and room to safely maneuver around the site.
 44

45 **5. The requested variance {SUBJECT TO THE PROPOSED CONDITION} {WILL / WILL**
 46 **NOT} be injurious to the neighborhood or otherwise detrimental to the public health, safety,**
 47 **or welfare because:**
 48

1 Mr. Wood said the requested variance WILL NOT be injurious to the neighborhood or otherwise
 2 detrimental to the public health, safety, or welfare because: relevant jurisdictions have been notified of
 3 this variance case, we received comments from Champaign Township as noted here tonight and have
 4 resolved the issue of parking blocks in the north lot.

5
 6 **6. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* the
 7 minimum variation that will make possible the reasonable use of the land/structure because:**
 8

9 Mr. Randol said the requested variance is the minimum variation that will make possible the reasonable
 10 use of the land/structure because: regarding the variance for parking within 10 feet of the front lot line,
 11 the north lot is existing and cannot be reconfigured without reducing the number of available parking
 12 spaces. He said regarding part B, the variance for number of parking spaces, the number of parking spaces
 13 cannot be increased without reducing the area set aside for the septic system. He said for Part C, regarding
 14 the variance for loading berth, a second loading berth cannot be accommodated without reducing the
 15 number of available parking spaces, and the type of business that it is does not require two loading berths.

16
 17 **7. NO SPECIAL CONDITIONS ARE HEREBY IMPOSED.**
 18

19 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and the
 20 Findings of Fact for Case 053-V-22, as amended.

21
 22 **Mr. Wood moved, seconded by Mr. Roberts, to adopt the Summary of Evidence, Documents of
 23 Record, and the Findings of Fact, noting that there are no Special Conditions for Case 053-V-22.
 24 The motion carried by voice vote.**
 25

26 Mr. Elwell informed Mr. Taylor that there was not a full Board present, and he needs four affirmative
 27 votes to grant the variance presented. Mr. Elwell said there were two options: continue with the case today
 28 or move the case to a later date when the full Board is present. Mr. Elwell told Mr. Taylor that all Findings
 29 of Fact were in the affirmative, but it is at his discretion.

30
 31 Mr. Taylor said that they would like to proceed.

32
 33 Mr. Elwell entertained a motion to move to the Final Determination for Case 053-V-22.

34
 35 **Mr. Roberts moved, seconded by Mr. Wood, to move to the Final Determination for Case 053-V-
 36 22. The motion carried by voice vote.**
 37

38 Mr. Elwell said he would start reading the Final Determination for Case 053-V-22 from Attachment E,
 39 page 14 of 14 in the Preliminary Memorandum, as follows:

40
 41 **FINAL DETERMINATION FOR CASE 053-V-22**

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

47 **The Variance requested in Case 053-V-22 is hereby GRANTED to the petitioner, Champaign
 48 County Humane Society, to authorize the following:**
 49

1 Authorize the following variance in the I-1 Light Industry Zoning District on the subject
2 property described below:

3
4 Part A: Authorize a variance for parking 0 feet from the front lot line in lieu of the minimum
5 distance of 10 feet from any front lot line, per Section 7.4.1 A.3. of the Zoning
6 Ordinance.

7
8 Part B: Authorize a variance for 47 parking spaces in lieu of the minimum required 90
9 parking spaces, per Section 7.4.1 C.3.e. of the Zoning Ordinance.

10
11 Part C: Authorize a variance for one loading berth in lieu of the minimum required two
12 loading berths, per Section 7.4.2 C.5. of the Zoning Ordinance

13
14 Mr. Elwell Requested a roll call vote.

15
16 The vote was called as follows:

17	Randol- yes	Roberts- yes	Anderson- yes	Herbert- yes
18	Elwell- yes	Wood – yes	Bates- absent	

19
20 Mr. Elwell congratulated Mr. Taylor on receiving four affirmative votes on Case 053-V-22. He said the
21 zoning staff would be in touch with him shortly with further information.

22
23 Mr. Taylor said he would like to thank the Board first and foremost because they anticipated a later hearing
24 date and were looking for additional permits and what not. He said he does not know if it was intended or
25 not but putting them on the docket for this month has created a lot of support for their project. He thanked
26 every one of them.

27
28 Mr. Elwell said you're welcome and they look forward to seeing the work they do.

29
30 7. Staff Report - None

31
32 8. Other Business

33
34 Mr. Anderson asked where Mr. Hall was and if he was sick.

35
36 Ms. Burgstrom said Mr. Hall is doing well but had some home repairs to do today and is still dealing with
37 that.

38
39 Ms. Burgstrom said last month, we introduced the ZBA By-laws amendment and now need to see if the
40 Zoning Board is interested in making a motion to approve those changes if they are so inclined.

41
42 Mr. Elwell asked Ms. Burgstrom to remind them.

43
44 Ms. Burgstrom said sure. She said the change that Staff is proposing that Part 9, audience participation
45 with matters other than cases pending before the board, be moved up on the agenda. She said it would
46 come right after communications and would limit that item on the agenda to five minutes per person. She
47 said right now there is no limit, but we very rarely have anyone speak during this time slot.

48
49 Mr. Herbert asked if we would just cut them off if they were in the middle of saying something.

1 Ms. Burgstrom said because ELUC and the Champaign County Board use the five-minute limit, Staff felt
2 it was an appropriate place to start the conversation on how much time should be allowed, and Staff would
3 cut people off or if the Board felt so inclined, they could waive that for any given moment and tell the
4 person they could continue.
5
6 Mr. Wood confirmed it was just a default.
7
8 Ms. Burgstrom agreed.
9
10 Mr. Elwell said and just for audience participation outside of the cases pending.
11
12 Ms. Burgstrom said that is correct, there is still no limit for those wanting to testify during cases.
13
14 Mr. Elwell asked if ELUC and the County Board have the same by-laws.
15
16 Ms. Burgstrom said that ELUC and the County Board have the five-minute limit whether they were
17 discussing cases before the board or not, so we distinguish ourselves here because ZBA has no time limit
18 during cases. She said Staff is not asking the Board to change that tonight at all.
19
20 Mr. Randol said he thinks it is a good idea, they can always let someone talk longer if they want to, but it
21 would eliminate individuals who get up here and repeat, repeat, repeat, what they're saying and take 30
22 minutes at a time.
23
24 Mr. Elwell said he does not think it will because in his experience the repeat testimony has been within
25 the case itself, not necessarily the public participation with respect to matters other than cases pending
26 before the Board.
27
28 Mr. Randol said if someone is up there talking and they are repeating themselves over and over again, and
29 not moving on we need to have the right to tell them that they need to stop.
30
31 Ms. Burgstrom said just to be clear, that would not apply to cases though.
32
33 Mr. Elwell asked what the downside is to adopt the similar rule; in other words, why is ZBA different
34 than the County Board and ELUC during cases.
35
36 Ms. Burgstrom said ZBA is the opportunity to get the full testimony from everyone so that later boards
37 do not have to go through that same amount of discussion. She said this is the place to discuss all those
38 matters and to hear from everyone.
39
40 Mr. Elwell asked if we could not extend it if they desired.
41
42 Ms. Burgstrom asked what Mr. Elwell meant by extend.
43
44 Mr. Elwell clarified for cases pending before the Board if we kept the five minutes.
45
46 Ms. Burgstrom said they would have to re-introduce this at another meeting just to be clear, because we
47 are only asking that for part 9 of the agenda. She said if you did ask for a five-minute limit, she thinks
48 people would feel shorted in terms of needing to communicate what they want about any given case, and
49 in some cases, the amount of information they have, even if they do not repeat themselves, can be relevant

1 the entire time they are talking. She said she thinks the downside would be that people would feel cut off
2 and that might be taken that this Board has a bad attitude. She said this is just her opinion.

3
4 Mr. Wood asked if they did that before testimony being given in a case that is pending and every five
5 minutes, they have to renew it. He said he does not think that would be a good idea. He said sometimes
6 we just must put up with a lot of people who want to say something.

7
8 Mr. Elwell said for him, with two previous cases in mind, he felt it would be beneficial to hear more voices
9 if they had the five-minute limit, and for us to be able to say we want to hear more of your PowerPoint or
10 hear more of your testimony that is relevant for the Board to decide on this case. He said he would be
11 more inclined to do something like that just to be in line with the County Board and ELUC. He said he
12 has not witnessed anything that has taken more than five minutes in public participation other than cases
13 pending before the Board. He said if they want to move it up, he is all for that, but if they are not limiting
14 the cases pending, then why are they limiting public participation. He said he does not know how he can
15 say no to this person and not no to this other person.

16
17 Ms. Burgstrom said she could not give them an apples-to-apples comparison to people who are testifying
18 as part of a public case versus people who are giving more generic statements not relevant to the case
19 material.

20
21 Mr. Herbert said they would have more to say in general. He said he does not see how they can put a time
22 limit on a case pending because those individuals will have more to say than someone coming up to speak
23 on a non-pending case, and say we need to add parking blocks to the Humane Society. He said that is
24 going to be a short speech with not much discussion to it. He said he does not feel it would be right to
25 limit cases pending testimony. He said they came here to talk, and as much as everyone does not like to
26 hear information repeated, that is their way of expressing their way of feeling about it. He said even if
27 they repeat each other, they cannot assume everyone feels the same way about the situation. He said when
28 someone repeats something, they are saying that they feel this way as well. He said the polite thing to do
29 would say I agree with what so-and-so said and end it, but he does not necessarily think repeating is a bad
30 thing either. He said if it is a big case, it will just take time in general, and limiting to five minutes, and
31 constantly adding five minutes for people to talk, everyone will have something different to say.

32
33 Mr. Wood said public participation is open ended. He said they have no idea what they will get up and
34 talk about and we may not want to listen to more than five minutes of it.

35
36 Mr. Elwell said yes, he does agree with Mr. Wood, but he does not agree with treating someone differently,
37 and if you have the right to come here and petition your case, then why would someone not be able to
38 express themselves. He said why would one person only be allowed to speak for five minutes and the
39 other cannot. Mr. Elwell said it should either be both following the example of the County Board and
40 ELUC, or we let everyone talk. He said he will be the first in line to hear droning on, but that is kind of
41 why they are here, and with the evidence provided for not limiting the case testimonials but limiting the
42 public participation other than cases pending, it is hard for him to say no to one person and yes to another.

43
44 Mr. Herbert said he could agree with what Mr. Elwell was saying, and in that aspect, if he wanted to be
45 fair, then he would say to not put a time limit at all. He said we are not the County Board, and we do not
46 have better things to be doing. He said we are here to do that job, unfortunately in some cases it looks like
47 it can take a while, but he would not agree with the County Board and ELUC having five minutes and that
48 is it. He said that he would vote to have no time limit then.

49

1 Mr. Anderson said, and to complicate things, if you called on me and I deferred to Jim if that was allowed.
2
3 Mr. Wood asked if we were talking about restricting board members.
4
5 Mr. Elwell and Ms. Burgstrom said no, not yet with a chuckle.
6
7 Mr. Elwell said and that is why he does not necessarily want to complicate things, but he also wants to
8 ensure our time is used as efficiently as possible. He said if we do decide to limit someone, we should
9 limit both. He said we can always add an extension and we would be able to get more people through.
10
11 Mr. Elwell said for him personally, this is how his mind works. He said he just wants to make sure that
12 everyone gets the chance to speak if they want to and with two specific cases in mind, there have been
13 times where they had to say, no, the meeting will end at 9:45. He said he would hope the Board would
14 limit that. He asked Ms. Burgstrom if there was anything against signing the Witness Register again.
15
16 Ms. Burgstrom said the Witness Register is something we would hope to only see one signature on at a
17 time; it is what they have always done. She said she feels it necessary to say Staff does not recommend
18 limiting time during testimony for cases. She said we want to give them all the time they need because
19 they do not get that time at ELUC or the County Board, and they will not. She said they recently had
20 someone who is a regular testifier here for some of our cases who requested more time of ELUC, and he
21 was denied. She said this is the place for people to get their voice heard and that is why staff recommends
22 not limiting time during cases.
23
24 Mr. Randol asked if it would be better to say ten minutes instead of five minutes. He said at most, 99% of
25 the people who get up and testify do not take more than five minutes, but you can have somebody that
26 could take five minutes to decide how they are going to say it when they get to the microphone.
27
28 Mr. Elwell asked why we would make a rule for ten minutes if 99% of the people will not use ten minutes
29 to speak. He said that is where he stands, he would like to limit both and extend time, with a function of
30 another five minutes at the end. He said we would be able to hear more people, views, and a more pointed
31 testimonial overall instead of just rambling on. He said if the Board feels otherwise, he is open to other
32 suggestions. He said he doesn't see how this will allow our meetings to run any more efficiently. He said
33 he thinks since 2018 he only remembers two people.
34
35 Ms. Burgstrom said there has only been one person, and even in John's 32 years, he said that he has only
36 had one.
37
38 Mr. Elwell said so why are we making a rule that has only happened once in 32 years.
39
40 Mr. Randol said he thinks this goes back to three or four meetings back when the gentleman kept speaking
41 when we were trying to end for the night, and we extended three times. He said it was pushing 10 o'clock
42 and we could not stop him.
43
44 Mr. Elwell said they cannot stop him, but that does not mean we have to be here to hear him. He said the
45 first amendment says he cannot stop someone from talking.
46
47 Mr. Randol said that he understands that, but we do not have to sit here and he thinks that is where this
48 came about.
49

1 Mr. Elwell said so we can end the meeting Mr. Randol. He said we can call for an adjournment.

2
3 Mr. Randol said whenever he says stop, he does not care how it happens. He said they have to have the
4 ability to say enough is enough for a night.

5
6 Mr. Elwell asked if they do not already have that opportunity with a motion to adjourn.

7
8 Ms. Burgstrom said they do.

9
10 Mr. Wood said that depends. He said they have two issues there; one is whether we restrict the time, and
11 the other is whether we move it to the front. He said if we move it to the front, we want to be able to
12 restrict it; otherwise, we could be sitting here listening to that all night long and never get to the business
13 at hand.

14
15 Mr. Elwell agreed. He said that, in his opinion, would be the worst-case scenario. He said there would be
16 no efficiency there whatsoever.

17
18 Mr. Wood asked what the reasoning was to move part 9 to the front of the agenda.

19
20 Ms. Burgstrom said she believes it was just to square up with how the County Board and ELUC do it,
21 with that aspect of the meeting being towards the front. She said she thinks it diminishes the confusion
22 with cases pending before the Board.

23
24 Mr. Wood said for pending cases he would prefer not to restrict the time for people to talk because that is
25 the one chance they usually get, whether everybody is repeating the same thing or not. He said if you want
26 to move it to the front, then he suggests that we restrict the time limit to the five minutes, and if we want
27 to listen to more we can. He said if you leave it at the end, you just call for an adjournment.

28
29 Mr. Elwell asked if Mr. Wood would agree that limiting one person, and not limiting the other would
30 possibly set us up to some bias.

31
32 Mr. Wood said no, a pending case has important information that we must hear regardless of how long it
33 takes. He said if the public cannot state their case in five minutes, or if it is interesting enough that we
34 want to hear more, we can hear more, but I think that is okay to restrict that end of it. He said he does not
35 think it is unfair.

36
37 Mr. Elwell asked if you could not use that same logic for cases pending before the board.

38
39 Mr. Wood said no, he wants to hear what they are going to say. He said on a pending case that is important
40 because it is a pending case. He said they will only talk once, and if we have three meetings about the
41 height of a tower, then it takes that long to get through all that. He said he thinks it is good to gestalt their
42 feelings around whatever issues they have around it.

43
44 Mr. Elwell asked if ELUC and the County Board have pending cases before the Board, is there that
45 distinction or is it just everyone airs their laundry.

46
47 Ms. Burgstrom said everyone gets a chance to speak at the beginning of the agenda, whether it's a pending
48 case before the Board or not. She said you could have 3 or 4 cases before ELUC and everyone would
49 speak at the beginning of the agenda, not during their case item. She said the case item is only for the Staff

1 and the Board.

2

3 Mr. Elwell confirmed that was the distinction between ZBA and ELUC and the County Board.

4

5 Ms. Burgstrom said yes.

6

7 Mr. Elwell asked if Ms. Burgstrom could foresee any issues with wanting to hear what one has to say, but
8 not another.

9

10 Ms. Burgstrom said she personally thinks that hearing everyone during a case is different than hearing
11 something that could be said much more shortly at the end of an agenda, and she thinks that people also
12 can contact Staff no matter what. She said she thinks it would be okay to add the time limit for matters
13 other than cases pending before the Board, but she said she is not a Board member.

14

15 Mr. Anderson asked who will keep the time.

16

17 Ms. Burgstrom said that would be the new job of the staff.

18

19 Mr. Anderson asked if the staff would use a visible time clock.

20

21 Ms. Burgstrom said yes, the staff would figure out the best way to keep track of time if the Board decided
22 to adopt the time limit.

23

24 **Mr. Wood moved, seconded by Mr. Roberts, to move the public comment to the beginning of the**
25 **session, and to limit public-participation to matters not pending before the board to five minutes.**

26

27 Mr. Elwell Requested a roll call vote.

28

29 The vote was called as follows:

30

Randol- yes	Roberts- yes	Anderson- no	Herbert- yes
Elwell- no	Wood – yes	Bates- absent	

31

32

33 **The motion carried.**

34

35 Mr. Anderson asked if the person’s five minutes will start before, or after their name and address.

36

37 Ms. Burgstrom said that is a great question. She said she is sure it will start when the begin talking.

38

39 Mr. Elwell said as soon as we hit the button.

40

41 Ms. Burgstrom asked Mr. Elwell if he would like to discuss any absences.

42

43 Mr. Elwell asked when the next meeting was.

44

45 Ms. Burgstrom said the May 26, 2022.

46

47 Mr. Wood asked if we would have audience participation.

48

49 Mr. Elwell said yes, at the beginning and it will be limited to five minutes and it will not be about cases

1 pending before the board.

2

3 **9. Audience participation with respect to matters other than cases pending before the board -**
4 None

5

6 **10. Adjournment**

7

8 Mr. Elwell entertained a motion to Adjourn.

9

10 **Mr. Roberts moved, seconded by Mr. Randol, to adjourn the meeting. Mr. Elwell asked for a roll**
11 **call vote.**

12

	Randol- yes	Roberts- yes	Anderson- yes	Herbert- yes
	Elwell- no	Wood – yes	Bates- absent	

15

16 The meeting adjourned at 7:55PM

17

18 Respectfully Submitted

19

20

21

22 Secretary of the Zoning Board of Appeals

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