

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

5
 6
 7 **DATE:** November 12, 2020 **PLACE:** ZOOM MEETING
 8 ~~Lyle Shields Meeting Room~~
 9 ~~1776 East Washington Street~~
 10 ~~Urbana, IL 61802~~

11 **MEMBERS PRESENT:** *Using Zoom in Lyle Shields:* Ryan Elwell, Larry Wood
 12 *Remotely via Zoom:* Tom Anderson, Lee Roberts
 13
 14 **MEMBERS ABSENT:** Marilyn Lee, Jim Randol
 15
 16 **STAFF PRESENT:** *Using Zoom in Lyle Shields:* Lori Busboom, Susan Burgstrom, John Hall
 17
 18 **OTHERS PRESENT:** *Remotely via Zoom:* Dustin Ehler, Julie Ehler, Mitch Osterbur, Danny Sage,
 19 Doug Watterson
 20
 21

22
 23 **1. Call to Order**

24
 25 The meeting was called to order at 6:10 p.m.

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

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

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

34
 35 **3. Correspondence - None**

36
 37 **4. Approval of Minutes - None**

38
 39 **5. Continued Public Hearings**

40
 41 **Case 982-V-20: Petitioner: Doug Watterson**

42 Request: **Authorize the following Variance on a lot in the AG-1 Agriculture Zoning District:**
 43 **Authorize the construction and use of a proposed detached garage with a setback of 47 feet from**
 44 **the centerline of CR 3050N in lieu of the minimum required setback of 55 feet, and a front yard of**
 45 **0 feet in lieu of the minimum required 25 feet, per Section 5.3 of the Zoning Ordinance.**

46 Location: **A 1.55-acre tract in the Southwest Quarter of the Southwest Quarter of the Northwest**
 47 **Quarter of Section 31, Township 22 North, Range 7 East of the Third Principal Meridian in Brown**
 48 **Township, and commonly known as the residence at 6 County Road 3050N, Foolsland.**

49
 50 Mr. Elwell stated that at the last meeting, we left off at the end of the Findings of Fact for Case 982-V-20.

1 Mr. Wood said that we went through all the questions in the Findings, but we did not vote on it.

2

3 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings
4 of Fact, as amended for Case 982-V-20.

5

6 **Mr. Wood moved, seconded by Mr. Anderson, to adopt the Summary of Evidence, Documents of
7 Record, and Findings of Fact, as amended.**

8

9 The vote was called as follows:

10	Anderson – yes	Elwell - yes	Randol – absent
11	Roberts – yes	Wood - yes	Lee - absent

12

13 **The motion carried.**

14

15 Mr. Elwell entertained a motion to move to the Final Determination for Case 982-V-20.

16

17 **Mr. Wood moved, seconded by Mr. Roberts, to move to the Final Determination for Case 982-V-
18 20.**

19

20 The vote was called as follows:

21	Anderson – yes	Elwell - yes	Randol – absent
22	Roberts – yes	Wood - yes	Lee - absent

23

24 **The motion carried.**

25

26 Mr. Elwell told Mr. Watterson that there is not a full Board tonight, and therefore he has the choice to
27 proceed with the Final Determination tonight, or continue the case to another date when a full Board is
28 available. He said that they need 4 affirmative votes for an approval.

29

30 Mr. Watterson said that he is ready to proceed with Final Determination tonight.

31

32 **FINAL DETERMINATION FOR CASE 982-V-20:**

33

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

39

40 **The Variance requested in Case 982-V-20 is hereby GRANTED WITH ONE CONDITION
41 to the petitioners, Doug and Lynda Watterson, to authorize the following variance in the AG-
42 1 Agriculture Zoning District:**

43

44 **Authorize the construction and use of a proposed detached garage with a setback of
45 47 feet from the centerline of CR 3050N in lieu of the minimum required setback of
46 55 feet, and a front yard of 0 feet in lieu of the minimum required 25 feet, per Section
47 5.3 of the Zoning Ordinance.**

48

SUBJECT TO THE FOLLOWING CONDITION:

A. The petitioner shall submit a signed approval from the Brown Township Road Commissioner with the Zoning Use Permit application that states exactly how far the building may extend into the CR 3050N right-of-way.

The special condition stated above is required to ensure the following:
That there is sufficient road right-of-way on CR 3050N.

Mr. Elwell requested a roll call vote.

The vote was called as follows:

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

The motion carried.

Mr. Elwell told Mr. Watterson that he appreciated his patience and that his variance has been approved.

Mr. Watterson thanked everyone for their time.

Mr. Elwell requested a motion to move Case 985-V-20 up on the agenda.

Mr. Wood, seconded by Mr. Roberts, moved to hear Case 985-V-20 next.

Mr. Elwell requested a roll call vote.

The vote was called as follows:

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

The motion carried.

6. New Public Hearings

Case 985-V-20

Petitioner: **Herbert Osterbur, with agent Mitch Osterbur**

Request: **Authorize the following Variance in the AG-1 Agriculture Zoning District: Variance for a lot area of 0.83 acre with a net lot area of 0.67 acre (excluding road right-of-way) in lieu of the minimum required 1 acre, and an average lot width of 165 feet in lieu of the minimum required 200 feet, per Section 5.3 of the Zoning Ordinance.**

Location: **A 0.83-acre vacant lot in the Southeast Quarter of the Southeast Quarter of the Northeast Quarter of Section 22, Township 20 North, Range 10 East of the Third Principal Meridian in Stanton Township, approximately 400 feet south of the residence with an address of 2061 CR 2200 E, St. Joseph.**

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 or a verbal indication from those who would like to cross-examine, and each person will
4 be called upon. He said that those who desire to cross-examine asked to clearly state their name before
5 asking any questions. He noted that no new testimony is to be given during the cross-examination. He said
6 that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross-
7 examination. He asked Mr. Osterbur to outline the nature of his request.

8
9 Mr. Mitch Osterbur, 2235 CR 2300E, St. Joseph, said that this lot has been an empty lot since his dad
10 moved in 1974 or 1975. He said it has always been a lot, and he remembers when a house was there, but
11 it burned down. He said his dad bought the lot in a tax sale and cleaned up the lot, removing the old
12 foundation. He said his dad was thinking that maybe someone from the family would want to build a
13 house there. His parents are now 91 and 94, and want to clean some things up and get rid of the lot. He
14 said that he farms the 36-37 acres around the lot, but does not own it. He says he keeps the lot mowed, as
15 shown in the pictures taken by staff. He said that they need to make sure that whoever is interested in
16 purchasing it can put a house on it legally.

17
18 Mr. Elwell asked if there were any questions from the Board.

19
20 Mr. Wood asked if there is still a well or septic on the lot.

21
22 Mr. Osterbur said there is no well or septic system.

23
24 Mr. Anderson referred to a photo of the lot, and noted that the outline of the lot extends into the cultivated
25 land. He asked if it is okay with the owner of the cultivated land that someone might have a lawn on his
26 field.

27
28 Mr. Osterbur said that he is not sure he understands the question; is Mr. Anderson asking if a potential
29 owner would mind having grass out in the field.

30
31 Mr. Anderson said yes, the lot extends over into the part that is cultivated.

32
33 Mr. Osterbur said that looking at the south edge of the lot, for about 20 feet from the edge of the grass that
34 he mows, the lot does extend into that field, and slopes down.

35
36 Mr. Anderson asked if the person who owns that field is ok that someone else may own part of that field.

37
38 Mr. Osterbur said that the owner of the field never owned that; it has always been part of the lot. He said
39 that the owner of the field knows that the lot extends into the field about 20 feet.

40
41 Mr. Elwell said that it appears the lot extends to the west, with the tree outside the lot line. He asked Mr.
42 Osterbur if that tree belongs to the subject property.

43
44 Mr. Osterbur said that the tree is part of the field, not the lot.

45
46 Mr. Wood said that he thinks the issue is that whoever buys the property would have to move over about
47 20 feet and not farm that area.

48

1 Mr. Elwell said he would think that the area to the west, including that tree, would be part of the lot, but
2 not the 10 feet or so to the south, which is actually cultivated.

3
4 Mr. Osterbur said that looking at the attachment, the land to the south is in production. He said it surprised
5 him to see it on the map, because he didn't think the lot went this far south. He said that if someone buys
6 the property and wants to put a house on it, he would have it surveyed so that everyone knows exactly
7 where the four corners of that lot are. He said that the tree could be removed to farm it, or he could sell
8 the land with the tree instead. He said that someone can put a 1,500 square foot house and have plenty of
9 room for a well and septic, as is. He said that as long as the interested parties know the exact size of the
10 lot, then the interested person could negotiate with the owner to the west.

11
12 Mr. Elwell said that the house was presumably built prior to 1973.

13
14 Ms. Burgstrom said yes.

15
16 Mr. Elwell asked if there were any questions from the Board or staff. Seeing none, he asked if anyone
17 would like to cross-examine Mr. Osterbur, and there was no one. He asked if anyone else would like to
18 testify, and there was no one. He asked how the Board would like to proceed.

19
20 **Mr. Wood moved, seconded by Mr. Roberts, to adopt the Summary of Evidence and Documents of**
21 **Record, and proceed with the Findings of Fact for Case 985-V-20.**

22
23 The vote was called as follows:

24	Anderson – yes	Elwell - yes	Randol – absent
25	Roberts – yes	Wood - yes	Lee - absent

26
27 **The motion carried.**

28
29 **FINDINGS OF FACT FOR CASE 985-V-20:**

30
31 **From the documents of record and the testimony and exhibits received at the public hearing for**
32 **zoning case 985-V-20 held on November 12, 2020, the Zoning Board of Appeals of Champaign County**
33 **finds that:**

- 34
- 35 **1. Special conditions and circumstances DO exist which are peculiar to the land or structure**
- 36 **involved, which are not applicable to other similarly situated land and structures elsewhere**
- 37 **in the same district.**

38
39 Mr. Wood stated that special conditions and circumstances DO exist which are peculiar to the land or
40 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
41 the same district because: the lot was established prior to the adoption of the zoning ordinance.

- 42
- 43 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**
- 44 **sought to be varied WILL prevent reasonable or otherwise permitted use of the land or**
- 45 **structure or construction.**

46
47 Mr. Wood stated that practical difficulties or hardships created by carrying out the strict letter of the
48 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or

1 structure or construction because: it would prevent the residential use of the lot as it was originally
2 established.

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

6
7 Mr. Wood stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT
8 result from actions of the applicant because: the lot was created prior to current ownership of the property.

9
10 **4. The requested variance IS in harmony with the general purpose and intent of the Ordinance.**

11
12 Mr. Wood stated that the requested variance IS in harmony with the general purpose and intent of the
13 Ordinance because: it will allow its original use.

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

17
18 Mr. Wood stated that the requested variance WILL NOT be injurious to the neighborhood or otherwise
19 detrimental to the public health, safety, or welfare because: there is no neighborhood around to have any
20 impact on.

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

24
25 Mr. Wood stated that the requested variance IS the minimum variation that will make possible the
26 reasonable use of the land/structure because: as far as we know, adjacent property is not available.

27
28 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings
29 of Fact, as amended for Case 985-V-20.

30
31 **Mr. Roberts moved, seconded by Mr. Anderson, to adopt the Summary of Evidence, Documents of**
32 **Record, and Findings of Fact, as amended.**

33
34 The vote was called as follows:

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

35
36
37
38 **The motion carried.**

39
40 Mr. Elwell entertained a motion to move to the Final Determination for Case 985-V-20.

41
42 **Mr. Wood moved, seconded by Mr. Anderson, to proceed to the Final Determination for Case 985-**
43 **V-20.**

44
45 The vote was called as follows:

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

1 **The motion carried.**

2
3 Mr. Elwell told Mr. Osterbur that there is not a full Board tonight, and therefore he has the choice to
4 proceed with the Final Determination tonight, or continue the case to another date when a full Board is
5 available. He said that they need 4 affirmative votes for an approval.
6

7 Mr. Osterbur said that he is ready to proceed with Final Determination tonight.
8

9 **FINAL DETERMINATION FOR CASE 985-V-20:**

10
11 **Mr. Wood moved, seconded by Mr. Anderson, that the Champaign County Zoning Board of**
12 **Appeals finds that, based upon the application, testimony, and other evidence received in this case,**
13 **that the requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the**
14 **authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning**
15 **Board of Appeals of Champaign County determines that:**
16

17 **The Variance requested in Case 985-V-20 is hereby GRANTED to the petitioners, Herbert**
18 **Osterbur, with agent Mitch Osterbur, to authorize the following variance in the AG-1**
19 **Agriculture Zoning District:**
20

21 **Authorize a variance for a lot area of 0.83 acre with a net lot area of 0.67 acre (excluding**
22 **road right-of-way) in lieu of the minimum required 1 acre, and an average lot width of 165**
23 **feet in lieu of the minimum required 200 feet, per Section 5.3 of the Zoning Ordinance.**
24

25 Mr. Elwell requested a roll call vote.
26

27 The vote was called as follows:

28 Anderson – yes	28 Elwell - yes	28 Randol – absent
29 Roberts – yes	29 Wood - yes	29 Lee - absent

30
31 **The motion carried.**
32

33 Mr. Elwell told Mr. Osterbur that his variance has been approved.
34

35 Mr. Osterbur thanked everyone for their time.
36

37 **Cases 984-S-20 & 990-V-20**

38 **Petitioners: Ehler Bros. Co., represented by Dustin Ehler**

39 **Request: Case 984-S-20: Authorize the construction and use of a facility for storage and dispensing**
40 **of agricultural fertilizer as a “Farm Chemicals and Fertilizer Sales including incidental storage and**
41 **mixing of blended fertilizer” Special Use in the AG-1 Agriculture Zoning District. Case 990-V-20:**
42 **Authorize a variance from the Champaign County Storm Water Management and Erosion Control**
43 **Ordinance, which requires a Storm Water Drainage Plan and review for more than one acre of**
44 **impervious area within a rectangular area of 90,000 square feet with a minimum dimension of 150**
45 **feet, for the Special Use Permit area requested in related Zoning Case 980-S-20.**

46 **Location: Part of a 158.3 acre tract in the Southwest Quarter of the Southwest Quarter of the**
47 **Southwest Quarter of Section 27, Township 21 North, Range 9 East of the Third Principal Meridian**

1 **in Rantoul Township, and commonly known as the existing Ehler Bros. facility on the north side of**
2 **CR 2500N (County Highway 11), with an address of 1502 CR 2500N, Thomasboro.**

3 **Case 986-V-20**

4 **Petitioners: Ehler Bros. Co., represented by Dustin Ehler**

5 **Request: Authorize a variance for an average lot width of 150 feet in lieu of the minimum required**
6 **200 feet average lot width in the AG-1 Agriculture Zoning District, per Section 5.3 of the Champaign**
7 **County Zoning Ordinance.**

8 **Location: A 2.11 acre tract of land located in the Northeast corner of the Northeast Quarter of**
9 **Section 33, Township 21N Range 9E in Rantoul Township and commonly known as the Ehler Bros.**
10 **Co. facility on the south side of CR 2500N (County Highway 11), with an address of 1496 CR 2500N,**
11 **Thomasboro.**

12
13 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
14 the witness register for that public hearing. He reminded the audience that when they sign the witness
15 register, they are signing an oath.

16
17 Mr. Elwell informed the audience that these Cases are Administrative Cases and as such, the County
18 allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask
19 for a show of hands or a verbal indication from those who would like to cross-examine, and each person
20 will be called upon. He said that those who desire to cross-examine asked to clearly state their name before
21 asking any questions. He noted that no new testimony is to be given during the cross-examination. He said
22 that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross-
23 examination.

24
25 Mr. Elwell asked Mr. Ehler to outline the nature of his request.

26
27 Mr. Dustin Ehler, 510 N West St, Gifford, said that the lot on the south side of County Highway 11 was
28 created when his grandpa built a shed there in the early 1970s. He said it was used primarily for ag
29 purposes, and was therefore exempt from the lot width requirement. He said that the lot started being used
30 more for commercial purposes. He said that the building was destroyed by a microburst in early 2020, and
31 they do not want to rebuild. He said they would like to install a solar array on the former building
32 foundation, and want to tidy everything up while they were asking for the permits for the north side.

33
34 Mr. Ehler said that regarding the 158.3 lot on the north side of CH 11, they own that and farm it themselves.
35 They are requesting a variance from the Storm Water Drainage Plan requirement because two years ago,
36 the land was system-tiled with catch basins. He said that they plan for two more tiles, and can use the
37 drainage ditch that is about 200 feet east of the buildings. He said that they don't want to cause themselves
38 any drainage problems.

39
40 Mr. Wood referred to the lot to the south, and asked if the variance for lot width would not already be in
41 effect from when the use went from agricultural to commercial in the 1990s.

42
43 Mr. Hall said that once buildings are demolished, proper authorization is needed. He said since the south
44 lot touches the north lot, the solar array, fueling, and storage could all be accessory uses to the facility on
45 the north side of the road. Alternatively, he said that the Board might feel the need to have a Special Use
46 Permit for those uses on the south side, but it was not advertised that way. He said that accessory uses are
47 normally not considered a significant expansion.

1 Mr. Wood said that the uses on the south are basically truck parking, refueling, and a solar array to power
2 the north side facility.
3
4 Mr. Ehler said that the lot on the south side started being taxed as commercial, but was not rezoned. He
5 confirmed that they park and fuel trucks, store trailers, and plan on having a solar array.
6
7 Mr. Wood asked, regarding storm water management on the north lot, how comfortable Mr. Ehler is with
8 a heavy rain.
9
10 Mr. Ehler said that they purposely oversized the tile when they put it in, and have the drainage ditch, so
11 he is not concerned at all. He said that they will have the two new tiles put in too.
12
13 Mr. Wood asked Mr. Ehler if he didn't think the northwest basin should be extended.
14
15 Mr. Ehler said that there is another catch basin on the property to the west.
16
17 Mr. Wood asked if all the land slopes toward the ditch.
18
19 Mr. Ehler said that final grading will slope toward the ditch.
20
21 Mr. Elwell asked if Mr. Ehler owned farm around the proposed site on the north side of CH 11.
22
23 Mr. Ehler said that they own both.
24
25 Mr. Elwell said that Mr. Elwell has skin in the game, so water wouldn't go everywhere.
26
27 Mr. Anderson asked how big the proposed solar array would be.
28
29 Mr. Ehler said that they are working with solar panels and an electrician, but the array might be a long
30 shot because there might not be any renewable energy credits left.
31
32 Mr. Anderson asked about the dryers on the south side of the road.
33
34 Mr. Ehler said that they are not theirs. He said that the distance to run wire to their electric service is over
35 700 feet.
36
37 Mr. Elwell asked Mr. Hall if he had run into any type of case like this before, where there was a building,
38 it got damaged, and the owner does not want to replace it.
39
40 Mr. Hall said that replacing storm-damaged buildings is a common occurrence. He said that this is the
41 first time the owner is requesting solar panels, and the first instance of possibly needing a Special Use
42 Permit after damage.
43
44 Mr. Elwell asked Mr. Hall to summarize having an accessory structure without a primary structure on a
45 lot.
46
47 Mr. Hall said that some might say you should not have an accessory use on the south lot without a Special
48 Use Permit. He said it is not typical to have the primary use across the street. He said that we can deal

1 with all of these requests at once instead of re-advertising for a Special Use Permit that extends to the
2 south lot, but there is a time constraint.

3
4 Mr. Elwell commented that they do share a common border on the road. He asked how Mr. Ehler would
5 get power from the south side where the array would be to the north side.

6
7 Mr. Ehler said they would bore under the road.

8
9 Mr. Elwell asked how the Board would like to proceed with Case 986-V-20.

10
11 **Mr. Wood moved, seconded by Mr. Roberts, to proceed to the Findings of Fact for Case 986-V-20.**

12
13 Ms. Burgstrom said that going forward with the variance for Case 986-V-20 suggests that you do not feel
14 that the south lot needs a Special Use Permit.

15
16 Mr. Hall suggested that if they do want the variance and a Special Use Permit on the south lot, they could
17 add a new paragraph under Item 2.B. in Case 984-S-20 that adds the south lot to the Special Use Permit.

18
19 Mr. Wood asked if he understands correctly that Case 984-S-20 would provide a Special Use Permit for
20 both pieces of property.

21
22 Mr. Elwell asked if there was any downside to not including it in Case 986-V-20.

23
24 Mr. Hall said that it would have to be part of Case 984-S-20.

25
26 Mr. Elwell said that it would make it cleaner to add it to Case 984-S-20.

27
28 **Mr. Wood said that his motion was to move to the Findings of Fact for Case 986-V-20, and that Mr.**
29 **Roberts was the second.**

30
31 Mr. Elwell requested a roll call vote.

32
33 The vote was called as follows:

34	Anderson – yes	Elwell - yes	Randol – absent
35	Roberts – yes	Wood - yes	Lee - absent

36
37 **FINDINGS OF FACT FOR CASE 986-V-20:**

38 **From the documents of record and the testimony and exhibits received at the public hearing for**
39 **zoning case 986-V-20 held on November 12, 2020, the Zoning Board of Appeals of Champaign County**
40 **finds that:**

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

45
46 Mr. Wood stated that special conditions and circumstances DO exist which are peculiar to the land or
47 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
48 the same district because: the lot was created in 1977 and was ag exempt.

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

4
5 Mr. Wood stated that 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: this property will not be usable without the variance, because the use
8 that is being requested in Case 984-S-20 is different than the 986-V-20 conditions under which it was
9 originally established.

10
11 **3. The special conditions, circumstances, hardships, or practical difficulties DO NOT result**
12 **from actions of the applicant.**

13
14 Mr. Wood stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT
15 result from actions of the applicant because: the building on the property was blown over in 2020.

16
17 **4. The requested variance IS in harmony with the general purpose and intent of the Ordinance.**

18
19 Mr. Wood stated that the requested variance IS in harmony with the general purpose and intent of the
20 Ordinance because: this will allow them to continue to use the property in AG-1 as part of their business.

21
22 **5. The requested variance WILL NOT be injurious to the neighborhood or otherwise**
23 **detrimental to the public health, safety, or welfare.**

24
25 Mr. Wood stated that the requested variance WILL NOT be injurious to the neighborhood or otherwise
26 detrimental to the public health, safety, or welfare because: the uses being suggested will not be a
27 significant change from what was there in the past.

28
29 **6. The requested variance IS the minimum variation that will make possible the reasonable use**
30 **of the land/structure.**

31
32 Mr. Wood stated that the requested variance IS the minimum variation that will make possible the
33 reasonable use of the land/structure because: the particular lot size that was established over 40 years ago.

34
35 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings
36 of Fact, as amended for Case 986-V-20.

37
38 **Mr. Roberts moved, seconded by Mr. Wood, to adopt the Summary of Evidence, Documents of**
39 **Record, and Findings of Fact, as amended.**

40
41 The vote was called as follows:
42 **Anderson – yes** **Elwell - yes** **Randol – absent**
43 **Roberts – yes** **Wood - yes** **Lee - absent**

44
45 **The motion carried.**

46
47 Mr. Elwell entertained a motion to move to the Final Determination for Case 986-V-20.
48

1 Mr. Anderson moved, seconded by Mr. Roberts, to proceed to the Final Determination for Case
2 986-V-20.

3
4 The vote was called as follows:

5	Anderson – yes	Elwell - yes	Randol – absent
6	Roberts – yes	Wood - yes	Lee - absent

7
8 **The motion carried.**

9
10 Mr. Elwell told Mr. Ehler that there is not a full Board tonight, and therefore he has the choice to proceed
11 with the Final Determination tonight, or continue the case to another date when a full Board is available.
12 He said that they need 4 affirmative votes for an approval.

13
14 Mr. Ehler said that he is ready to proceed with Final Determination tonight.

15
16 **FINAL DETERMINATION FOR CASE 986-V-20:**

17
18 **Mr. Wood moved, seconded by Mr. Anderson, that the Champaign County Zoning Board of**
19 **Appeals finds that, based upon the application, testimony, and other evidence received in this case,**
20 **that the requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the**
21 **authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning**
22 **Board of Appeals of Champaign County determines that:**

23
24 **The Variance requested in Case 986-V-20 is hereby GRANTED to the petitioner, Ehler Bros.**
25 **Co., to authorize the following variance in the AG-1 Agriculture Zoning District:**

26
27 **Authorize a variance for an average lot width of 150 feet in lieu of the minimum required**
28 **200 feet average lot width, per Section 5.3 of the Champaign County Zoning Ordinance.**

29
30 Mr. Elwell requested a roll call vote.

31
32 The vote was called as follows:

33	Anderson – yes	Elwell - yes	Randol – absent
34	Roberts – yes	Wood - yes	Lee - absent

35
36 **The motion carried.**

37
38 Mr. Elwell told Mr. Ehler that the variance in Case 986-V-20 has been approved.

39
40 Mr. Wood asked if staff had language to incorporate Case 986-V-20 into Case 984-S-20.

41
42 Mr. Hall said that under Item 2.B. in the Summary of Evidence for Case 984-S-20, the following could be
43 added:

44
45 B. The Board added a 2.11-acre lot on the south side of CR 2500N that shares a common
46 property line to the Special Use Permit area.

47
48 Mr. Hall said that the Documents of Record for Case 986-V-20 need to be added to Case 984-S-20.

1 Mr. Elwell reviewed the special conditions with Mr. Ehler, and asked whether he agreed with each one.
2 He read special condition A as follows:

3
4 A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case
5 984-S-20 by the Zoning Board of Appeals.**

6
7 The special condition stated above is required to ensure the following:
8 **The establishment of the proposed use shall be properly documented as
9 required by the Zoning Ordinance.**

10
11 Mr. Elwell asked Mr. Ehler if he agreed with special condition A.

12
13 Mr. Ehler said yes.

14
15 B. **The Zoning Administrator shall not issue a Zoning Use Permit or a Zoning
16 Compliance Certificate for the proposed Farm Chemicals and Fertilizer Sales facility
17 until the petitioner has demonstrated that the proposed Special Use complies with the
18 Illinois Accessibility Code.**

19
20 The special condition stated above is required to ensure the following:
21 **The proposed Special Use Permit meets applicable State codes for
22 accessibility.**

23
24 Mr. Elwell asked Mr. Ehler if he agreed with special condition B.

25
26 Mr. Ehler said yes.

27
28 C. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until
29 the petitioner has demonstrated that any proposed exterior lighting on the subject
30 property will comply with the lighting requirements of Section 6.1.2.**

31
32 The special condition stated above is required to ensure the following:
33 **That any proposed exterior lighting is in compliance with the Zoning
34 Ordinance.**

35
36 Mr. Elwell asked Mr. Ehler if he agreed with special condition C.

37
38 Mr. Ehler said yes.

39
40 D. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate
41 authorizing occupancy of the proposed building until the Zoning Administrator has
42 received a certification of inspection from an Illinois Licensed Architect or other
43 qualified inspector certifying that the new buildings comply with the following codes:
44 (A) the 2006 or later edition of the International Building Code; (B) the 2008 or later
45 edition of the National Electrical Code NFPA 70; and (C) the Illinois Plumbing Code.**

46
47 The special condition stated above is required to ensure the following:
48 **New commercial buildings shall be in conformance with Public Act 96-704.**

1 Mr. Elwell asked Mr. Ehler if he agreed with special condition D.

2

3 Mr. Ehler said yes.

4

5 E. Regarding the ongoing operation of the Special Use as authorized by the Illinois
6 Department of Agriculture:

7 (1) The Special Use shall at all times be operated in conformance with the Illinois
8 Department of Agriculture permit, and any special conditions thereof.

9

10 (2) The owner/operator of the Special Use shall make all inspection and
11 maintenance records required by the Illinois Department of Agriculture
12 (IDAG) available to Champaign County upon request by the Zoning
13 Administrator and shall cooperate with Champaign County in resolving any
14 valid complaint or concern that is related to public safety and environmental
15 protection.

16

17 (3) The owner/operator of the Special Use shall provide the Zoning Administrator
18 with copies of renewal permits over the lifetime of the Special Use for the Illinois
19 Department of Agriculture (IDAG) Permit. The Special Use shall become void
20 if the Petitioner fails to submit a renewal permit from the Illinois Department
21 of Agriculture (IDAG) to the Zoning Office over the lifetime of the Special Use.

22

23 The special conditions stated above are required to ensure the following:

24 To ensure that Champaign County is fully informed of any risks that arise for
25 public safety and environmental protection.

26

27 Mr. Hall asked that the phrase “as requested by the Zoning Administrator” be added after under E(3) after
28 “(IDAG) Permit” and again at the end of E(3).

29

30 Mr. Elwell asked Mr. Ehler if he agreed with special condition E as amended:

31

32 (3) The owner/operator of the Special Use shall provide the Zoning Administrator
33 with copies of renewal permits over the lifetime of the Special Use for the Illinois
34 Department of Agriculture (IDAG) Permit as requested by the Zoning
35 Administrator. The Special Use shall become void if the Petitioner fails to submit
36 a renewal permit from the Illinois Department of Agriculture (IDAG) to the
37 Zoning Office over the lifetime of the Special Use as requested by the Zoning
38 Administrator.

39

40 Mr. Ehler said yes.

41

42 F. A septic system shall be installed on the subject property in conjunction with
43 construction, and:

44 (1) A Zoning Use Permit shall not be approved until the petitioner provides a copy
45 of certification from the County Health Department that the proposed septic
46 system on the subject property has sufficient capacity for the proposed use.

47

(2) The septic leach field shall be kept free of vehicular traffic and cannot be paved over.

The special conditions stated above are required to ensure the following:

That the solid waste system conforms to the requirements of the Zoning Ordinance and any applicable health regulations.

Mr. Elwell asked Mr. Ehler if he agreed with special condition F.

Mr. Ehler said yes.

G. A complete Storm Water Drainage Plan that conforms to the requirements of the Storm Water Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit application, and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.

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

That the drainage improvements conform to the requirements of the Storm Water Management and Erosion Control Ordinance.

Mr. Hall suggested an edit to condition G.

G. A complete Storm Water Drainage Plan that conforms to the requirements of the Storm Water Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit application, and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate in the event that the variance in Case 990-V-20 is not approved.

Mr. Elwell asked Mr. Ehler if he agreed with special condition G as amended.

Mr. Ehler said yes.

Mr. Elwell entertained a motion to approve the special conditions.

Mr. Wood moved, seconded by Mr. Roberts, to accept the Summary of Evidence, Documents of Record including those from Case 986-V-20, and the special conditions, all as amended.

The vote was called as follows:

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

The motion carried.

Mr. Wood moved, seconded by Mr. Anderson, to proceed to the Findings of Fact for Case 984-S-20.

The vote was called as follows:

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

1 The motion carried.

2

3 **FINDINGS OF FACT FOR CASE 984-S-20:**

4

5 From the documents of record and the testimony and exhibits received at the public hearing for
6 zoning case 984-S-20 held on November 12, 2020, the Zoning Board of Appeals of Champaign
7 County finds that:

8

9 **1. The requested Special Use Permit IS necessary for the public convenience at this location.**

10

11 Mr. Wood stated that the requested Special Use Permit IS necessary for the public convenience at this
12 location.

13

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

18

19 **a. The street has ADEQUATE traffic capacity and the entrance location has**
20 **ADEQUATE visibility.**

21

22 Mr. Wood stated that the street has ADEQUATE traffic capacity and the entrance location has
23 ADEQUATE visibility.

24

25 **b. Emergency services availability is ADEQUATE.**

26

27 Mr. Wood stated that emergency services availability is ADEQUATE because of the close proximity to
28 Urbana and Rantoul.

29

30 **c. The Special Use WILL be compatible with adjacent uses.**

31

32 Mr. Wood stated that the Special Use WILL be compatible with adjacent uses.

33

34 **d. Surface and subsurface drainage will be ADEQUATE.**

35

36 Mr. Wood stated that surface and subsurface drainage will be ADEQUATE.

37

38 **e. Public safety will be ADEQUATE.**

39

40 Mr. Wood stated that public safety will be ADEQUATE.

41

42 **f. The provisions for parking will be ADEQUATE.**

43

44 Mr. Wood stated that the provisions for parking will be ADEQUATE.

45

46 **g. The property is BEST PRIME FARMLAND and the property with the proposed**
47 **improvements IS WELL SUITED OVERALL.**

48

1 Mr. Wood stated that the property is BEST PRIME FARMLAND and the property with the proposed
2 improvements IS WELL SUITED OVERALL.

3
4 **h. The existing public services ARE available to support the proposed special use**
5 **effectively and safely without undue public expense.**
6

7 Mr. Wood stated that the existing public services ARE available to support the proposed special use
8 effectively and safely without undue public expense.

9
10 **i. The existing public infrastructure together with proposed improvements ARE**
11 **adequate to support the proposed development effectively and safely without undue**
12 **public expense.**
13

14 Mr. Wood stated that the existing public infrastructure together with proposed improvements ARE
15 adequate to support the proposed development effectively and safely without undue public expense.

16
17 Mr. Wood stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
18 IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be
19 injurious to the district in which it shall be located or otherwise detrimental to the public health, safety,
20 and welfare.

21
22 **3a. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
23 **IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the**
24 **DISTRICT in which it is located.**
25

26 Mr. Wood stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
27 IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the DISTRICT in
28 which it is located.

29
30 **3b. 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**
32 **located because:**

33 **a. The Special Use will be designed to CONFORM to all relevant County ordinances**
34 **and codes.**
35

36 Mr. Wood stated that the Special Use will be designed to CONFORM to all relevant County ordinances
37 and codes.

38
39 **b. The Special Use WILL be compatible with adjacent uses.**
40

41 Mr. Wood stated that the Special Use WILL be compatible with adjacent uses.

42
43 **c. Public safety will be ADEQUATE.**
44

45 Mr. Wood stated that public safety will be ADEQUATE.

46
47 Mr. Wood stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
48 IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

1 4. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
2 IMPOSED HEREIN, IS in harmony with the general purpose and intent of the Ordinance
3 because:

4 a. The Special Use is authorized in the District.
5

6 Mr. Wood stated that the Special Use is authorized in the District.
7

8 b. The requested Special Use Permit IS necessary for the public convenience at this
9 location.
10

11 Mr. Wood stated that the requested Special Use Permit IS necessary for the public convenience at this
12 location.
13

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

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

24 d. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
25 IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in
26 which it is located.
27

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

31 Mr. Wood stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
32 IMPOSED HEREIN, IS in harmony with the general purpose and intent of the Ordinance.
33

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

36 6. THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE
37 COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE
38 PARTICULAR PURPOSES DESCRIBED BELOW:

39 A. A Change of Use Permit shall be applied for within 30 days of the approval of Case
40 984-S-20 by the Zoning Board of Appeals.
41

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

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

46 B. The Zoning Administrator shall not issue a Zoning Use Permit or a Zoning
47 Compliance Certificate for the proposed Farm Chemicals and Fertilizer Sales facility
48 until the petitioner has demonstrated that the proposed Special Use complies with the

Illinois Accessibility Code.

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

The proposed Special Use Permit meets applicable State codes for accessibility.

- C. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

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

That any proposed exterior lighting is in compliance with the Zoning Ordinance.

- D. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed building until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new buildings comply with the following codes: (A) the 2006 or later edition of the International Building Code; (B) the 2008 or later edition of the National Electrical Code NFPA 70; and (C) the Illinois Plumbing Code.**

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

New commercial buildings shall be in conformance with Public Act 96-704.

- E. **Regarding the ongoing operation of the Special Use as authorized by the Illinois Department of Agriculture:**

- (1) **The Special Use shall at all times be operated in conformance with the Illinois Department of Agriculture permit, and any special conditions thereof.**

- (2) **The owner/operator of the Special Use shall make all inspection and maintenance records required by the Illinois Department of Agriculture (IDAG) available to Champaign County upon request by the Zoning Administrator and shall cooperate with Champaign County in resolving any valid complaint or concern that is related to public safety and environmental protection.**

- (3) **The owner/operator of the Special Use shall provide the Zoning Administrator with copies of renewal permits over the lifetime of the Special Use for the Illinois Department of Agriculture (IDAG) Permit as requested by the Zoning Administrator. The Special Use shall become void if the Petitioner fails to submit a renewal permit from the Illinois Department of Agriculture (IDAG) to the Zoning Office over the lifetime of the Special Use as requested by the Zoning Administrator.**

The special conditions stated above are required to ensure the following:

To ensure that Champaign County is fully informed of any risks that arise for public safety and environmental protection.

1 F. A septic system shall be installed on the subject property in conjunction with
2 construction, and:

3 (1) A Zoning Use Permit shall not be approved until the petitioner provides a copy
4 of certification from the County Health Department that the proposed septic
5 system on the subject property has sufficient capacity for the proposed use.
6

7 (2) The septic leach field shall be kept free of vehicular traffic and cannot be paved
8 over.
9

10 The special conditions stated above are required to ensure the following:

11 That the solid waste system conforms to the requirements of the Zoning
12 Ordinance and any applicable health regulations.
13

14 G. A complete Storm Water Drainage Plan that conforms to the requirements of the
15 Storm Water Management and Erosion Control Ordinance shall be submitted and
16 approved as part of the Zoning Use Permit application, and all required certifications
17 shall be submitted after construction prior to issuance of the Zoning Compliance
18 Certificate in the event that the variance in Case 990-V-20 is not approved.
19

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

21 That the drainage improvements conform to the requirements of the Storm
22 Water Management and Erosion Control Ordinance.
23

24 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings
25 of Fact as amended for Case 984-S-20.
26

27 Mr. Wood moved, seconded by Mr. Roberts, to adopt the Summary of Evidence, Documents of
28 Record, and Findings of Fact as amended for Case 984-S-20.
29

30 The vote was called as follows:

31 Anderson – yes Elwell - yes Randol – absent
32 Roberts – yes Wood - yes Lee - absent
33

34 The motion carried.
35

36 Mr. Elwell entertained a motion to move to the Final Determination for Case 984-S-20.
37

38 Mr. Wood moved, seconded by Mr. Roberts, to proceed to the Final Determination for Case 984-S-
39 20.
40

41 The vote was called as follows:

42 Anderson – yes Elwell - yes Randol – absent
43 Roberts – yes Wood - yes Lee - absent
44

44 The motion carried.
45

46 Mr. Elwell told Mr. Ehler that there is not a full Board tonight, and therefore he has the choice to proceed
47 with the Final Determination tonight, or continue the case to another date when a full Board is available.
48 He said that they need 4 affirmative votes for an approval.

1 Mr. Ehler said that he is ready to proceed with Final Determination tonight.

2
3 **FINAL DETERMINATION FOR CASE 984-S-20:**

4
5 **Mr. Wood moved, seconded by Mr. Roberts, that the Champaign County Zoning Board of Appeals**
6 **finds that, based upon the application, testimony, and other evidence received in this case, the**
7 **requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority**
8 **granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:**

9
10 **The Special Use requested in Case 984-S-20 is hereby GRANTED WITH SPECIAL**
11 **CONDITIONS to the applicants, Ehler Bros. Co., with David Ehler, Linda Yearsley, and**
12 **Dustin Ehler, to authorize storage and dispensing of agricultural fertilizer as a “Farm**
13 **Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer”**
14 **facility as a Special Use in the AG-1 Agriculture Zoning District.**

15
16 **SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:**

- 17
- 18 **A. A Change of Use Permit shall be applied for within 30 days of the approval of Case**
- 19 **984-S-20 by the Zoning Board of Appeals.**
- 20
- 21 **B. The Zoning Administrator shall not issue a Zoning Use Permit or a Zoning**
- 22 **Compliance Certificate for the proposed Farm Chemicals and Fertilizer Sales facility**
- 23 **until the petitioner has demonstrated that the proposed Special Use complies with the**
- 24 **Illinois Accessibility Code.**
- 25
- 26 **C. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until**
- 27 **the petitioner has demonstrated that any proposed exterior lighting on the subject**
- 28 **property will comply with the lighting requirements of Section 6.1.2.**
- 29
- 30 **D. The Zoning Administrator shall not authorize a Zoning Compliance Certificate**
- 31 **authorizing occupancy of the proposed building until the Zoning Administrator has**
- 32 **received a certification of inspection from an Illinois Licensed Architect or other**
- 33 **qualified inspector certifying that the new buildings comply with the following codes:**
- 34 **(A) the 2006 or later edition of the International Building Code; (B) the 2008 or later**
- 35 **edition of the National Electrical Code NFPA 70; and (C) the Illinois Plumbing Code.**
- 36
- 37 **E. Regarding the ongoing operation of the Special Use as authorized by the Illinois**
- 38 **Department of Agriculture:**
- 39 **(1) The Special Use shall at all times be operated in conformance with the Illinois**
- 40 **Department of Agriculture permit, and any special conditions thereof.**
- 41
- 42 **(2) The owner/operator of the Special Use shall make all inspection and**
- 43 **maintenance records required by the Illinois Department of Agriculture**
- 44 **(IDAG) available to Champaign County upon request by the Zoning**
- 45 **Administrator and shall cooperate with Champaign County in resolving any**
- 46 **valid complaint or concern that is related to public safety and environmental**
- 47 **protection.**

1 (3) The owner/operator of the Special Use shall provide the Zoning Administrator
 2 with copies of renewal permits over the lifetime of the Special Use for the Illinois
 3 Department of Agriculture (IDAG) Permit as requested by the Zoning
 4 Administrator. The Special Use shall become void if the Petitioner fails to submit
 5 a renewal permit from the Illinois Department of Agriculture (IDAG) to the
 6 Zoning Office over the lifetime of the Special Use as requested by the Zoning
 7 Administrator.
 8

9 F. A septic system shall be installed on the subject property in conjunction with
 10 construction, and:

11 (1) A Zoning Use Permit shall not be approved until the petitioner provides a copy
 12 of certification from the County Health Department that the proposed septic
 13 system on the subject property has sufficient capacity for the proposed use.
 14

15 (2) The septic leach field shall be kept free of vehicular traffic and cannot be paved
 16 over.
 17

18 G. A complete Storm Water Drainage Plan that conforms to the requirements of the
 19 Storm Water Management and Erosion Control Ordinance shall be approved by the
 20 Zoning Administrator, and all required certifications related to the Storm Water
 21 Drainage Plan shall be submitted after construction prior to issuance of the Zoning
 22 Compliance Certificate in the event that the variance in Case 990-V-20 is not
 23 approved.
 24

25 The vote was called as follows:

26 Anderson – yes	Elwell - yes	Randol – absent
27 Roberts – yes	Wood - yes	Lee - absent

28
 29 **The motion carried.**
 30

31 Mr. Elwell told Mr. Ehler that Case 984-S-20 was approved.
 32

33 Mr. Elwell entertained a motion to proceed to the Findings of Fact for Case 990-V-20.
 34

35 **Mr. Wood moved, seconded by Mr. Anderson, to proceed to the Findings of Fact for Case 990-V-20.**
 36

37 The vote was called as follows:

38 Anderson – yes	Elwell - yes	Randol – absent
39 Roberts – yes	Wood - yes	Lee - absent

40
 41 **The motion carried.**
 42

43 **FINDINGS OF FACT FOR CASE 990-V-20:**
 44

45 From the documents of record and the testimony and exhibits received at the public hearing for
 46 zoning case 990-V-20 held on November 12, 2020, the Zoning Board of Appeals of Champaign County
 47 finds that:
 48

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

4
5 Mr. Wood stated that special conditions and circumstances DO exist which are peculiar to the land or
6 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
7 the same district because: the current available drainage system appears to be adequate to cover any real
8 issues with respect to drainage around the proposed expansion of that business.

9
10 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**
11 **sought to be varied WILL prevent reasonable or otherwise permitted use of the land or**
12 **structure or construction.**

13
14 Mr. Wood stated that practical difficulties or hardships created by carrying out the strict letter of the
15 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
16 structure or construction because: of the increased cost of having to go through creating a Storm Water
17 Drainage Plan on top of the investment that has already been made on drainage.

18
19 **3. The special conditions, circumstances, hardships, or practical difficulties DO NOT result**
20 **from actions of the applicant.**

21
22 Mr. Wood stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT
23 result from actions of the applicant.

24
25 **4. The requested variance IS in harmony with the general purpose and intent of the Ordinance.**

26
27 Mr. Wood stated that the requested variance IS in harmony with the general purpose and intent of the
28 Ordinance because: it is simply an expansion of the business that is already there.

29
30 **5. The requested variance WILL NOT be injurious to the neighborhood or otherwise**
31 **detrimental to the public health, safety, or welfare.**

32
33 Mr. Wood stated that the requested variance WILL NOT be injurious to the neighborhood or otherwise
34 detrimental to the public health, safety, or welfare because: the drainage system that is already involved
35 should be adequate to manage the drainage for that property.

36
37 Mr. Elwell said that there is a Drainage Ditch within 200 feet of the proposed addition.

38
39 **6. The requested variance IS the minimum variation that will make possible the reasonable use**
40 **of the land/structure.**

41
42 Mr. Wood stated that the requested variance IS the minimum variation that will make possible the
43 reasonable use of the land/structure because: the drainage system in place right now should be sufficient
44 to handle the drainage needs of the property with the proposed expansion.

45
46 **7. NO SPECIAL CONDITIONS ARE HEREBY IMPOSED.**

47
48 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings

1 of Fact, as amended for Case 990-V-20.

2
3 **Mr. Anderson moved, seconded by Mr. Roberts, to adopt the Summary of Evidence, Documents of**
4 **Record, and Findings of Fact, as amended.**

5
6 The vote was called as follows:

7	Anderson – yes	Elwell - yes	Randol – absent
8	Roberts – yes	Wood - yes	Lee - absent

9
10 **The motion carried.**

11
12 Mr. Elwell entertained a motion to move to the Final Determination for Case 990-V-20.

13
14 **Mr. Roberts moved, seconded by Mr. Wood, to proceed to the Final Determination for Case 990-V-**
15 **20.**

16
17 The vote was called as follows:

18	Anderson – yes	Elwell - yes	Randol – absent
19	Roberts – yes	Wood - yes	Lee - absent

20
21 **The motion carried.**

22
23 Mr. Elwell told Mr. Ehler that there is not a full Board tonight, and therefore he has the choice to proceed
24 with the Final Determination tonight, or continue the case to another date when a full Board is available.
25 He said that they need 4 affirmative votes for an approval.

26
27 Mr. Ehler said that he is ready to proceed with Final Determination tonight.

28
29 **FINAL DETERMINATION FOR CASE 990-V-20:**

30
31 **Mr. Wood moved, seconded by Mr. Anderson, that the Champaign County Zoning Board of**
32 **Appeals finds that, based upon the application, testimony, and other evidence received in this case,**
33 **that the requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the**
34 **authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning**
35 **Board of Appeals of Champaign County determines that:**

36
37 **The Variance requested in Case 990-V-20 is hereby GRANTED to the petitioners, Ehler Bros.**
38 **Co., with David Ehler, Linda Yearsley, and Dustin Ehler, to authorize the following in the AG-**
39 **1 Agriculture Zoning District:**

40
41 **Authorize a variance from the Champaign County Storm Water Management and Erosion**
42 **Control Ordinance, which requires a Storm Water Drainage Plan and review for more than**
43 **one acre of impervious area within a rectangular area of 90,000 square feet with a minimum**
44 **dimension of 150 feet, for the Special Use Permit area requested in related Zoning Case 984-**
45 **S-20.**

46
47 Mr. Elwell requested a roll call vote.

1 The vote was called as follows:

2	Anderson – yes	Elwell - yes	Randol – absent
3	Roberts – yes	Wood - yes	Lee - absent

4
5 **The motion carried.**

6
7 Mr. Elwell told Mr. Ehler that the variance in Case 990-V-20 has been approved.

8
9 Mr. Ehler thanked everyone for their time.

10
11 Ms. Burgstrom told Mr. Ehler that she would be in touch with next steps.

12
13 **Cases 987-S-20 & 988-V-20**

14 **Petitioner: Danny Sage**

15 **Request: Case 987-S-20: Authorize the construction and use of up to 5 Self-Storage Warehouse Units**
 16 **providing heat and utilities to individual units as a Special Use on land in the B-3 Highway Business**
 17 **Zoning District and subject to the variances requested in related Case 988-V-20. Case 988-V-20:**
 18 **Authorize the following variance in the B-3 Highway Business Zoning District, subject to approval**
 19 **of the Special Use Permit in related Case 987-S-20: Part A: Authorize a variance for an existing**
 20 **structure with a front yard of at least 21 feet along CR 1450E (S. Church St.) in lieu of the minimum**
 21 **required 25 feet, per Section 5.3 of the Zoning Ordinance; and Part B: Authorize a variance for an**
 22 **addition to an existing structure with a setback of 35 feet from the street centerline of CR 1450E (S.**
 23 **Church St.) and with a front yard of 15 feet, in lieu of the minimum required 55 feet setback and 25**
 24 **feet front yard, per Section 5.3 of the Zoning Ordinance; and Part C: Authorize a variance for an**
 25 **addition to an existing structure with a front yard of 10 feet along the US 45 right-of-way, in lieu of**
 26 **the minimum required 35 feet, per Section 5.3 of the Zoning Ordinance; and Part D: Authorize a**
 27 **variance for allowing parking within 10 feet of the front lot line along CR 1450E (S. Church St.), in**
 28 **lieu of not allowing parking within 10 feet of the front lot line, per Section 7.4.1 of the Zoning**
 29 **Ordinance.**

30 **Location: A 1.47-acre tract in the Southeast Quarter of the Southeast Quarter of the Southwest**
 31 **Quarter of Section 33, Township 21 North, Range 9 East of the Third Principal Meridian in Rantoul**
 32 **Township, with an address of 1446 CR 2400N, Thomasboro.**

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

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

45
46 Mr. Elwell asked Mr. Sage to outline the nature of his request.

47
48 Mr. Danny Sage, 208 S Church St, Thomasboro, said that the property was the site of the old Beacon bar,

1 which burned down. He said that his parents bought the property and gave it to him. He said that he has
2 used it for storage and as a shop, and has outgrown it and needs additional area. He said a few people have
3 expressed interest in self-storage, and he will probably build four units and use one for himself.

4
5 Mr. Wood asked if the original building is non-conforming.

6
7 Ms. Burgstrom said that the existing building received a variance for front yard previously, but the street
8 centerline was used as a starting point rather than the road right-of-way line at the time. She said that we
9 are including that same variance again using the right-of-way line.

10
11 Mr. Elwell asked if he was proposing the addition on the north side of the current building.

12
13 Mr. Sage said yes.

14
15 Mr. Elwell asked if the 10 feet of parking was from the right-of-way line, not 10 feet from the street.

16
17 Ms. Burgstrom said that is correct.

18
19 Mr. Elwell said if he was seeing correctly that they would need another 25 feet.

20
21 Ms. Burgstrom said that they would need to have at least 20 feet in length for parking between the right-
22 of-way line and the west side of the building addition.

23
24 Mr. Elwell asked if the storage was going to be east west.

25
26 Mr. Sage said yes, part of it will, and the north end will be open also.

27
28 Mr. Elwell asked Mr. Sage where any proposed parking would be.

29
30 Mr. Sage said that he was going to have clients use the existing driveway to the south of the existing
31 building.

32
33 Ms. Burgstrom said that is feasible, but the new use requires accessibility that is supposed to be as close
34 to the accessible storage unit as possible. She said we want to make sure that there is sufficient area for
35 accessible parking on the west side of the new addition, independent of where others might park.

36
37 Mr. Wood asked how close the northeast corner of the proposed addition would be to the power lines.

38
39 Mr. Sage said that he spoke with Ameren, which requires a 7 feet radius from the power pole. He said that
40 he thinks he will have 14 feet between the wire and the closest point of the building.

41
42 Mr. Elwell asked if the current building has heat.

43
44 Mr. Sage said yes, it has gas heat.

45
46 Mr. Elwell asked if Mr. Sage planned to heat the units.

47
48 Mr. Sage said no.

1 Mr. Elwell asked if we needed to change the description of the use because it includes heat and utilities.

2
3 Ms. Burgstrom said no, because he is providing utilities but not heat, we have to use the language for the
4 use as shown in the Zoning Ordinance, which is “heat and utilities.”
5

6 Mr. Elwell asked if there were any other questions. Seeing none, he asked how the Board would like to
7 proceed.
8

9 **Mr. Wood moved, seconded by Mr. Anderson, to accept the Summary of Evidence and Documents**
10 **of Record, and proceed to the Findings of Fact for Case 987-S-20.**
11

12 Ms. Burgstrom said that Supplemental Memo #1 dated November 10, 2020 needs to be added to the
13 Documents of Record.
14

15 Mr. Elwell requested a roll call vote.
16

17 The vote was called as follows:

18	Anderson – yes	Elwell - yes	Randol – absent
19	Roberts – yes	Wood - yes	Lee - absent

20
21 **The motion carried.**
22

23 Mr. Elwell reviewed the special conditions with Mr. Sage. He read special condition A as follows:
24

25 A. **The Zoning Administrator shall not issue a Zoning Use Permit or a Zoning**
26 **Compliance Certificate for the proposed Self-Storage Warehouse Units providing**
27 **heat and utilities to individual units until the petitioner has demonstrated that the**
28 **proposed Special Use complies with the Illinois Accessibility Code.**
29

30 The special condition stated above is required to ensure the following:
31 **The proposed Special Use Permit meets applicable State codes for**
32 **accessibility.**
33

34 Mr. Elwell asked Mr. Sage if he agreed with special condition A.
35

36 Mr. Sage said yes.
37

38 B. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until**
39 **the petitioner has demonstrated that any proposed exterior lighting on the subject**
40 **property will comply with the lighting requirements of Section 6.1.2.**
41

42 The special condition stated above is required to ensure the following:
43 **That any proposed exterior lighting is in compliance with the Zoning**
44 **Ordinance.**

45 Mr. Elwell asked Mr. Sage if he agreed with special condition B.
46

47 Mr. Sage said yes.
48

1 C. No business operations on the subject property can include anything other than
2 simple storage.

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

5 That no additional uses are established on the subject property.
6

7 Mr. Elwell asked Mr. Sage if he agreed with special condition C.
8

9 Mr. Sage said yes.
10

11 D. The Zoning Administrator shall not authorize a Zoning Compliance Certificate
12 authorizing occupancy of the proposed building until the Zoning Administrator has
13 received a certification of inspection from an Illinois Licensed Architect or other
14 qualified inspector certifying that the new buildings comply with the following codes:
15 (A) the 2006 or later edition of the International Building Code; (B) the 2008 or later
16 edition of the National Electrical Code NFPA 70; and (C) the Illinois Plumbing Code.
17

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

19 New commercial buildings shall be in conformance with Public Act 96-704.
20

21 Ms. Burgstrom said that she put the condition in the case by mistake, and it can be removed.
22

23 Mr. Wood moved, seconded by Mr. Anderson, to proceed to the Findings of Fact for Case 987-S-20.
24

25 The vote was called as follows:

26 Anderson – yes Elwell - yes Randol – absent
27 Roberts – yes Wood - yes Lee - absent
28

29 The motion carried.
30

31 **FINDINGS OF FACT FOR CASE 987-S-20:**
32

33 From the documents of record and the testimony and exhibits received at the public hearing for
34 zoning case 987-S-20 held on November 12, 2020, the Zoning Board of Appeals of Champaign
35 County finds that:
36

37 1. The requested Special Use Permit IS necessary for the public convenience at this location.
38

39 Mr. Wood stated that the requested Special Use Permit IS necessary for the public convenience at this
40 Location because: it will provide additional storage for customers.
41

42 2. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
43 IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL
44 NOT be injurious to the district in which it shall be located or otherwise detrimental to the
45 public health, safety, and welfare because:
46

47 a. The street has ADEQUATE traffic capacity and the entrance location has
48 ADEQUATE visibility.

1 Mr. Wood stated that the street has ADEQUATE traffic capacity and the entrance location has
2 ADEQUATE visibility.

3

4 **b. Emergency services availability is ADEQUATE.**

5

6 Mr. Wood stated that emergency services availability is ADEQUATE.

7

8 **c. The Special Use WILL be compatible with adjacent uses.**

9

10 Mr. Wood stated that the Special Use WILL be compatible with adjacent uses.

11

12 **d. Surface and subsurface drainage will be ADEQUATE.**

13

14 Mr. Wood stated that surface and subsurface drainage will be ADEQUATE.

15

16 **e. Public safety will be ADEQUATE.**

17

18 Mr. Wood stated that public safety will be ADEQUATE.

19

20 **f. The provisions for parking will be ADEQUATE.**

21

22 Mr. Wood stated that the provisions for parking will be ADEQUATE.

23

24 Mr. Wood stated that 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 WILL NOT be
26 injurious to the district in which it shall be located or otherwise detrimental to the public health, safety,
27 and welfare.

28

29 **3a. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
30 **IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the**
31 **DISTRICT in which it is located.**

32

33 Mr. Wood stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
34 IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the DISTRICT in
35 which it is located.

36

37 **3b. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
38 **IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is**
39 **located because:**

40 **a. The Special Use will be designed to CONFORM to all relevant County ordinances**
41 **and codes.**

42

43 Mr. Wood stated that the Special Use will be designed to CONFORM to all relevant County ordinances
44 and codes.

45

46 **b. The Special Use WILL be compatible with adjacent uses.**

47

48 Mr. Wood stated that the Special Use WILL be compatible with adjacent uses.

1 **c. Public safety will be ADEQUATE.**

2
3 Mr. Wood stated that public safety will be ADEQUATE.

4
5 Mr. Wood stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
6 IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

7
8 **4. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**
9 **HEREIN, IS in harmony with the general purpose and intent of the Ordinance because:**

10
11 **a. The Special Use is authorized in the District.**

12
13 Mr. Wood stated that the Special Use is authorized in the District.

14
15 **b. The requested Special Use Permit IS necessary for the public convenience at this**
16 **location.**

17
18 Mr. Wood stated that the requested Special Use Permit IS necessary for the public convenience at this
19 location.

20
21 **c. 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**
23 **WILL NOT be injurious to the district in which it shall be located or otherwise**
24 **detrimental to the public health, safety, and welfare.**

25
26 Mr. Wood stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
27 IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be
28 injurious to the district in which it shall be located or otherwise detrimental to the public health, safety,
29 and welfare.

30
31 **d. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
32 **IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in**
33 **which it is located.**

34
35 Mr. Wood stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
36 IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

37 Mr. Wood stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
38 IMPOSED HEREIN, IS in harmony with the general purpose and intent of the Ordinance.

39
40 **5. The requested Special Use IS NOT an existing nonconforming use.**

41
42 **6. THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE**
43 **COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE**
44 **PARTICULAR PURPOSES DESCRIBED BELOW:**

45
46 **A. The Zoning Administrator shall not issue a Zoning Use Permit or a Zoning**
47 **Compliance Certificate for the proposed Self-Storage Warehouse Units providing**
48 **heat and utilities to individual units until the petitioner has demonstrated that the**

1 proposed Special Use complies with the Illinois Accessibility Code.

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

3 The proposed Special Use Permit meets applicable State codes for
4 accessibility.
5
6

7 B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until
8 the petitioner has demonstrated that any proposed exterior lighting on the subject
9 property will comply with the lighting requirements of Section 6.1.2.

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

11 That any proposed exterior lighting is in compliance with the Zoning
12 Ordinance.
13
14

15 C. No business operations on the subject property can include anything other than
16 simple storage.

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

18 That no additional uses are established on the subject property.
19
20

21 Mr. Elwell asked if there was a motion to adopt the Summary of Evidence, Documents of Record, and
22 Findings of Fact, as amended for Case 987-S-20.
23

24 Mr. Anderson moved, seconded by Mr. Roberts, to adopt the Summary of Evidence, Documents of
25 Record, and Findings of Fact as amended for Case 987-S-20.
26

27 The vote was called as follows:

28 Anderson – yes Elwell - yes Randol – absent
29 Roberts – yes Wood - yes Lee - absent
30

31 The motion carried.

32 Mr. Elwell entertained a motion to proceed to the Final Determination for Case 987-S-20.
33
34

35 Mr. Anderson moved, seconded by Mr. Roberts, to move to the Final Determination for Case 987-
36 S-20.
37

38 The vote was called as follows:

39 Anderson – yes Elwell - yes Randol – absent
40 Roberts – yes Wood - yes Lee - absent
41

42 The motion carried.
43

44 Mr. Elwell told Mr. Sage that there is not a full Board tonight, and therefore he has the choice to proceed
45 with the Final Determination tonight, or continue the case to another date when a full Board is available.
46 He said that they need 4 affirmative votes for an approval.
47

48 Mr. Sage said that he is ready to proceed with Final Determination tonight.

FINAL DETERMINATION FOR CASE 987-S-20:

Mr. Wood moved, seconded by Mr. Anderson, 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 Special Use requested in Case 987-S-20 is hereby GRANTED WITH SPECIAL CONDITIONS to the applicant, Danny Sage, to authorize the following:

Authorize the construction and use of up to 5 Self-Storage Warehouse Units providing heat and utilities to individual units as a Special Use on land in the B-3 Highway Business Zoning District and subject to the variances requested in related Case 988-V-20.

SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:

- A. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Self-Storage Warehouse Units providing heat and utilities to individual units until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.
- B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.
- C. No business operations on the subject property can include anything other than simple storage.

The vote was called as follows:

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

The motion carried.

Mr. Elwell told Mr. Sage that Case 987-S-20 was approved.

Mr. Wood moved, seconded by Mr. Anderson, to proceed to the Findings of Fact for Case 988-V-20.

The vote was called as follows:

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

The motion carried.

FINDINGS OF FACT FOR CASE 988-V-20:

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 988-V-20 held on November 12, 2020, the Zoning Board of Appeals of Champaign County finds that:

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

4
5 Mr. Wood stated that special conditions and circumstances DO exist which are peculiar to the land or
6 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
7 the same district because: of the narrow lot size created prior to zoning when it got squeezed between CR
8 1450E and the old US45 right-of-way.

9
10 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**
11 **sought to be varied WILL prevent reasonable or otherwise permitted use of the land or**
12 **structure or construction.**

13
14 Mr. Wood stated that practical difficulties or hardships created by carrying out the strict letter of the
15 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
16 structure or construction because: the standard minimum variations for lot size are too restrictive for that
17 lot.

18
19 **3. The special conditions, circumstances, hardships, or practical difficulties DO NOT result**
20 **from actions of the applicant.**

21
22 Mr. Wood stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT
23 result from actions of the applicant because: the lot was created prior to zoning and his ownership.

24
25 **4. The requested variance IS in harmony with the general purpose and intent of the Ordinance.**

26
27 Mr. Wood stated that the requested variance IS in harmony with the general purpose and intent of the
28 Ordinance because: it will allow more efficient use of the property that is zoned for business.

29
30 **5. The requested variance WILL NOT be injurious to the neighborhood or otherwise**
31 **detrimental to the public health, safety, or welfare.**

32
33 Mr. Wood stated that the requested variance WILL NOT be injurious to the neighborhood or otherwise
34 detrimental to the public health, safety, or welfare because: the addition will not result in any material
35 increase in traffic or increase in public safety issues.

36
37 **6. The requested variance IS the minimum variation that will make possible the reasonable use**
38 **of the land/structure.**

39
40 Mr. Wood stated that the requested variance IS the minimum variation that will make possible the
41 reasonable use of the land/structure because: the proposed addition will be the best fit for the remaining
42 available property.

43
44 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings
45 of Fact, as amended for Case 988-V-20.

46
47 **Mr. Anderson moved, seconded by Mr. Roberts, to adopt the Summary of Evidence, Documents of**
48 **Record, and Findings of Fact, as amended.**

1 The vote was called as follows:

2	Anderson – yes	Elwell - yes	Randol – absent
3	Roberts – yes	Wood - yes	Lee - absent

4
5 **The motion carried.**

6
7 Mr. Elwell entertained a motion to move to the Final Determination for Case 988-V-20.

8
9 **Mr. Roberts moved, seconded by Mr. Wood, to proceed to the Final Determination for Case 988-V-**
10 **20.**

11
12 The vote was called as follows:

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

15
16 **The motion carried.**

17
18 Mr. Elwell told Mr. Sage that there is not a full Board tonight, and therefore he has the choice to proceed
19 with the Final Determination tonight, or continue the case to another date when a full Board is available.
20 He said that they need 4 affirmative votes for an approval.

21
22 Mr. Sage said that he is ready to proceed with Final Determination tonight.

23
24 **FINAL DETERMINATION FOR CASE 988-V-20:**

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

31
32 **The Variance requested in Case 988-V-20 is hereby GRANTED to the applicant, Danny Sage,**
33 **to authorize the following:**

34
35 **Authorize the following variance in the B-3 Highway Business Zoning District, subject to**
36 **approval of the Special Use Permit in related Case 987-S-20:**

37
38 **Part A: Authorize a variance for an existing structure with a front yard of at least 21 feet**
39 **along CR 1450E (S. Church St.) in lieu of the minimum required 25 feet, per Section**
40 **5.3 of the Zoning Ordinance; and**

41
42 **Part B: Authorize a variance for an addition to an existing structure with a setback of 35**
43 **36.5 feet from the street centerline of CR 1450E (S. Church St.) and with a front**
44 **yard of 15 16.5 feet, in lieu of the minimum required 55 feet setback and 25 feet**
45 **front yard, per Section 5.3 of the Zoning Ordinance; and**

46
47 **Part C: Authorize a variance for an addition to an existing structure with a front yard of 10**
48 **8.5 feet along the US 45 right-of-way, in lieu of the minimum required 35 feet, per**

1 Section 5.3 of the Zoning Ordinance; and
 2
 3 **Part D: Authorize a variance for allowing parking within 10 feet of the front lot line along**
 4 **CR 1450E (S. Church St.), in lieu of not allowing parking within 10 feet of the front**
 5 **lot line, per Section 7.4.1 of the Zoning Ordinance.**
 6

7 Mr. Elwell requested a roll call vote.

8
9 The vote was called as follows:

10 Anderson – yes	Elwell - yes	Randol – absent
11 Roberts – yes	Wood - yes	Lee - absent

12
13 **The motion carried.**

14
15 Mr. Elwell told Mr. Sage that his variance has been approved.

16
17 Mr. Sage thanked everyone for their time.

18
19 **7. Staff Report - None**

20
21 **8. Other Business**
22 **A. Review of Docket - None**

23
24 **9. Audience participation with respect to matters other than cases pending before the Board**

25
26 None

27
28 **10. Adjournment**

29
30 Mr. Elwell entertained a motion to adjourn the meeting.

31
32 **Mr. Wood moved, seconded by Mr. Roberts, to adjourn the meeting.**

33
34 Mr. Elwell requested a roll call vote.

35
36 The vote was called as follows:

37 Anderson – yes	Elwell - yes	Randol – absent
38 Roberts – yes	Wood - yes	Lee - absent

39
40 **The motion carried.**

41
42 The meeting adjourned at 8:34 p.m.

43
44 Respectfully submitted

45
46
47
48 Secretary of Zoning Board of Appeals