

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

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

**DATE: October 28, 2021 PLACE: Shields-Carter Meeting Room
1776 East Washington Street
Urbana, IL 61802**

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

MEMBERS ABSENT: Marilyn Lee

STAFF PRESENT: Stephanie Berry, John Hall

OTHERS PRESENT: Thomas Chalk, Deborah Chalk, Gary Musson, Roger Musson, John Ehler, Darren Taylor

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. Approval of Minutes – August 12, 2021 Minutes

Mr. Elwell asked if there was any discussion for the August 12, 2021 minutes.

Mr. Wood moved, seconded by Mr. Roberts, to approve the August 12, 2021 minutes. The motion carried by voice vote.

5. Continued Public Hearings - None

6. New Public Hearings

Mr. Elwell stated that he would like to start the public hearing for Case 022-V-21 this evening (*Note: minutes are transcribed in numerical order per the agenda*).

Case 021-V-21

Petitioners: **Rita Musson**

Request: **Authorize a variance for a 5.015-acre lot in lieu of the maximum allowed 3 acres in area for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.**

1 Location: **A 139.8-acre tract in the Northwest Quarter of Section 2, Township 17 North, Range 7**
2 **East of the Third Principal Meridian in Sadorus Township, with an address of 570 CR**
3 **400E, Sadorus.**
4

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

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

18 Mr. Darren Taylor stated that he works for Harrington Law LLC, and their address is 201 West Springfield
19 Avenue, Suite 601 in Champaign, Illinois. He said that he is representing Ms. Rita Musson, who is a lovely
20 lady that lives in Sadorus and has eight children, of which two of her sons are with him tonight: Gary and
21 Roger Musson. He said what generated the variance was that Ms. Musson had come into his office and
22 was hoping to do some estate planning. He said that she owns all of the property that adjoins this particular
23 acreage where the homestead is that they are requesting the variance for, which is owned under a trust. He
24 said that they were going through and trying to figure out the best way for her to set up her estate planning
25 with eight children, which is a lot of farmland and one homestead; they were trying to get their heads
26 wrapped around how all her children could get a comparable slice of the pie. He said that it was her
27 recommendation and intent to leave the farm homestead to Roger Musson, and then the rest of her children
28 would take the equally valued farm ground and split it up. He said that when they got to looking at
29 everything and were trying to figure out if they had 140 acres here, and a trust that owns another couple
30 hundred acres that adjoins the property, they determined what could they do. He said that the family took
31 it very seriously, discussed it, and they threw some ideas out there to come up with something that they
32 thought was reasonable and palatable for all of the family involved. He said ideally, they thought that in
33 order to maintain a comparable value amongst all of her children and in the spirit of her state planning,
34 that her wish and intent with her property was to leave the farm homestead to Roger Musson. He said that
35 they wanted to get a surveyor to figure out how they could divide this property and partition this piece of
36 land off, so that is essentially what led them to this application.
37

38 He said that their application is not a use variance; there is going to be zero change on the homestead
39 property. He said that some of the legalese in the application is in the context of Ms. Musson wanting to
40 enjoy her property and distribute it the way she wants. He said that is why there is some language on the
41 application about allowing her to enjoy her property, the use of the homestead not changing, and stuff like
42 that. He said they are trying to ensure that Ms. Musson's last wishes can be fulfilled. He said that when
43 he was looking at the Zoning Ordinance, and the Board and Staff are much more familiar with it than they
44 ever will be, but the language he was hung up on was that they are not changing the use of this best prime
45 farmland, which is going to stay the same use, but this just allows them to make an equal distribution
46 among the eight children. He said that they think the variance application does abide by the spirit of the
47 ordinance, because they are not going to put a strip mall on it or anything like that, so nothing is changing
48 essentially. He said that Ms. Musson does own the property that adjoins it, so there is not going to be any
49 change in traffic or anything like that. He said that looking over the Preliminary Memorandum, they took

1 note of where it talks about creating a potentially 2.9 and 2.1-acre lot and avoiding this whole thing. He
2 said the only problem is more expense is going to be incurred by the family to get the same result. He said
3 that they thought out efficiency, what creates the most sense economically, and things like that going with
4 the slightly over five-acre lot, so they took note and considered that. He said at this point he is happy to
5 answer any questions, and the family is here tonight in support of the variance. He said this is a little
6 redundant, but they are trying to prevent incurring extra expense from having to reapply for the partition
7 again to get to this same point. He said in spirit of that, they are here humbly to request the variance to be
8 approved.

9
10 Mr. Elwell asked if there were any questions from the Board.

11
12 Mr. Wood referred to the use of the subdivision plat, which would create two lots on Ms. Musson's
13 property, then it would go to the same person or someone else buys both of those lots since they are
14 adjacent lots. He asked Mr. Hall if they would ever be able to sell the two lots separately and would that
15 apply here.

16
17 Mr. Hall said yes, the other lot created by a plat would have to meet the minimum 200 feet lot width and
18 be at least an acre in area.

19
20 Mr. Wood asked him if the lots are adjacent properties with the same owner, then they wouldn't be able
21 to sell off.

22
23 Mr. Hall said no, they could the lots sell off.

24
25 Mr. Wood said that there is a situation where a vacant lot is next to another lot.

26
27 Mr. Hall said in cases of nonconforming properties, that could become a challenge, but in this instance, it
28 would not be. He said that people do call and want a five-acre lot, but it turns out they can create two lots
29 less than five acres without doing a plat of subdivision. He said that in this case, there is only a Plat Act
30 exception for one lot less than five acres, so that is why they said the only other way to get a second lot
31 would be a plat of subdivision.

32
33 Mr. Elwell asked Mr. Taylor if this was still a 138-acre tract.

34
35 Mr. Taylor said yes.

36
37 Mr. Elwell asked if this was going to have to be surveyed.

38
39 Mr. Taylor said that the family had already incurred that expense and have obtained a survey for the
40 slightly over five-acre lot. He said they do have a diagram and submitted the actual copy of the plat of
41 survey with the variance application.

42
43 Mr. Elwell said the work had already been done.

44
45 Mr. Taylor said correct, they just wanted to make sure it was going to be a symmetric lot; it made sense
46 for the surveyor and to do the homework on it before applying for the variance.

47
48 Mr. Wood said that he assumes, regardless of whether they went with the five-acre lot or broke it up into
49 a plat of subdivision, those extra two acres could always be taken out of production.

1 Mr. Hall asked him to repeat what he said about the extra two acres.
2
3 Mr. Wood said that if they broke it up into two lots versus the single five-acre lot, then regardless of the
4 change in ownership or anything like that, those two acres could be taken out of production anyway.
5
6 Mr. Elwell asked if there were any other questions from the Board.
7
8 Mr. Wood said that neither one of those situations preserve the farmland, which was passed a long time
9 ago. He asked if that was Lyle Shields who did that.
10
11 Mr. Hall said no, the maximum lot size was approved in 2004.
12
13 Mr. Taylor said that was a good question about the 2.1 acres. He said that he was trying to think if there
14 was ever a transfer of ownership, then it would be very difficult to do much else with the 2.1 acres, because
15 it would be adjoining other property owned by the same family, and things like that. He said that it seems
16 like the most efficient way with the property would be to associate it as one lot with one homeowner, as
17 opposed to having two separate lots, which may prevent transfer of ownership issues later on. He said he
18 was sitting there thinking about the comments that have been made.
19
20 Mr. Elwell asked Mr. Hall if he could refresh his memory on an RRO and how that would work.
21
22 Mr. Hall said that a second lot would be within the allowance and wouldn't need to have an RRO, because
23 this land hasn't been divided since 1998.
24
25 Mr. Elwell said the second lot would not require an RRO.
26
27 Mr. Hall said correct, but it would require a plat of subdivision.
28
29 Mr. Elwell asked him how that was different from what they were talking about.
30
31 Mr. Hall referred to Attachment C in the Preliminary Memorandum. He said the petitioner proposes to
32 create one single five-acre lot and that includes almost two acres of land that is currently in cultivation.
33 He said that a two-lot subdivision would presumably be the same amount of land, and this is a
34 complication that the Board should be aware of: if a second lot were created, then the second lot would
35 need to be 200 feet wide, and given the depth of the lot here, a second lot that is 200 feet wide would be
36 more than five acres.
37
38 Mr. Wood asked if that would be a requirement to create the second lot.
39
40 Mr. Hall said yes, from that point of view, then they could say requiring a plat of subdivision for that
41 second lot is actually going to take more land. He asked if he answered Mr. Elwell's question.
42
43 Mr. Elwell said yes, thank you.
44
45 Mr. Anderson referred to Attachment D in the Preliminary Memorandum. He said that there is a dotted
46 line that borders out around the homestead on the aerial photo. He asked why Ms. Musson put the
47 homestead in the center of the outer dotted lined area, instead of moving the dotted lined area to the north,
48 where it would square off the homestead on the south property line.
49

1 Mr. Taylor asked if Mr. Gary Musson could please answer that.

2

3 Mr. Elwell said yes, he needs to state his full name and address.

4

5 Mr. Gary Musson stated he lives at 510 County Road 700 North in Sadorus, Illinois. He said that the map
6 Mr. Anderson was referring to is not an accurate map. He said that along the south property line there is
7 a driveway, so the south dotted line is closer to the homestead. He said the dotted line to the east is only
8 about ten feet from the homestead. He said the majority of the proposed property is on the north side, but
9 the area still wouldn't be 200 feet wide that would be required to make two different lots.

10

11 Mr. Taylor referred to Attachment C in the Preliminary Memorandum. He told the Board that there was a
12 color photo that is illustrating what Mr. Gary Musson was getting at.

13

14 Mr. Wood said that Attachment D is from 1973, so the homestead has changed considerably since then.

15

16 Mr. Gary said sorry, he didn't see Attachment C.

17

18 Mr. Elwell asked if there were any other questions from the Board or Staff.

19

20 Mr. Wood said that if Ms. Musson left the homestead at the maximum three acres allowed, as opposed to
21 the five acres, he asked them if that would cause any serious complications, or would it mean that the rest
22 of the property would get divided up differently.

23

24 Mr. Gary Musson said that it is their intent to leave the farmland as farmland. He said that one of the
25 reasons that they had an additional amount of acreage was if they had to expand the farm operation by
26 building more grain storage or another machine shed, there wouldn't be room to do that on the three-acre
27 lot, because all of the acreage is taken at this point.

28

29 Mr. Wood said that he understands that, but they could build that on the farmland itself.

30

31 Mr. Gary Musson said that there would be two different owners if they did that. He said if his brother,
32 Roger Musson, is going to own this property, then in order to put additional grain storage or another
33 machine shed for farm storage, the structures would have to be on the adjacent property, which his brother
34 doesn't own at this point.

35

36 Mr. Wood asked if there was a particular reason why he would need to own the adjacent property.

37

38 Mr. Taylor said that he is keeping in mind Ms. Musson's intent, because it is her property, and she is
39 trying to divide this up to all of her children the way she sees fit. He said that it became a comparable
40 valuation if there was value in those extra two acres, and he would say that there is. He said that the
41 farmland is prime grade, and he thinks right now the value is between \$11,000 to \$14,000 per acre. He
42 said if they separated those two acres and deducted that acreage from the three-acre homestead, then she
43 would get a lopsided lump for one of her children, as opposed to the other seven children. He said that
44 there is a substantial amount of farmland out there, and her trust owns all of the other property that is
45 adjoining this property. He said to answer Mr. Wood's question, there would be an offset in valuation that
46 would create a noncomparable split up without having a cash buy out from her other children. He said
47 keeping in mind Ms. Musson's intent for doing all of this is to have that equal distribution, and that five
48 acres with the homestead would be comparable to the split of the other tillable farm ground to the other
49 seven children. He said that there would be a diminishment in the value of that property.

1 Mr. Elwell asked Mr. Hall if they could have a storage shed built on a second parcel without a primary
2 residence.

3
4 Mr. Hall said yes, they could if it was a farm building.

5
6 Mr. Elwell asked if there were any other questions from the Board. He called Mr. Roger Musson to testify,
7 and asked him to state his full name and address.

8
9 Mr. Roger Musson stated that he lives at 570 County Road 400 East in Sadorus, Illinois. He referred back
10 to Mr. Wood’s question about adding a machine shed on the farm ground separate from the three-acre
11 homestead. He said that he knows for a fact, because they have grain storage that are by themselves
12 without a residence, and whenever they put power in that building it would be a commercial rate, which
13 would be twice as much money than if it were on a residential property.

14
15 Mr. Elwell asked if there were any other questions from the Board or Staff.

16
17 Mr. Hall told Mr. Roger Musson that the one thing that would help the Board was when he talked about
18 making the lot big enough to allow additional farm buildings. He referred to Attachment C in the
19 Preliminary Memorandum, and said from the green line around the homestead to the dotted line of the
20 proposed north property line is about 155 feet in width. He referred to finding number six, from
21 Attachment F, page 3 of 10, in the Preliminary Memorandum, because the one thing the Board would like
22 to know about is whether the requested variance is or is not the minimum variation. He said that one thing
23 that would be helpful to know is if Ms. Musson needs the full 155 feet in width to the proposed north
24 property line for the additional building or would 100 feet wide be sufficient. He said he knows this seems
25 crazy, but what the Board is trying to do is to get this variance to be the minimum possible variance that
26 will work for Ms. Musson or the future owner, and still be as close to the maximum three-acre lot size
27 allowed in the ordinance. He asked Mr. Roger Musson if he felt like they needed that full 155 feet in width
28 to the proposed north property line or would 100 feet wide or even 125 feet wide be adequate, because
29 they don’t need to create the five-acre lot to comply with the Plat Act; they can create a lot that is less than
30 five acres. He said that the Board is trying to get the acreage whittled down to something that works for
31 everyone.

32
33 Mr. Roger Musson said that at this time, he does not need that much acreage, but he is looking towards
34 the future for building more farm buildings on the property; that is why he chose the five acres.

35
36 Mr. Hall said okay, thank you.

37
38 Mr. Randol said that 20 years ago, farmers didn’t think that they would need a machine shed that was 100
39 feet long, but now that is questionable on a lot of the equipment today. He said to put Mr. Roger Musson
40 in the position to limit that, then ten years down the road he might need that farm building to be that 150
41 feet long.

42
43 Mr. Elwell asked Mr. Taylor if he could give him an idea of what the replatting would look like for two
44 separate lots, because that was one of their reasons they said that they would do this, but they have already
45 spent this amount of money, and now they would be spending more money to comply with the ordinance.
46 He asked him if he could give him an idea of roughly the amount that they would be talking about.

47
48 Mr. Taylor said that he thinks with his previous comment it would have gotten them to the same place.
49 He said that if the variance were granted, the acreage would be a little over five acres, but if the acreage

1 were split up, then it would be two lots that equal the same five acres; nothing changes except for further
2 expense being incurred. He said that it depends on the surveyor used; they use MSA that is located in
3 Champaign a lot, and they are a little bit more expensive, but they are a nationally based franchise
4 company. He said that he has seen surveys cost in the \$2,000 to \$3,000 range. He said that if they had to
5 take this one survey and create two legal descriptions off of it, then he is guessing that it would be in the
6 \$3,000 to \$5,000 range. He said he is not sure since he is not a surveyor, although they have hired
7 surveyors a substantial amount of times even though he has never had to pay the bill, but at the same time
8 he thinks that it would probably be in that range for the cost of the survey.

9
10 Mr. Elwell asked if there were any other questions from the Board.

11
12 Mr. Elwell referred to finding number six from Attachment F, page 3 of 10, in the Preliminary
13 Memorandum, the minimum variation that would make possible of the reasonable use of the land and
14 structure. He said that it would be reasonable for this plat if they had a plan for more grain storage and a
15 machine shed on this lot, but they have had testimony saying that this five-acre lot is not the minimum
16 currently. He asked Mr. Hall if he could help him work through that.

17
18 Mr. Hall said that the testimony he had heard was that the five acres is not the minimum today, but thinking
19 long term, and the Board always encourages people to think long term, five acres is not an unreasonable
20 amount given the current size of agricultural buildings, which one could assume are going to get even
21 bigger. He said that the Board was given good evidence regarding the minimum variance.

22
23 Mr. Elwell asked if there were any other questions from the Board or Staff.

24
25 **Mr. Randol moved, seconded by Mr. Wood, to accept the Documents of Record, Preliminary Draft,**
26 **and move to the Findings of Fact for Case 021-V-21. The motion carried by voice vote.**

27
28 Mr. Elwell said that he would be reading the Findings of Fact for Case 021-V-21 from Attachment F, page
29 9 of 10, in the Preliminary Memorandum, as follows:

30
31 **FINDINGS OF FACT FOR CASE 021-V-21**

32 From the documents of record and the testimony and exhibits received at the public hearing for zoning
33 case **021-V-21** held on **October 28, 2021**, the Zoning Board of Appeals of Champaign County finds that:

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

38
39 Mr. Randol said the 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 subject property is a large tract of land with a homestead, which is not
42 anything uncommon in Champaign County. He said the petitioner’s desire to have a five-acre lot is not
43 based on any peculiarities with the land or structures on the subject property. He said that it would keep
44 the existing homestead separated off in the event that the farmland itself would sell down the road, or if
45 they couldn’t buy anymore of the adjoining farmland, the homestead would still have plenty of room for
46 expansion.

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

5 Mr. Wood said the practical difficulties or hardships created by carrying out the strict letter of the
 6 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
 7 structure or construction because: if the Board were to restrict it to the maximum three acres allowed in
 8 the ordinance, then there would be no room for expansion of the homestead for constructing additional
 9 grain or shed storage in the event that they want to expand that property, because the homestead is already
 10 there and he believes that is the petitioner's intent to do that. He said that the additional acreage would
 11 allow that expansion to accommodate newer and bigger equipment in the future.
 12

13 Mr. Hall asked him to repeat his statement.
 14

15 Mr. Wood said with the intent that farming operations are getting bigger, there is a need for expansion of
 16 agricultural buildings and grain storage, and the petitioner's intention is to expand that usage of their land.
 17 He said that the three-acre homestead is already filled up and there is no room for expansion on it, which
 18 would restrict them from adding additional storage. He said that this is allowing any new expansion to
 19 maintain all on one property.
 20

21 Mr. Hall asked him if that would be item a.
 22

23 Mr. Wood said that he is not suggesting that they break it up into a plat of survey, he is suggesting that
 24 they maintain it as a five-acre lot; that would be the simplest process to go through and minimize the cost
 25 for the petitioners.
 26

27 **3. The special conditions, circumstances, hardships, or practical difficulties {DO / DO NOT}**
 28 **result from actions of the applicant because:**
 29

30 Mr. Randol said the special conditions, circumstances, hardships, or practical difficulties DO NOT result
 31 from actions of the applicant because: the petitioners desire a five-acre lot for estate planning purposes,
 32 which does not create anything that would be a need for a special condition, hardships, or any other
 33 practical difficulties.
 34

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

38 Mr. Wood said the requested variance IS in harmony with the general purpose and intent of the Ordinance
 39 because: no on the ground changes are proposed at this point.
 40

41 **5. The requested variance {WILL / WILL NOT} be injurious to the neighborhood or otherwise**
 42 **detrimental to the public health, safety, or welfare because:**
 43

44 Mr. Randol said the requested variance WILL NOT be injurious to the neighborhood or otherwise
 45 detrimental to the public health, safety, or welfare because: relevant jurisdictions have been notified of
 46 this case, and no comments have been received from the fire protection district or township.
 47

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

1 Mr. Wood said the requested variance IS the minimum variation that will make possible the reasonable
2 use of the land/structure because: the additional allowance of acreage will allow future expansion of their
3 farming operation.

4
5 Mr. Elwell said that he thinks it is in harmony for the area that the acreage is in.

6
7 **7. NO SPECIAL CONDITIONS ARE HEREBY IMPOSED**

8
9 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings
10 of Fact for Case 021-V-21, as amended.

11
12 **Mr. Wood moved, seconded by Mr. Randol, to adopt the Summary of Evidence, Documents of
13 Record, and Findings of Fact for Case 021-V-21, as amended. The motion carried by voice vote.**

14
15 Mr. Elwell informed Mr. Taylor and Roger and Gary Musson that tonight they do not have a full Board,
16 but they do have a quorum and need four affirmative votes to have their case answered in the affirmative.
17 He asked them if they would like for the Board to continue with his case or would they like them to
18 postpone it to another day when there is a full Board.

19
20 Mr. Roger and Gary Musson responded that they would like to proceed with the case.

21
22 Mr. Elwell entertained a motion to move to the Final Determination for Case 021-V-21.

23
24 **Mr. Randol moved, seconded by Mr. Roberts, to move to the Final Determination for Case 021-V-
25 21. The motion carried by voice vote.**

26
27 Mr. Elwell said he would be reading the Final Determination in Case 021-V-21 from Attachment F, page
28 10 of 10, in the Preliminary Memorandum, as follows:

29
30 **FINAL DETERMINATION FOR CASE 021-V-21**

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

36
37 **The Variance requested in Case 021-V-21 is hereby GRANTED to the petitioner, Rita Musson,
38 to authorize the following:**

39
40 **Authorize a variance for a 5.015-acre lot in lieu of the maximum allowed 3 acres in area for
41 a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per
42 Section 5.3 of the Champaign County Zoning Ordinance.**

43
44 Mr. Elwell requested a roll call vote.

45
46 The vote was called as follows:

47 **Lee- absent Randol- yes Roberts- yes**
48 **Anderson- yes Elwell- yes Wood - yes**

1 **The motion carried.**
2

3 Mr. Elwell told Gary and Roger Musson that they received five affirmative votes to approve their case.
4 He said that if there were any further communications, Staff would reach out to them.
5

6 **Case 022-V-21**

7 Petitioners: **Thomas and Deborah Chalk**

8 Request: **Authorize the following variance in the R-1 Single Family Residence Zoning District,**
9 **on the subject property described below:**

10 **Part A: Authorize a variance for an existing detached garage with a side yard of 0 feet**
11 **in lieu of the minimum required 10 feet side yard, per Section 7.2.1 of the Champaign**
12 **County Zoning Ordinance.**

13
14 **Part B: Authorize a variance for an existing detached shed with a side yard of 1 foot in**
15 **lieu of the minimum required 10 feet side yard, per Section 7.2.1 of the Champaign**
16 **County Zoning Ordinance.**

17
18 **Part C: Authorize a variance for an existing single-family residence with a side yard of**
19 **7.5 feet in lieu of the minimum required 10 feet side yard, per Section 5.3 of the**
20 **Champaign County Zoning Ordinance.**

21
22 Location: **Lot 28 of Rolling Hills Estate IV Subdivision in Section 12, Township 20 North, Range**
23 **7 East of the Third Principal Meridian in Mahomet Township, with an address of 2201**
24 **Pheasant Ridge Rd, Mahomet.**
25

26 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
27 the witness register for that public hearing. He reminded the audience that when they sign the witness
28 register, they are signing an oath.
29

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

39 Mr. Thomas Chalk stated that he lives 2201 Pheasant Ridge Road in Mahomet, Illinois. He said that they
40 have lived at their property for 32 years, and what started this whole nightmare was the garage that has
41 been there since 2007, which is what is in question before the Board. He said that he had Bullock Garages
42 come out and build that garage. He said that he wanted another shed back behind that garage, and Ms.
43 Lori Busboom had called from the P & Z Department and told him that there was no permit for his garage
44 currently. He asked her what she meant, and she had said that there was no permit on that garage. He said
45 that he called Bullock Garages and spoke with a gentleman that had told him that Mr. Bullock was out of
46 town. He had told the gentleman his problem, and the gentleman had told him who was supposed to take
47 care of the permit was the son-in-law, and they had caught him stealing, so Mr. Bullock had fired him. He
48 told the gentleman that his money went in the son-in-law's back pocket, and the gentleman had told him
49 yes, that they didn't get the permit. He said that was incident number one, so if Bullock Garages would

1 have done their job, then there would have been no problem. He said their second problem was a 12 by
2 12 feet detached moveable storage shed that he picked up and moved onto new gravel right behind their
3 fence. He said that he thought if it was a moveable shed it was okay, but it was not. He said that he had
4 Mr. Cook from Urbana, who is deceased now, do all the digging for him, so he figured he knew what he
5 was doing, but came to find out through the permitting process that they needed a Variance because they
6 are over their property line. He said that the right-of-way is a sidewalk that will never be there; it's domain
7 land, and it is really hard to buy that. He said that Mr. Bud Parkhill had told him that a sidewalk would
8 never be there, because it was one of those things that they had to include in the subdivision plat. He said
9 that he had talked to Mr. Parkhill, who developed the subdivision, and he had told him that 30 plus years
10 ago. He said that is why they are at this public hearing, and the Staff knew the problem, but they still have
11 to go through the variance process to get the permit to build an 18 by 18 feet she-shed.
12

13 Ms. Deborah Chalk stated that she lives at 2201 Pheasant Ridge Road in Mahomet, Illinois. She said that
14 she doesn't have a lot to say, because she knows it is their fault that they didn't do the final checking on
15 things, but when someone goes through a contractor, they think that the contractor is doing what they are
16 supposed to do and they trusted them, but they shouldn't have.
17

18 Mr. Elwell asked if there were any questions from the Board or Staff.
19

20 Mr. Anderson asked Mr. Chalk if they believed the information they were told that the sidewalk was never
21 going to be put there.
22

23 Mr. Chalk said that is what he was told, and they have lived there between 32 to 34 years, and there isn't
24 a sidewalk. He said that before all of this started, they had talked to Mr. Parkhill about it, but he is out of
25 the subdivision completely because he sold all the lots. He said that he had told him if there was never
26 going to be a sidewalk there and he maintained that area, then it was his. He said that was the wrong
27 information, because they found out the area there is domain land and no one can buy it unless they jump
28 through a bunch of hoops, which is probably not worth that.
29

30 Mr. Wood asked Mr. Hall if that was an easement off Mr. Chalk's property.
31

32 Mr. Hall said no, it is a separate tract of land. He said that he did want to point out to the Board that they
33 received an email today from their neighbor, Mr. Wayne Wickboldt. He said the email says that he lives
34 across the street and was in support of the requested variance, and he would add that as a Document of
35 Record.
36

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

39 Mr. Wood asked Mr. Chalk if the shed he is adding was right behind the garage.
40

41 Mr. Chalk said yes.
42

43 Mr. Wood said that in Attachment B in the Preliminary Memorandum, Mr. Chalk is talking about adding
44 a detached shed, but it looks like it backs right up against the garage.
45

46 Mr. Chalk said yes.
47

48 Ms. Deborah Chalk said that the shed is going to sit a little further back and not right up against the garage,
49 because she has asked to have a three-foot section concreted behind the current garage and in front of the

1 proposed she-shed so she can store all her outdoor pots when she puts them up for the wintertime.

2
3 Mr. Wood said that it would be separated then.

4
5 Ms. Deborah Chalk said yes.

6
7 Mr. Wood said that he was just curious, he wasn't clear on the drawing.

8
9 **Mr. Randol moved, seconded by Mr. Wood, to accept the Summary of Evidence, Documents of**
10 **Record, and move to the proposed special conditions for Case 022-V-21. The motion carried by**
11 **voice vote.**

12
13 Mr. Randol asked Mr. Hall if there was only one proposed special condition, and if it had anything to do
14 with the placement of the driveway to the garage.

15
16 Mr. Hall said no.

17
18 Mr. Elwell told Mr. and Ms. Chalk to answer in the affirmative if they are in agreement with the proposed
19 special condition.

20
21 Mr. Elwell told Mr. and Ms. Chalk that he would be reading the special condition for Case 022-V-21 from
22 Attachment F, page 8 of 12, in the Preliminary Draft, as follows:

- 23
- 24 **13. Regarding proposed special conditions of approval:**
- 25 **A. The existing shed can remain in its current location, but replacement of the shed or**
- 26 **repair of more than 50% replacement value in any 365-day period means the shed**
- 27 **must be made to conform to the yard requirements in the Zoning Ordinance.**
- 28

29 The special condition stated above is required to ensure the following:
30 **That replacement of the existing shed conforms to the Zoning Ordinance.**

31
32 Mr. Elwell asked if Mr. and Ms. Chalk were in agreement with that.

33
34 Mr. and Ms. Chalk said yes.

35
36 Mr. Elwell entertained a motion to move to the Findings of Fact for Case 022-V-21.

37
38 **Mr. Wood moved, seconded by Mr. Roberts, to move to the Findings of Fact for Case 022-V-21.**
39 **The motion carried by voice vote.**

40
41 Mr. Elwell said that he would be reading the Findings of Fact for Case 022-V-21 from Attachment F, page
42 10 of 12, in the Preliminary Draft, as follows:

43

44 **FINDINGS OF FACT FOR CASE 022-V-21**

45 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
46 **022-V-21 held on October 28, 2021**, the Zoning Board of Appeals of Champaign County finds that:

47

1 **1. Special conditions and circumstances {DO / DO NOT} exist which are peculiar to the land**
 2 **or structure involved, which are not applicable to other similarly situated land and**
 3 **structures elsewhere in the same district because:**
 4

5 Mr. Wood said the 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: regarding Variance Parts B and C, there is a 10 feet wide “public walkway”
 8 that was never completed with respect to a sidewalk being built in this easement. He said the buildings
 9 that are there are not encroaching on anything in particular. He said regarding Variance Part C, for the
 10 side yard of the residence, the P&Z Department issued a Zoning Compliance Certificate for the house in
 11 1987, which would mean the house location and lot features were thought to be compliant with the Zoning
 12 Ordinance at that time.

13
 14 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**
 15 **sought to be varied {WILL / WILL NOT} prevent reasonable or otherwise permitted use of**
 16 **the land or structure or construction because:**
 17

18 Mr. Randol said the practical difficulties or hardships created by carrying out the strict letter of the
 19 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
 20 structure or construction because: it is too expensive to move the detached garage, and there is no other
 21 place to put it on the property. He said the petitioners recently moved the yard shed to make room for the
 22 new detached shed, and it would be financially and physically burdensome to move it a second time.
 23

24 **3. The special conditions, circumstances, hardships, or practical difficulties {DO / DO NOT}**
 25 **result from actions of the applicant because:**
 26

27 Mr. Wood said the special conditions, circumstances, hardships, or practical difficulties DO NOT result
 28 from actions of the applicant because: the petitioners depended on Bullock Garages to obtain the
 29 construction permit for the detached garage that sits on the property line. He said the petitioners were not
 30 aware of the side yard requirement for the detached yard shed; a permit is not required for structures under
 31 150 square feet, and the shed is 144 square feet.
 32

33 **4. The requested variance {IS / IS NOT} in harmony with the general purpose and intent of**
 34 **the Ordinance because:**
 35

36 Mr. Randol said the requested variance IS in harmony with the general purpose and intent of the Ordinance
 37 because: there is about 20 feet between structures on adjacent properties and the detached structures on
 38 the subject property; the public walkway shown will never be concreted for a walkway, and this separation
 39 would meet the side yard requirements for accessory structures.
 40

41 Mr. Elwell asked if they should add anything referencing the neighbor’s approval of the detached
 42 accessory structures.
 43

44 Mr. Randol said they could since they received the email late, that the neighbors do not object to the
 45 detached garage setbacks.
 46

47 **5. The requested variance {WILL / WILL NOT} be injurious to the neighborhood or otherwise**
 48 **detrimental to the public health, safety, or welfare because:**
 49

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: the relevant township and fire protection
3 district were notified of this case, and no comments have been received, and the email that was received
4 from the neighbor stated that there were no objections.

5
6 6. The requested variance *{IS / IS NOT}* the minimum variation that will make possible the
7 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: the fact that all of the accessory structures were done prior to the
11 petitioner being aware they needed a permit, and it was not the petitioners' fault that all of that took place.
12

13 7. **THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE**
14 **PARTICULAR PURPOSES DESCRIBED BELOW;**

15 A. **The existing shed can remain in its current location, but replacement of the shed or**
16 **repair of more than 50% replacement value in any 365-day period means the shed**
17 **must be made to conform to the yard requirements in the Zoning Ordinance.**
18

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

20 **That replacement of the existing shed conforms to the Zoning Ordinance.**
21

22 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings
23 of Fact for Case 022-V-21, as amended.
24

25 **Mr. Roberts moved, seconded by Mr. Wood, to adopt the Summary of Evidence, Documents of**
26 **Record, and Findings of Fact for Case 022-V-21, as amended. The motion carried by voice vote.**
27

28 Mr. Elwell informed Mr. and Ms. Chalk that tonight they do not have a full Board, but they do have a
29 quorum, and need four affirmative votes to have their case answered in the affirmative. He asked them if
30 they would like for the Board to continue with his case or would they like them to postpone it to another
31 day when there is a full Board.
32

33 Mr. and Mrs. Chalk said they were okay with moving forward with the Board present tonight.
34

35 Mr. Elwell entertained a motion to move to the Final Determination for Case 022-V-21.
36

37 **Mr. Roberts moved, seconded by Mr. Wood, to move to the Final Determination for Case 022-V-**
38 **21. The motion carried by voice vote.**
39

40 Mr. Elwell said that he would be reading the Final Determination for Case 022-V-21 from Attachment F,
41 page 12 of 12, in the Preliminary Draft, as follows:
42

43 **FINAL DETERMINATION FOR CASE 022-V-21**

44 **Mr. Wood moved, seconded by Mr. Roberts, that the Champaign County Zoning Board of Appeals**
45 **finds that, based upon the application, testimony, and other evidence received in this case, that the**
46 **requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority**
47 **granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of**
48 **Appeals of Champaign County determines that:**
49

1 The Variance requested in Case 022-V-21 is hereby GRANTED WITH CONDITIONS to the
2 petitioners, Thomas and Deborah Chalk, to authorize the following variance in the R-1 Single
3 Family Residence Zoning District:

4
5 Part A: Authorize a variance for an existing detached garage with a side yard of 0 feet in lieu
6 of the minimum required 10 feet side yard, per Section 7.2.1 of the Champaign County
7 Zoning Ordinance.

8
9 Part B: Authorize a variance for an existing detached shed with a side yard of 1 foot in lieu
10 of the minimum required 10 feet side yard, per Section 7.2.1 of the Champaign County
11 Zoning Ordinance.

12
13 Part C: Authorize a variance for an existing single-family residence with a side yard of 7.5
14 feet in lieu of the minimum required 10 feet side yard, per Section 5.3 of the Champaign
15 County Zoning Ordinance.

16
17 Mr. Elwell requested a roll call vote.

18
19 The vote was called as follows:

20	Lee- absent	Randol- yes	Roberts- yes
21	Anderson- yes	Elwell- yes	Wood - yes

22
23 **The motion carried.**

24
25 Mr. Elwell told Mr. and Mrs. Chalk that they received five affirmative votes to approve their case. He said
26 that if there were any further communications, Staff would reach out to them.

27
28 Mr. Elwell entertained a motion to take a five-minute recess until 8:21 p.m.

29
30 **Mr. Roberts moved, seconded by Mr. Randol, to take a five-minute recess until 8:21p.m. The motion**
31 **carried by voice vote.**

32
33 **Case 024-V-21**

34 Petitioners: **John Ehler**

35 Request: **Authorize a variance for a proposed 9.1-acre lot in lieu of the maximum allowed 3 acres**
36 **in area for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning**
37 **District, per Section 5.3 of the Champaign County Zoning Ordinance.**

38 Location: **Part of a 77.9-acre tract and approximately the west 15 feet of the adjacent 74.49-acre**
39 **tract in the West Half of the Northwest Quarter of Section 10, Township 19 North,**
40 **Range 10 East of the Third Principal Meridian in St. Joseph Township, commonly**
41 **known as the farm ground at the southeast corner of the intersection of CR 2100E and**
42 **1700N, St. Joseph.**

43
44 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
45 the witness register for that public hearing. He reminded the audience that when they sign the witness
46 register, they are signing an oath.

47
48 Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County allows
49 anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a

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

7
8 Mr. John Ehler stated that he lives at 2526 County Road 1600 East in Thomasboro, Illinois. He said that
9 he is looking to build a single-family dwelling to get his kid into the Saint Joseph school district. He said
10 that he wants to purchase the lane and the property adjoining where the homestead used to be that connects
11 to the lane; they are owned by two different farmers that he knows. He said that he would be purchasing
12 a small tract from both the farmers, the lane from one and the homestead lot from the other. He said that
13 there is already a grass patch there that is roughly four acres, then there are four acres of farm ground
14 behind it which is in a floodplain and floods year-round, making it nonproductive farm ground.

15
16 Mr. Elwell asked if there were any questions from the Board.

17
18 Mr. Wood asked if the lane was coming from the land to the east.

19
20 Mr. Ehler said yes.

21
22 Mr. Wood said okay, then the rest of the property would be coming from the land to the north and west.

23
24 Mr. Ehler said yes, the property line does look like it is running halfway through the lane, but the farmer
25 to the east has already agreed to deed it to him as long as he takes care of it.

26
27 Mr. Wood said the south four acres of the property looks like it could use a good lake.

28
29 Mr. Ehler said yes, he and his wife have considered that farther down the road.

30
31 Mr. Elwell referred to Attachment F in the Preliminary Memorandum. He asked Mr. Hall if there were
32 residents residing there circa 1973.

33
34 Mr. Hall said that is what it looks like.

35
36 Mr. Elwell asked if there were any other questions from the Board.

37
38 Mr. Anderson asked Mr. Ehler how he was going to handle the muddy long lane, and if he was going to
39 put gravel down.

40
41 Mr. Ehler said that he plans to put road pack and then gravel down. He said that it used to be a road before
42 Interstate 74 was put there, so there is a base under all the mud and grass. He said it was a long time ago,
43 but he would put a new lane down.

44
45 Mr. Anderson asked him if he had enough land to build a house there out of the floodplain.

46
47 Mr. Ehler said that the four acres of grass that the Board can see is around 30 feet from the bottom of the
48 flood area, so it sits up really high. He said that he has been out there multiple times, and this summer
49 when there was eight inches of rainfall, the flooding never even touched the grass. He said that the field

1 part that the Board can see in the back was completely flooded, but where the proposed house would sit
2 would be 20 to 30 feet above where the flooding would ever reach it.
3
4 Mr. Anderson asked if he had any kids.
5
6 Mr. Ehler said that he had one kid.
7
8 Mr. Anderson asked if his kid was going to walk that distance to the bus.
9
10 Mr. Ehler said that by the time they build the house, more than likely he would be driving by then. He
11 said that he was more worried about the snow removal to be honest with them, but he works for a fertilizer
12 company and they have big end loaders, so he should be able to get that figured out.
13
14 Mr. Elwell told Mr. Ehler that he would have to at least buy his kid a side-by-side ATV.
15
16 Mr. Ehler said that they have one.
17
18 Mr. Elwell said no, just for his kid to get back and forth to the bus.
19
20 Mr. Ehler said probably.
21
22 Mr. Elwell asked if there were any other questions from the Board.
23
24 Mr. Elwell asked Mr. Ehler if the floodplain area was going to include where he was planning to put the
25 house.
26
27 Mr. Ehler said no, it would be outside of the floodplain area.
28
29 Mr. Elwell said okay, that would save him around \$2,000 a year.
30
31 Mr. Elwell asked if there were any other questions from the Board or Staff.
32
33 Mr. Anderson asked Mr. Ehler how he was going to get power clear back to where the house would be.
34
35 Mr. Ehler said that one of the pictures shows the Board where there were power poles already running
36 along the lane to where the house would be, because there was a homestead there previously. He said that
37 there was power back there and it comes from both sides, because power used to come over Interstate 74
38 from the south side of the property too. He said that it is kind of set up already, it just needs a lot of work.
39
40 Mr. Elwell asked if anyone would like to cross examine the witness. Seeing no one, he asked if anyone
41 else would like to testify in this case. Seeing no one, he asked for a motion to close the Witness Register
42 for Case 024-V-21.
43
44 **Mr. Roberts moved, seconded by Mr. Wood, to close the Witness Register for Case 024-V-21. The**
45 **motion carried by voice vote.**
46
47 Mr. Elwell entertained a motion to move to the Findings of Fact for Case 024-V-21.
48
49 **Mr. Roberts moved, seconded by Mr. Anderson, to move to the Findings of Fact for Case 024-V-21.**

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

2
3 Mr. Elwell said that he would be reading the Findings of Fact for Case 024-V-21 from Attachment H,
4 page 9 of 10, in the Preliminary Draft, as follows:

5
6 **FINDINGS OF FACT FOR CASE 024-V-21**

7 From the documents of record and the testimony and exhibits received at the public hearing for zoning
8 case **024-V-21** held on **October 28, 2021**, the Zoning Board of Appeals of Champaign County finds that:

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

13
14 Mr. Randol said the special conditions and circumstances DO exist which are peculiar to the land or
15 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
16 the same district because: approximately 4.7 acres in the southern part of the proposed 9.1-acre lot is in
17 the Special Flood Hazard Area, but most of this land is not in production at this time, and the best prime
18 farmland is in the access strip, which was originally a road.

19
20 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**
21 **sought to be varied {WILL / WILL NOT} prevent reasonable or otherwise permitted use of**
22 **the land or structure or construction because:**

23
24 Mr. Wood said the practical difficulties or hardships created by carrying out the strict letter of the
25 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
26 structure or construction because: without the variance, the petitioner would only be allowed to create a
27 3-acre lot, and approximately one acre of that would be for the access drive, so it wouldn't be a reasonable
28 use of the land, and a majority of the land is not best prime farmland.

29
30 **3. The special conditions, circumstances, hardships, or practical difficulties {DO / DO NOT}**
31 **result from actions of the applicant because:**

32
33 Mr. Randol said the special conditions, circumstances, hardships, or practical difficulties DO NOT result
34 from actions of the applicant because: there originally was a house on the property that was removed
35 several years ago, and this would help create a new lot.

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

39
40 Mr. Wood said the requested variance IS in harmony with the general purpose and intent of the Ordinance
41 because: none of the land would be removed from agricultural production that is currently in production.

42
43 **5. The requested variance {WILL / WILL NOT} be injurious to the neighborhood or otherwise**
44 **detrimental to the public health, safety, or welfare because:**

45
46 Mr. Randol said the requested variance WILL NOT be injurious to the neighborhood or otherwise
47 detrimental to the public health, safety, or welfare because: there have not been any comments from the
48 township or fire protection district.

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

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

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

Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings of Facts for Case 024-V-21, as amended.

Mr. Roberts moved, seconded by Mr. Anderson, to adopt the Summary of Evidence, Documents of Record, and Findings of Facts for Case 024-V-21, as amended. The motion carried by voice vote.

Mr. Elwell informed Mr. Ehler that tonight they do not have a full Board, but they do have a quorum, and need four affirmative votes to have his case answered in the affirmative. He asked him if would like for them to continue with his case or would he like them to postpone it to another day when there is a full Board.

Mr. Ehler said that he was okay with moving forward with the Board present tonight.

Mr. Elwell entertained a motion to move to the Final Determination for Case 024-V-21.

Mr. Roberts moved, seconded by Mr. Wood, to move to the Final Determination for Case 024-V-21. The motion carried by voice vote.

Mr. Elwell said that he would be reading the Final Determination for Case 024-V-21 from Attachment H, page 10 of 10, in the Preliminary Draft, as follows:

FINAL DETERMINATION FOR CASE 024-V-21

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

The Variance requested in Case 024-V-21 is hereby GRANTED to the petitioner, John Ehler, to authorize the following:

Authorize a variance for an 9.1-acre lot in lieu of the maximum allowed 3 acres in area for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.

Mr. Elwell requested a roll call vote.

The vote was called as follows:

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

1 **The motion carried.**
2

3 Mr. Elwell informed Mr. Ehler that he received the five affirmative votes that were needed to approve his
4 case. He said that if there was any further communication, that Staff would be reaching out to him.
5

6 **7. Staff Report - None**
7

8 **8. Other Business**
9

10 **A. Review of Docket**
11

12 **9. Audience participation with respect to matters other than cases pending before the Board**
13

14 Mr. Anderson said that he would like to know where Ms. Burgstrom was.
15

16 Mr. Elwell said that she was not here.
17

18 Mr. Hall said that Ms. Burgstrom was out of the state.
19

20 Mr. Anderson asked if she was sick.
21

22 Mr. Hall said that she was on a mission trip helping other people, how dare she go help other people and
23 leave them here in a lurch, but that is what she did.
24

25 Mr. Anderson said the roll call this morning was a little different.
26

27 Ms. Berry said that it was her, she had never done the roll call before, so she didn't know how Ms.
28 Burgstrom did it. She said that she wanted to make sure there was going to be quorum for tonight's
29 meeting.
30

31 Mr. Anderson said that it helps to know where other people are and if they need help.
32

33 Mr. Elwell said that it looked like the next meeting was going to be December 2, 2021.
34

35 Mr. Hall said that it was going to be tough going until December 2, 2021 without a ZBA meeting, but
36 there were no rooms available.
37

38 Mr. Elwell said that they were not going to have a meeting on Thanksgiving.
39

40 Mr. Hall said that he hopes not.
41

42 Mr. Wood asked if they were going to have a meeting on December 30, 2021.
43

44 Mr. Elwell said yes.
45

46 Mr. Wood said that is a tough one.
47

48 Mr. Elwell said that there are three cases that are slated for that meeting.
49

1 Mr. Hall said that there might only be two, because they are hoping the administrative variance won't be
2 required to be a full variance, so that might be a quick meeting, but who knows.

3

4 **10. Adjournment**

5

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

7

8 **Mr. Randol moved, seconded by Mr. Roberts, to adjourn the meeting.**

9

10 Mr. Elwell requested a roll call vote.

11

12 The vote was called as follows:

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

15

16 The meeting adjourned at 9:09 p.m.

17

18 Respectfully submitted,

19

20 Secretary of Zoning Board of Appeals

21

22

23

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