

**MINUTES OF REGULAR MEETING**

**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

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

<b>DATE:</b>	<b>January 13, 2022</b>	<b>PLACE:</b>	<b>Shields-Carter Meeting Room</b>
			<b>1776 East Washington Street</b>
<b>TIME:</b>	<b>6:30 p.m.</b>		<b>Urbana, IL 61802</b>

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

**MEMBERS ABSENT:** Tom Anderson

**STAFF PRESENT:** John Hall, Susan Burgstrom

**OTHERS PRESENT:** Kim Decker, Ed Decker, Steve Oertwig, Cathy Rector, Jon Rector

**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 – None**

**5. Continued Public Hearings - None**

**6. New Public Hearings**

**Case 029-V-21**

**Petitioners: Steven and Patricia Oertwig**

**Request: Authorize a variance for an existing detached shed with a front yard of 18 feet and a setback of 43 feet from the street centerline of CR 2550N in lieu of the minimum required front yard of 25 feet and setback of 55 feet in the AG-1 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.**

**Location: A 7.32-acre lot in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 30, Township 21 North, Range 8 East of the Third Principal Meridian in Condit Township, commonly known as the residence with an address of 2546 CR 600E, Dewey.**

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

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

10 Steven Oertwig, 5014 Chestnut Grove Dr, Champaign, said that his request is to authorize a variance for  
11 an existing detached shed with a front yard of 18 feet and a setback of 43 feet from the street centerline of  
12 CR 2550N in lieu of the minimum required front yard of 25 feet and setback of 55 feet in the AG-1  
13 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance. He said when  
14 he bought the property, he was unaware of the violation. He said when he applied for a building permit  
15 for a residence, it was discovered that this was not in accordance with the zoning procedure.  
16

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

19 Mr. Randol referred to page 1 of Attachment C, which is an aerial of the property. He asked if the driveway  
20 to the west of the shed is a shared driveway.  
21

22 Mr. Oertwig said that it is not actually a driveway. He said the property was laid out that way to where  
23 there's about 120 to 130 feet on that side; it's just an L-shaped lot. He said there was no driveway in place  
24 on either CR 2550N or CR 600E. He said that is actually part of the acreage of his yard.  
25

26 Mr. Wood said that was split off from the property that has the current house, and that it wasn't a driveway;  
27 it was a big parking lot for a semi.  
28

29 Mr. Oertwig said that is on CR 2550N. He said he thought the little lane he was making reference to was  
30 off of CR 600E, and there is no semi that ever parks there. He said the semi parks on CR 2550N.  
31

32 Mr. Wood asked if it was Mr. Oertwig's property where the lane is on CR 600E.  
33

34 Mr. Oertwig said he wasn't aware of there being a drive there.  
35

36 Mr. Wood said it's for the house that is there. He asked Mr. Hall to correct him if he was wrong, but it  
37 was all one lot that was broken up into three lots.  
38

39 Mr. Oertwig said that is correct. He said that he believes the driveway goes with the house on the property  
40 on the corner. He said there is a driveway there that is fairly close to his property.  
41

42 Mr. Randol asked if Mr. Oertwig has plans to build a house there, and where would his driveway come  
43 into the property.  
44

45 Mr. Oertwig said that it would come in off of CR 2550N, close to where the semi parks; that is the high  
46 part of the road there.  
47

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

49 Mr. Randol said on page 5 of the Preliminary Draft, down at the bottom where it says Item 9, it says the

1 land was purchased 10/29/22, and that staff would probably want to correct that.

2  
3 Mr. Elwell asked if anyone would like to cross-examine the witness. Seeing no one, he asked if anyone  
4 would like to testify in Case 029-V-21. Seeing no one, he asked for a motion to close the Witness Register.

5  
6 **Mr. Roberts moved, seconded by Mr. Wood, to close the Witness Register. The motion carried by  
7 voice vote.**

8  
9 Mr. Elwell entertained a motion to move to the Findings of Fact for Case 029-V-21.

10  
11 **Mr. Randol moved to accept the Preliminary Draft, Documents of Record, and move to the Findings  
12 of Fact for Case 029-V-21.**

13  
14 Mr. Wood said that there is one special condition to discuss.

15  
16 Mr. Elwell referred to the special condition on page 7 of 11 of the Draft Summary of Evidence, and asked  
17 Mr. Oertwig to verbally indicate agreement or disagreement.

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

22  
23 The special condition stated above is required to ensure the following:  
24 **That replacement of the existing shed conforms to the Zoning Ordinance.**

25  
26 Mr. Oertwig agreed to the special condition.

27  
28 **Mr. Wood seconded Mr. Randol’s motion to accept the Preliminary Draft, Documents of Record,  
29 and move to the Findings of Fact for Case 029-V-21. The motion carried by voice vote.**

30  
31 Mr. Elwell said that he would be reading the Findings of Fact for Case 029-V-21 from Attachment E, page  
32 9 of 11 in the Preliminary Memorandum, as follows:

33  
34 **FINDINGS OF FACT FOR CASE 029-V-21**

35 From the documents of record and the testimony and exhibits received at the public hearing for zoning  
36 case **029-V-21** held on **January 13, 2022**, the Zoning Board of Appeals of Champaign County finds that:

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

41  
42 Mr. Wood said the special conditions and circumstances DO exist which are peculiar to the land or  
43 structure involved, which are not applicable to other similarly situated land and structures elsewhere in  
44 the same district because: the petitioner was unaware of the setback and front yard requirements until they  
45 applied to construct a residence in November 2021, and the variances are very minor compared to the  
46 zoning rules. He said it would not make any sense to move the structure due to the cost. The shed was  
47 originally constructed with an agricultural exemption, so there was no permit required for it, but that will  
48 no longer be the case given that it is a residential property. He said this was all constructed prior to the  
49 petitioner’s purchase of the property in October 2021.

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. Randol said the practical difficulties or hardships created by carrying out the strict letter of the  
6 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or  
7 structure or construction because: without the proposed variance, the petitioner would either have to tear  
8 down the shed or move it, and either option would be an expense that is undue for the petitioner.  
9

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

13 Mr. Randol said the special conditions, circumstances, hardships, or practical difficulties DO NOT result  
14 from actions of the applicant because: construction occurred prior to the petitioner’s purchase of the  
15 subject property in October 2021.  
16

17 4. **The requested variance, SUBJECT TO THE PROPOSED CONDITION, {IS / IS NOT} in**  
18 **harmony with the general purpose and intent of the Ordinance because:**  
19

20 Mr. Randol said the requested variance IS in harmony with the general purpose and intent of the Ordinance  
21 because: the requested variance for front yard is 72% of the minimum required, for a variance of 28%,  
22 and the requested variance for setback is 78% of the minimum required, for a variance of 22%. He said  
23 there are no known plans to expand CR 2550N.  
24

25 5. **The requested variance, SUBJECT TO THE PROPOSED CONDITION, {WILL / WILL**  
26 **NOT} be injurious to the neighborhood or otherwise detrimental to the public health,**  
27 **safety, or welfare because:**  
28

29 Mr. Roberts said the requested variance WILL NOT be injurious to the neighborhood or otherwise  
30 detrimental to the public health, safety, or welfare because: relevant jurisdictions have been notified of  
31 this variance, and no comments have been received.  
32

33 6. **The requested variance, SUBJECT TO THE PROPOSED CONDITION, {IS / IS NOT} the**  
34 **minimum variation that will make possible the reasonable use of the land/structure because:**  
35

36 Mr. Wood said the requested variance IS the minimum variation that will make possible the reasonable  
37 use of the land/structure.  
38

39 7. **THE SPECIAL CONDITION IMPOSED HEREIN IS REQUIRED FOR THE**  
40 **PARTICULAR PURPOSES DESCRIBED BELOW:**  
41

42 A. **The existing shed can remain in its current location, but replacement of the shed or**  
43 **repair of more than 50% replacement value in any 365-day period means the shed**  
44 **must be made to conform to the yard requirements in the Zoning Ordinance.**  
45

46 The special condition stated above is required to ensure the following:  
47 **That replacement of the existing shed conforms to the Zoning Ordinance.**  
48

1 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and the  
2 Findings of Fact for Case 029-V-21, as amended.

3  
4 **Mr. Roberts moved, seconded by Mr. Wood, to adopt the Summary of Evidence, Documents of  
5 Record, and the Findings of Fact for Case 029-V-21, as amended. The motion carried by voice vote.**  
6

7 Mr. Elwell informed Mr. Oertwig that they did not have a full Board tonight, but they would need four  
8 affirmative votes. He asked him if they would like the Board to continue with his case or wait until the  
9 next available date on the ZBA docket when the fifth Board member would be here. He said the Findings  
10 of Fact were all in the affirmative, but this is his decision.

11  
12 Mr. Oertwig said to please continue.

13  
14 Mr. Elwell entertained a motion to move to the Final Determination for Case 029-V-21.

15  
16 **Mr. Roberts moved, seconded by Mr. Wood, to move to the Final Determination for Case 029-V-  
17 21.**  
18

19 Mr. Elwell said he would be reading the Final Determination in Case 029-V-21 from Attachment E, page  
20 11 of 11 in the Preliminary Memorandum, as follows:

21  
22 **FINAL DETERMINATION FOR CASE 029-V-21**

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

29 **The Variance requested in Case 029-V-21 is hereby GRANTED to the petitioners, Steven and  
30 Patricia Oertwig, to authorize the following:**  
31

32 **Authorize a variance for an existing detached shed with a front yard of 18 feet and a setback  
33 of 43 feet from the street centerline of CR 2550N in lieu of the minimum required front yard  
34 of 25 feet and setback of 55 feet in the AG-1 Agriculture Zoning District, per Section 5.3 of  
35 the Champaign County Zoning Ordinance.**  
36

37 Mr. Elwell requested a roll call vote.

38  
39 The vote was called as follows:

40 **Randol- yes                      Roberts- yes                      Wood - yes**  
41 **Anderson- absent                Elwell- yes**  
42

43 **The motion carried.**  
44

45 Mr. Elwell told Mr. Oertwig that he received four affirmative votes to approve his case. He said that if  
46 there were any further communications, Staff would reach out to them.

47  
48 **Case 031-V-21**

49 **Petitioners: Alvin Decker, via agent Kim Decker**

- 1 Request: **Authorize a variance for a 3.42-acre lot in lieu of the maximum allowed 3 acres in area for a**  
2 **lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per Section**  
3 **5.3 of the Champaign County Zoning Ordinance.**
- 4 Location: **An existing 2.35-acre lot plus part of an 85.57-acre tract in the Northeast Corner of Section 25,**  
5 **Township 18 North, Range 9 East of the Third Principal Meridian in Philo Township,**  
6 **commonly known as the residence with an address of 1799 CR 800N, Philo.**  
7

8 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign  
9 the witness register for that public hearing. He reminded the audience that when they sign the witness  
10 register, they are signing an oath.  
11

12 Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County allows  
13 anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a  
14 show of hands from those who would like to cross-examine, and each person will be called upon. He said  
15 that those who desire to cross-examine are not required to sign the Witness Register, but will be asked to  
16 clearly state their name before asking any questions. He noted that no new testimony is to be given during  
17 the cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws  
18 are exempt from cross-examination. He asked if the petitioner would like to outline the nature of their  
19 request prior to introducing evidence.  
20

21 Kim Decker, 915 CR 1700E, Philo, stated she was here representing her 95 year old father-in-law. She  
22 said they were looking to authorize a variance for a proposed 3.42-acre lot in lieu of the maximum allowed  
23 3 acres in area for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District,  
24 per Section 5.3 of the Champaign County Zoning Ordinance. She said this land has been rented by the  
25 current owners for approximately ten years. She said they have requested to buy it from her father-in-law.  
26 She said that the proposed lot goes over the three-acre zoning regulation, so they are just looking for a  
27 variance. She said nothing is going to change; it will look tomorrow like it did today – he would just own  
28 it rather than rent it.  
29

30 Mr. Elwell asked if there were any questions from the Board.  
31

32 Mr. Randol asked if Ms. Decker was related to the party that wants to buy the land.  
33

34 Ms. Decker said no.  
35

36 Mr. Wood asked in a case like this if it is the owner of the property who is going to buy the property that  
37 should be requesting the variance, or the owner of the property that is going to sell the land.  
38

39 Mr. Hall said he thinks it could be either way. He said the important thing is that somebody who has  
40 ownership interest is requesting it, and that is what we have.  
41

42 Mr. Wood asked if the property had changed hands yet.  
43

44 Ms. Decker said no; in fact, the reason she found out they needed to come here was that she contacted a  
45 surveyor to get a good legal description, and knowing Champaign County's regulations, they said she  
46 should contact the P&Z Department, which she did. She said the surveyor said they should get the approval  
47 before they went through the time and expense of getting the property surveyed.  
48

49 Mr. Randol said that's good; he'd rather have it now than when it has already taken place. He asked if the

1 2.35 acres was originally part of the farmstead.

2  
3 Ms. Decker said that Mr. Decker sold the 2.35 acres close to 15 years ago to the original owners, who in  
4 turn sold it to the current owner, Mr. Carter. She said Mr. Carter is the one who has been renting the extra  
5 66 feet for the last ten years or so. She said he was not the original purchaser of the property or builder of  
6 the house.

7  
8 Mr. Randol said he was curious as to why they have been renting the land in two directions around the  
9 house rather than making it L-shaped.

10  
11 Ms. Decker said that was a very good question, and she doesn't have a true answer to that. She said Mr.  
12 Carter has goats and dogs, and he has made runs all the way around. She said that is what Mr. Carter  
13 requested of her father-in-law years and years ago. She said she guesses it keeps the property square.

14  
15 Mr. Elwell asked Ms. Burgstrom what it would take to make this three acres instead of the 3.42 acres, or  
16 what would have to happen to make this conform to current zoning.

17  
18 Ms. Burgstrom said that they would just have to request a lesser amount of land; she is not exactly sure  
19 dimension-wise what that would be, but it might be 30 feet on each side instead of 66 feet. She said that  
20 the landscaping is prairie grass that is pretty established out there, and they are really conforming to a  
21 distinct line between that prairie grass and the land in production. She said they are not going to be  
22 removing any land from row crop production by requesting this variance.

23  
24 Mr. Wood asked if the amount of land there isn't actually based on the usage that they currently have with  
25 the sheep and goats and the fenced in areas.

26  
27 Ms. Decker said it is; part of it is fenced in for the livestock. She said like Ms. Burgstrom said, it has been  
28 established in grass and hasn't had row crops on there in ten years.

29  
30 **Mr. Randol moved to accept the Preliminary Draft, Documents of Record, and move to the Findings**  
31 **of Fact for Case 031-V-21. The motion carried by voice vote.**

32  
33 Mr. Elwell said that he had one question for Mr. Hall, and if he can get that he would be more than happy  
34 to come back to Mr. Randol's motion. He asked if this is going to be the minimum variation, which is  
35 going to come up in the Findings of Fact.

36  
37 Mr. Hall said that it is the minimum variation necessary to provide for current activities; he asked if that  
38 was helpful.

39  
40 Mr. Elwell said when we get to finding #6, this is the minimum variation that will make possible the  
41 reasonable use of the land and the structure.

42  
43 Mr. Hall indicated yes.

44  
45 Mr. Elwell asked if there was a second to Mr. Randol's motion.

46  
47 **Mr. Wood seconded Mr. Randol's motion. The motion carried by voice vote.**

48  
49 Mr. Elwell said that he would be reading the Findings of Fact for Case 031-V-21 from Attachment E, page

1 9 of 10 in the Preliminary Memorandum, as follows:  
2

3 **FINDINGS OF FACT FOR CASE 031-V-21**

4 From the documents of record and the testimony and exhibits received at the public hearing for zoning  
5 case **031-V-21** held on **January 13, 2022**, the Zoning Board of Appeals of Champaign County finds that:  
6

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

10  
11 Mr. Wood said the special conditions and circumstances DO exist which are peculiar to the land or  
12 structure involved, which are not applicable to other similarly situated land and structures elsewhere in  
13 the same district because: the owner of the property who is renting the 1.07 acres basically represents the  
14 activity that he has been utilizing that ground for several years. He said that the existing house on the 2.35  
15 acres sits far back from the adjacent roads, and was built by previous owners.  
16

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

20  
21 Mr. Randol said the practical difficulties or hardships created by carrying out the strict letter of the  
22 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or  
23 structure or construction because: without the variance, the petitioner could not add the 1.07 acres to the  
24 existing residential lot, so he would have to continue renting rather than purchase the extra area.  
25

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

28  
29 Mr. Roberts said the special conditions, circumstances, hardships, or practical difficulties DO NOT result  
30 from actions of the applicant because: the lot was created and the house was built in 2002. The current  
31 owner purchased the property in March 2004.  
32

- 33 **4. The requested variance, subject to the proposed condition, {IS / IS NOT} in harmony with  
34 the general purpose and intent of the Ordinance because:**

35  
36 Mr. Wood said the requested variance IS in harmony with the general purpose and intent of the Ordinance  
37 because: the 3.42-acre lot area is only 114% of the required three acre maximum, which is a very small  
38 variance of only 14%. He said no on the ground changes are proposed; it is basically still being used for  
39 agricultural purposes.  
40

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

44  
45 Mr. Randol said the requested variance WILL NOT be injurious to the neighborhood or otherwise  
46 detrimental to the public health, safety, or welfare because: all the other pertinent jurisdictions, highway  
47 commissioner, supervisor, fire department, all of those have not responded with any response at all.  
48



1 **6. The requested variance, subject to the proposed condition, {IS / IS NOT} the minimum**  
2 **variation that will make possible the reasonable use of the land/structure because:**  
3

4 Mr. Roberts said the requested variance IS the minimum variation that will make possible the reasonable  
5 use of the land/structure because: any additional land added to the subject property would take land out of  
6 agricultural production.  
7

8 Mr. Wood asked if that should not be “would not take land out of agricultural production” because the  
9 uses are not going to be changing.  
10

11 Mr. Elwell said that any additional land added to the subject property would take land out of agricultural  
12 production, so if you went larger than the 1.07 acres, it would be a greater variance.  
13

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

15  
16 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and the  
17 Findings of Fact for Case 031-V-21, as amended.  
18

19 **Mr. Wood moved, seconded by Mr. Randol, to adopt the Summary of Evidence, Documents of**  
20 **Record, and the Findings of Fact for Case 031-V-21, as amended. The motion carried by voice vote.**  
21

22 Mr. Elwell informed Ms. Decker that they did not have a full Board tonight, but they would need four  
23 affirmative votes and there are four Board members present at tonight’s meeting. He asked her if she  
24 would like the Board to continue with their case or wait until the next available date on the ZBA docket  
25 when there is a full Board present. He said the Findings of Fact were all in the affirmative, but this is her  
26 decision.  
27

28 Ms. Decker said to please continue.  
29

30 Mr. Elwell entertained a motion to move to the Final Determination for Case 031-V-21.  
31

32 **Mr. Randol moved, seconded by Mr. Wood, to move to the Final Determination for Case 031-V-21.**  
33 **The motion carried by voice vote.**  
34

35 Mr. Elwell said he would be reading the Final Determination in Case 031-V-21 from Attachment E, page  
36 10 of 10 of the Preliminary Memorandum, as follows:  
37

38 **FINAL DETERMINATION FOR CASE 031-V-21**

39 **Mr. Wood moved, seconded by Mr. Randol, that the Champaign County Zoning Board of Appeals**  
40 **finds that, based upon the application, testimony, and other evidence received in this case, that the**  
41 **requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority**  
42 **granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of**  
43 **Appeals of Champaign County determines that:**  
44

45 **The Variance requested in Case 031-V-21 is hereby GRANTED to the petitioner, Alvin Decker,**  
46 **to authorize the following:**  
47

1 **Authorize a variance for a 3.42-acre lot in lieu of the maximum allowed 3 acres in area for a**  
2 **lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per**  
3 **Section 5.3 of the Champaign County Zoning Ordinance.**  
4

5 Mr. Elwell requested a roll call vote.

6  
7 The vote was called as follows:

8 **Randol- yes                      Roberts- yes                      Anderson- absent**  
9 **Elwell- yes                      Wood - yes**

10  
11 **The motion carried.**

12  
13 Mr. Elwell told Ms. Decker that they received four affirmative votes to approve the case. There may be  
14 communication coming from P&Z Staff.

15  
16 **Case 032-V-21**

17 **Petitioners: Jon and Cathy Rector**

18 **Request: Authorize a variance for an existing detached garage with a front yard of 22 feet and a setback**  
19 **of 52 feet from the street centerline of Summer Field Rd in lieu of the minimum required front**  
20 **yard of 25 feet and setback of 55 feet in the AG-1 Agriculture Zoning District, per Section 5.3**  
21 **of the Champaign County Zoning Ordinance.**

22 **Location: Lot 3 of Summer Field Place Subdivision in the Southwest Quarter of Section 32, Township 19**  
23 **North, Range 8 East of the Third Principal Meridian in Champaign Township, commonly**  
24 **known as the residence with an address of 4302 Summer Field Rd, Champaign.**  
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 from those who would like to cross-examine, and each person will be called upon. He said  
33 that those who desire to cross-examine do not have to sign the Witness Register, but will be asked to  
34 clearly state their name before asking any questions. He noted that no new testimony is to be given during  
35 the cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws  
36 are exempt from cross-examination. He asked if the petitioners would like to outline the nature of their  
37 request prior to introducing evidence.  
38

39 Jon and Cathy Rector, 4302 Summer Field Rd, Champaign, thanked the Board for their service. Mr. Rector  
40 said he appreciates the Board’s time tonight and wishes they weren’t here, because the Board members  
41 have better things to do. He said they decided to build a cool garage, and thought they did everything right.  
42 He referred to pages 7 and 8 and said he did the measurements; he is in the insurance business and has  
43 one of those fancy wheels that measures. He told Mr. Roberts that he learned drafting from Ed Bame at  
44 Centennial High School when Mr. Roberts was there, so he hopes he can appreciate his freehand sketch  
45 work. He said they measured everything out, and was quite surprised to get a letter in the mail from P&Z  
46 Staff that somehow it was off by three feet. He said they had really good intentions, and put \$45-50,000  
47 into the garage, electrical, drywall and new concrete trying to make a nice two-car detached garage. He  
48 said the measurements are what they are according to his drawings, and page 8 shows we were off by  
49 three feet. He said they don’t have any excuses; everything they measured they thought they did right, and

1 they gave everything to the contractor, Coach House Garages.

2  
3 Mr. Wood asked if they asked their contractor to fix this problem and laughed.

4  
5 Mr. Rector said it would be very costly to move that garage.

6  
7 Mr. Elwell asked if there were any questions from the Board. He asked if anyone would like to cross-  
8 examine the witness. Seeing no one, he asked if anyone would like to testify in this case. Seeing no one,  
9 he asked for a motion to close the Witness Register.

10  
11 **Mr. Randol moved, seconded by Mr. Wood, to close the Witness Register. The motion carried by**  
12 **voice vote.**

13  
14 **Mr. Randol moved, seconded by Mr. Roberts, to accept the Preliminary Draft, Documents of**  
15 **Record, and move to the Findings of Fact for Case 032-V-21. The motion carried by voice vote.**

16  
17 Mr. Elwell said that he would be reading the Findings of Fact for Case 032-V-21 from Attachment E, page  
18 9 of 10, in the Preliminary Memorandum, as follows:

19  
20 **FINDINGS OF FACT FOR CASE 032-V-21**

21 From the documents of record and the testimony and exhibits received at the public hearing for zoning  
22 case **032-V-21** held on **December 30, 2021**, the Zoning Board of Appeals of Champaign County finds  
23 that:

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

28  
29 Mr. Wood said the special conditions and circumstances DO exist which are peculiar to the land or  
30 structure involved, which are not applicable to other similarly situated land and structures elsewhere in  
31 the same district because: Summer Field Road is a dead-end road that has a 60 foot right-of-way, which  
32 is wider than some rural township roads, and the variance on this is very minimal.

33  
34 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**  
35 **sought to be varied {WILL / WILL NOT} prevent reasonable or otherwise permitted use of**  
36 **the land or structure or construction because:**

37  
38 Mr. Randol said the practical difficulties or hardships created by carrying out the strict letter of the  
39 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or  
40 structure or construction because: without the proposed variance, the petitioner would have to move or  
41 demolish the garage and several thousand dollars of concrete driveway, which is not a feasible thing to  
42 do.

43  
44 **3. The special conditions, circumstances, hardships, or practical difficulties {DO / DO NOT}**  
45 **result from actions of the applicant because:**

46  
47 Mr. Wood said the special conditions, circumstances, hardships, or practical difficulties DO NOT result  
48 from actions of the applicant because: the approved site plan from ZUPA #164-19-02 indicates 43 feet  
49 between the garage and the edge of Summer Field Road, which would calculate to exactly 55 feet setback

1 and 25 feet front yard, meeting the minimum requirements of the Zoning Ordinance. He said  
 2 unfortunately, the contractor was a little off in his measurements when he actually placed the garage.

3  
 4 **4. The requested variance, subject to the proposed condition, *{IS / IS NOT}* in harmony with  
 5 the general purpose and intent of the Ordinance because:**

6  
 7 Mr. Randol said the requested variance IS in harmony with the general purpose and intent of the Ordinance  
 8 because: the requested variance for front yard is 88% of the minimum required, for a variance of 12%,  
 9 and the requested variance for setback is 95% of the minimum required, for a variance of 5%, and it  
 10 actually only amounts to three feet. He said there are no known plans for the Township to expand Summer  
 11 Field Road in either direction.

12  
 13 **5. The requested variance, subject to the proposed condition, *{WILL / WILL NOT}* be  
 14 injurious to the neighborhood or otherwise detrimental to the public health, safety, or  
 15 welfare because:**

16  
 17 Mr. Roberts said the requested variance WILL NOT be injurious to the neighborhood or otherwise  
 18 detrimental to the public health, safety, or welfare because: relevant jurisdictions have been notified of  
 19 this variance, and no comments have been received.

20  
 21 **6. The requested variance, subject to the proposed condition, *{IS / IS NOT}* the minimum  
 22 variation that will make possible the reasonable use of the land/structure because:**

23  
 24 Mr. Wood said the requested variance IS the minimum variation that will make possible the reasonable  
 25 use of the land/structure.

26  
 27 **7. *NO SPECIAL CONDITIONS ARE HEREBY IMPOSED.***

28  
 29 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and the  
 30 Findings of Fact for Case 032-V-21, as amended.

31  
 32 **Mr. Randol moved, seconded by Mr. Roberts, to adopt the Summary of Evidence, Documents of  
 33 Record, and the Findings of Fact for Case 032-V-21, as amended. The motion carried by voice vote.**

34  
 35 Mr. Elwell informed the Rectors that they did not have a full Board tonight, but they would need four  
 36 affirmative votes and there are four Board members present at tonight's meeting. He asked them if they  
 37 would like the Board to continue with their case or wait until the next available date on the ZBA docket  
 38 when there is a full Board present. He said the Findings of Fact were all in the affirmative, but this is their  
 39 decision.

40  
 41 Mr. Rector said to please continue.

42  
 43 Mr. Elwell requested a motion to move to the Final Determination for Case 032-V-21.

44  
 45 **Mr. Roberts moved, seconded by Mr. Randol, to move to the Final Determination for Case 032-V-  
 46 21. The motion carried by voice vote.**

47  
 48 Mr. Elwell said he would be reading the Final Determination in Case 032-V-21 from Attachment E, page  
 49 10 of 10 of the Preliminary Memorandum, as follows:

**FINAL DETERMINATION FOR CASE 032-V-21**

**Mr. Randol moved, seconded by Mr. Wood, 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 032-V-21 is hereby GRANTED to the petitioners, Jon and Cathy Rector, to authorize the following:**

**Authorize a variance for an existing detached garage with a front yard of 22 feet and a setback of 52 feet from the street centerline of Summer Field Road in lieu of the minimum required front yard of 25 feet and setback of 55 feet 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:

<b>Randol- yes</b>	<b>Roberts- yes</b>	<b>Anderson- absent</b>
<b>Elwell- yes</b>	<b>Wood - yes</b>	

**The motion carried.**

Mr. Elwell told Mr. & Mrs. Rector that he received four affirmative votes to approve the case. He said Ms. Burgstrom would be in contact if there is any further communication.

**7. Staff Report - None**

**8. Other Business**

**A. Review of Docket**

Mr. Elwell asked if there were any absences anticipated.

**B. Final 2022 ZBA meeting calendar**

Ms. Burgstrom said that the other item we have is the final 2022 ZBA meetings calendar for approval. She said the County Board had a couple of changes to their own dates, but nothing changed the ZBA meeting dates that we previously discussed. She said we just need a final approval of the 2022 calendar.

**Mr. Randol moved, seconded by Mr. Wood, to approve the 2022 calendar of meetings. The motion carried by voice vote.**

Mr. Randol asked Mr. Hall how they determine where the Board members come from.

Mr. Hall said that each Board member has to live in a separate township.

Mr. Elwell asked if it had always been that way.

1 Mr. Hall said yes, actually that is State law.

2

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

4

5 **10. Adjournment**

6

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

8

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

10

11 Mr. Elwell requested a roll call vote.

12

13 The vote was called as follows:

14	<b>Randol- yes</b>	<b>Roberts- yes</b>	<b>Anderson- absent</b>
15	<b>Elwell- yes</b>	<b>Wood - yes</b>	

16

17 The meeting adjourned at 7:28 p.m.

18

19 Respectfully submitted,

20

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23 Secretary of Zoning Board of Appeals

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