

**MINUTES OF REGULAR MEETING**

**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

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

<b>DATE:</b>	<b>January 27, 2022</b>	<b>PLACE:</b>	<b>Shields-Carter Meeting Room</b>
			<b>1776 East Washington Street</b>
			<b>Urbana, IL 61802</b>

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

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

**OTHERS PRESENT:** Jim Lewis, Jewel Lewis

**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**

**Mr. Wood moved, seconded by Mr. Randol, to move Case 033-V-21 to first on the agenda at this public hearing. The motion carried by voice vote. (Note: minutes are transcribed in numerical order per the agenda).**

**Case 030-AT-21**

**Petitioners: Zoning Administrator**

**Request: Amend the Champaign County Zoning Ordinance as follows:**

- 1. Amend Section 3.0 Definitions by adding a definition for “DATA CENTER” and “PV SOLAR ARRAY.”**
- 2. Add new paragraph 4.2.1 C.6. that authorizes a PV SOLAR ARRAY as a County Board SPECIAL USE Permit in the AG-2 Agriculture Zoning District as a second PRINCIPAL USE on a LOT with another PRINCIPAL USE.**
- 3. Amend Section 5.2 Table of Authorized Principal Uses by adding DATA CENTER as a Special Use in the AG-2 Agriculture, B-4 General Business, and I-1 Light Industry Zoning Districts, and by adding PV SOLAR ARRAY as a**

**County Board Special Use Permit in the AG-2 Agriculture and all Business and Industrial Zoning Districts.**

- 4. **Add footnote 31 to Section 5.2 Table of Authorized Principal Uses for classifying the requirements for PV SOLAR ARRAYS with an output of one megawatt or more as a County Board Special Use Permit and PV solar arrays with an output of less than one megawatt as an ACCESSORY PV SOLAR ARRAY.**
- 5. **Add standard conditions to Section 6.1.3 Schedule of Standard Conditions for Specific Types of Special Uses as follows:**
  - A. **The location of the DATA CENTER must be approved in writing by the relevant Fire Protection District.**
  - B. **The petitioner shall provide the P&Z Department with a written explanation of security features for the DATA CENTER.**
  - C. **DATA CENTERS constructed with PV SOLAR ARRAYS shall be located adjacent to the solar inverter and as far as possible from property lines and adjacent DWELLINGS consistent with good engineering practice.**
- 6. **Add new Section 7.9 Accessory PV SOLAR ARRAY, with new requirements including but not limited to the following:**
  - A. **A PV SOLAR ARRAY with an output of less than one megawatt shall be permitted as an ACCESSORY STRUCTURE subject to the following standards:**
    - 1. **An accessory ground-mounted PV SOLAR ARRAY with less than one megawatt on contiguous lots under common ownership shall require compliance with minimum zoning requirements in Section 7.2 YARDS for DETACHED ACCESSORY BUILDINGS and STRUCTURES.**
    - 2. **For an accessory ground-mounted PV SOLAR ARRAY greater than 1,000 square feet in area, screening requirements shall apply per Sections 7.6.2 and 7.6.3.**
    - 3. **No permit is required for roof-mounted PV SOLAR ARRAYS.**
    - 4. **Loading berths and parking spaces are not required for accessory ground-mounted PV SOLAR ARRAYS.**

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

Mr. Elwell asked if the Zoning Administrator, Mr. Hall, would like to outline the nature of his request.

Mr. Hall said that the P & Z Office included a memo to ELUC. He said a citizen has been contacting them over the past year who wants to build a data center. He said that data centers come in many types, because some data centers have employees, and some are just spaces with computers compacted as tight as they can get them and running as hot as they can keep them running, simply to do things like cyber mining or processing data from other businesses. He said the data center that the P & Z Office has been getting inquiries about is going to be for cyber mining, and these things are principally business uses. He said they want to have their own large solar array to provide the source of power because these data centers are power intensive. He said they want to build a community size solar farm with two megawatts on about 16 acres. He said when he was discussing this with ELUC, one of their concerns was to not encourage rezoning of large tracts of land to business designations if they could accommodate it in AG-2. He said that likewise, ELUC is absolutely convinced that they want these treated as if they were a solar farm, so there would be a decommissioning agreement and financial assurance required, so that if the data center

1 goes belly up, then the solar array could be removed and the land restored, just like in a solar farm. He  
2 said what they are proposing has changed a little from what ELUC had seen. He said the attachment to  
3 the Finding of Fact is the current version, where data centers would be allowed with a Special Use Permit  
4 in B-4, I-1, and AG-2, but solar arrays would be allowed as a County Board Special Use Permit in any of  
5 the Business and Industrial Zoning Districts. He said it could be that there are large solar arrays for other  
6 uses in the Business Zoning Districts, so they may as well include that, but also in AG-2.

7  
8 He said that this led them to realize they needed to distinguish between solar arrays that are going to be  
9 treated like solar farms and solar arrays that would just be accessory uses. He said that most of the  
10 accessory ground mounted solar arrays do not occupy more than 600 square feet. He said they had one  
11 solar array that was around 1,000 to 1,200 square feet for a livestock facility, but that was the largest solar  
12 array that they have seen, and that was for agriculture, so it was exempt. He said that sometimes  
13 individuals will do cyber mining at their homes, where they set up a bunch of computers to do cyber  
14 mining. He said they might even want to have more than the typical size solar array to offset their energy  
15 cost; at that point he thinks they need to identify, well at that size are they going to need to screen their  
16 solar array, because their neighbors don't want to look at a huge solar array, that is not why they are living  
17 in the R-4 Residential Zoning District. He said they picked the solar array of 1,000 square feet in area so  
18 beyond that is supposed to be screened and below that square footage doesn't have to be screened. He said  
19 the 1,000 square feet is completely arbitrary, and again, he thinks that they have only seen one that was  
20 larger and was agriculture, so it was exempt anyway.

21  
22 He said one of the Township Planning Commission members called him about this and was familiar with  
23 the concept of data centers. He said that he knew that some had staff, some don't have staff, and not all  
24 data centers would have a related solar array. He said that this member asked why they would want to  
25 allow a staffed data center in the AG-2 Zoning District, especially if there was no solar array related to it;  
26 that would be a pure business use, so why would they want to allow that in AG-2, there would be no need  
27 for it to be in AG-2. He said they would be causing more traffic and there might be a concern for the fire  
28 protection district, because these data centers run a lot of computers and they are running very hot, and  
29 sometimes it is a problem keeping them from catching on fire, because fires start quite easily in these data  
30 centers. He said that if it was a corporation having a corporate data center, then they probably would do  
31 everything they could to prevent a fire, but if it was someone doing cyber mining, then these things are  
32 actually quite disposable even though they are very valuable. He said that was the other thing about these  
33 data centers; they pack that many computers into a facility and sometimes there is a security concern, so  
34 one question he would like the Board to wrestle with is if the data center is not in-person staffed and has  
35 employees, then does the Board want to allow that in AG-2 or is that something they feel should be in a  
36 Business District.

37  
38 He said that his understanding of their Zoning Districts, that they typically don't want to see high numbers  
39 of employees at businesses in the AG-2 Zoning District, he thinks that would be more appropriate in a  
40 Business or Industrial Zoning District. He said on the other hand, this is a use that might actually become  
41 quite common having a university here and a lot of smart people that want to do things on computers; that  
42 is the only question in his mind left to deal with. He said even for the non-staffed facilities and having  
43 them in the AG-2 Zoning District, the fire protection access was a concern and ongoing security was a  
44 concern, so that is why they have come up with these standard conditions, because they at least want that  
45 to be explained in the application.

46  
47 Mr. Anderson asked him if he could explain cyber mining.

48  
49 Mr. Hall said that is where someone would install a bunch of computers to do the operations related to

1 block chain analysis, and he has no idea what that really means, but it is a lot of computers running all the  
2 time. He said things like Bitcoin and several other cyber currencies require a lot of intensive data analysis;  
3 in fact, just providing the hardware to do that analysis is a way to generate income from the cyber currency.  
4 He said that one of the ELUC members has a computer set up in his house to do this and that is how  
5 common this has gotten, because people are setting up computers in their homes to do things like this.

6  
7 Mr. Randol said that he was a little concerned about having a data center in a residential area, because  
8 they could be five feet from the property line and that is a fire issue.

9  
10 Mr. Hall said no, it would always be more than five feet, because they wouldn't allow a data center in a  
11 residential area, although, in the AG-2 Zoning District, it could be adjacent to a residential subdivision,  
12 so it wouldn't be in the subdivision, but it could be adjacent. He said that in the AG-2 district, the side  
13 yard is ten feet, so if there was a data center without a solar array, it could be within ten feet of the lot line,  
14 so they could have heat load from the computers, noise from the air conditioner, and all that. He said the  
15 Business and Industrial Zoning Districts, again, presumably they are not adjacent to dwellings there, but  
16 it would have a similar side yard of ten feet, so Mr. Randol might want to consider additional side yards  
17 for this Special Use Permit in the AG-2 Zoning District.

18  
19 Mr. Randol asked if a petitioner came to the Board with a variance, and the Board required them to have  
20 a certain side yard in that Zoning District as a Special Condition, could it be done at the time of the  
21 variance, or does it have to be something that would have to be put in the Zoning Ordinance.

22  
23 Mr. Hall said that he thinks it would be better to include it as a standard condition up front, because many  
24 Special Use Permits have special yards that apply to them, and right off the top of his head, he is kind of  
25 at a loss on what might be a side yard for a data center in the AG-2 Zoning District that would be adequate  
26 if there was a subdivision next door. He said that they could come back to Mr. Randol with a  
27 recommendation for that.

28  
29 Mr. Elwell said that maybe he misheard him earlier, but there was a request for 16 acres of PV solar arrays.

30  
31 Mr. Hall said yes, that is what they are expecting.

32  
33 Mr. Elwell asked what the correlation was between the 1,000 square feet of solar arrays.

34  
35 Mr. Hall said that the 16 acres is going to be treated as a solar farm, but then they would have to identify  
36 at what point does it stop being treated as a solar farm and is just as an accessory solar array.

37  
38 Mr. Elwell asked if that was the 1,000 square feet.

39  
40 Mr. Hall said yes.

41  
42 Mr. Elwell said okay.

43  
44 Mr. Hall said that the threshold between a solar farm and an accessory solar array is one megawatt, which  
45 would be more like eight acres. He said that this would allow a one-megawatt accessory solar array, which  
46 he would expect would be eight acres and would not be treated like a solar farm, but anything over one  
47 megawatt would be treated like a solar farm, so 1.1 megawatts would be a solar farm.

48  
49 Mr. Randol asked him if he was familiar with the new solar farm that had been installed out at the new

1 water plant on Bradley Avenue in Champaign.

2

3 Mr. Hall said that he had heard of it, but he has not seen it, but he thought it was 16 acres or more.

4

5 Mr. Randol said that he was wondering the acreage of that so he could kind of put it in relation, because  
6 that it is pretty big, and he is kind of curious as to why they didn't come to them.

7

8 Mr. Hall said that the water plant and everything related to it is under a municipal annexation agreement,  
9 so it is exempt from county zoning.

10

11 Mr. Randol said that because of the pre-annexation agreement it does have bearing.

12

13 Mr. Hall said that he is thinking now that it might actually be bigger than 16 acres.

14

15 Mr. Randol said that it is pretty big. He said in an agriculture setting, if an agriculture business wanted to  
16 put in a data center, they would not have to come to the Board for a permit, because of the Right to Farm  
17 Resolution.

18

19 Mr. Hall said that if it was an agriculture business, as in an individual farmer, puts a data center on his  
20 farm, he thinks that would be unlikely, but he doesn't know for sure, if so, then the farmer could claim the  
21 agriculture exemption, but if it is a grain coop or a fertilizer company, then it would be subject to zoning.

22

23 Mr. Randol said he is not saying it would happen, but there is a large farming business in Colfax Township,  
24 and they do multiple operations out of that place, and they have a small solar setup that they use strictly  
25 for the farm, but they do sell some out of it also. He said that they are already doing multiple things out  
26 of that location, and it is all agriculture related, but if they wanted to do something like putting in a data  
27 center for whatever reason, because they are so diversified, he asked if they would or would not have to  
28 come to the Board.

29

30 Mr. Hall said that they probably would be treated as exempt, there is truly a gray area there, but they are  
31 one enterprise, and they have many things going on, so he could imagine that they might want to get into  
32 data mining as part of their operations.

33

34 Mr. Randol said that he just wondered how that would come into play at that farm business. He said that  
35 it definitely would have no effect on any neighbors in any way, because they have plenty of service area  
36 to do it.

37

38 Mr. Hall said that would probably be referred to the State's Attorney for an opinion, because he would  
39 want to be on solid ground either way.

40

41 Mr. Elwell asked how they have a data mining center without employees.

42

43 Mr. Hall said that someone would have to be there periodically to maintain the equipment, but it is all  
44 automated, so it is just a bunch of computers doing operations and it is all managed remotely. He said the  
45 day-to-day operations are remote, but there is always going to be a need for some onsite service and  
46 maintenance.

47

48 Mr. Elwell said that would not be considered an employee data center, correct.

49

1 Mr. Hall said that is not the kind of employees he was concerned about; he was concerned about the kind  
2 of data centers that would have an office suite.

3  
4 Mr. Elwell said 9 to 5 employees.

5  
6 Mr. Hall said yes.

7  
8 Mr. Randol asked how they would determine whether a data center did or did not have employees. He  
9 asked if they had one person in their employment that would take care of it for them, if that would be  
10 considered as an employee, or where do they look at for employees.

11  
12 Mr. Hall said that their concern about employees, he is presuming would be related to the number of  
13 employees and the load on the rural road, and things like that, so the Board could establish a threshold  
14 that they might be willing to allow up to a certain number of onsite employees at data centers in the AG-  
15 2 Zoning District, but if it was more than that, it would have to be closer in, because thresholds like that  
16 are the most difficult to justify.

17  
18 Mr. Randol said that in his opinion, he would think that unless there was already an agricultural established  
19 business, that they should not allow data centers to go into agriculture areas.

20  
21 Mr. Hall said that would lead the Board to the situation that ELUC was concerned about, about rezoning  
22 land to Business or Industrial Zoning Districts simply because they are going to have these large solar  
23 arrays as part of their development, but if that went belly up, then there would be land zoned for business  
24 and industrial. He said that if it were zoned AG-2 and it went belly up, it could conceivably revert back to  
25 farming. He said if it was in business or industrial, then maybe it would, but ELUC was concerned about  
26 possibly having an excess supply of Business and Industrial District Zoning. He said that some data centers  
27 are just simply computers, and they could be leased out to various businesses, so it would be one business,  
28 but they might be leasing out 20 percent of their capacity to one lessee and 20 percent to another, and  
29 things like that. He said that he doesn't see that being a concern, because it is not really a zoning issue per  
30 se, and once they would meet the site requirements, they would be free to do whatever they were allowing  
31 them to do, but he just wants the Board to be aware.

32  
33 Mr. Randol asked if someone was going to lease out part of it, would they have anything to do with that.

34  
35 Mr. Hall said that he doesn't think so, because he doesn't see how they would have anything to do with  
36 that, but he wanted the Board to be aware of that.

37  
38 Mr. Anderson referred to the request under item four in the Preliminary Memorandum, "Add footnote 31  
39 to Section 5.2 Table of Authorized Principal Uses for classifying the requirements for PV SOLAR  
40 ARRAYS with an output of one megawatt or more as a County Board Special Use Permit and PV solar  
41 arrays with an output of less than one megawatt as an ACCESSORY PV SOLAR ARRAY." He asked if  
42 that was the correct footnote.

43  
44 Mr. Hall said that he agrees because his Zoning Ordinance, which has been updated and only goes to  
45 footnote 28. He said that they need to make sure there are no missing footnotes, and the footnote number  
46 might be different, but they need a footnote that says the same thing.

47  
48 Ms. Burgstrom said that she believes that footnotes 29 or 30 went to the honeybee amendment, so  
49 depending on what that outcome will be, then the numbering would change.

1 Mr. Wood told Mr. Anderson that the Zoning Ordinance books were not an up-to-date copy, and they  
2 would receive an updated one before the next meeting.  
3  
4 Mr. Hall said that it was not updated, because they were anticipating that the honeybee amendment would  
5 pass, but it doesn't look like it is going to, so that would probably be footnote 29.  
6  
7 Mr. Anderson asked what page number that footnote was in.  
8  
9 Ms. Burgstrom asked Mr. Anderson if he was referring to where footnote 29 would come in.  
10  
11 Mr. Anderson said yes.  
12  
13 Mr. Hall said that it would be on page 5-19 in the Zoning Ordinance book.  
14  
15 Mr. Wood said that he had page 22, so he must have an older copy of the Zoning Ordinance book.  
16  
17 Ms. Burgstrom said that he does.  
18  
19 Mr. Hall said they recently got the Zoning Ordinance books updated with the cannabis amendment, which  
20 added a lot of footnotes, so they would get updated copies to all the Board members, and he apologized  
21 for that.  
22  
23 Mr. Elwell asked the Board if they wanted to have a data center as a principal use in an AG-2 Zoning  
24 District.  
25  
26 Mr. Wood said that there were already a lot of acreage allotted to covering Business and Light Industrial  
27 Zoning Districts, like the Route 150 Corridor Project, anything in that project is zoned AG-1 or AG-2  
28 now, but it is allocated to be changed to anything other than residential, and that is business or light  
29 industry, so there are hundreds of acres there that are available that is converting agriculture over to  
30 something else, and that was done 20 years ago.  
31  
32 Mr. Hall said more than 20 years.  
33  
34 Mr. Wood said that he was involved with it for three years.  
35  
36 Mr. Elwell said if the Board says no to this, and ELUC is saying if this is to come to fruition, it would go  
37 from AG-2 to I-1 for instance, or it would have to be rezoned. He asked if that was the only possibility or  
38 there is no case-by-case.  
39  
40 Mr. Hall said that the Zoning Ordinance has to be clear about where it would be allowed and where it  
41 wouldn't be allowed if he is following his question correctly. He said that he is not expecting action tonight  
42 on this, but when they make their recommendation, they have to be comfortable with where these things  
43 could be proposed. He said that if it was in AG-2, it is unlikely there would be any rezoning ever involved,  
44 because it would be a matter of a Special Use Permit, and if it has this large array, that is always going to  
45 be a County Board Special Use, no matter where it would be.  
46  
47 Mr. Wood asked him why he felt it was important to make the distinction between solar farm and solar  
48 array when they are both being used for commercial purposes.  
49

1 Mr. Hall said that a solar farm is generating energy that goes to the grid, and that is not the purpose of  
2 these accessory solar arrays; their purpose it to generate power that is used onsite.

3  
4 Mr. Randol said that they can still sell their excess energy.

5  
6 Mr. Wood said they could.

7  
8 Mr. Hall said yes, and that is why they are not treating them any different than a solar farm. He said they  
9 have to meet the same requirements and they have to post the financial assurances, meet the same noise  
10 level, and things like that.

11  
12 Mr. Wood asked what the distinction is then, why not include it all under PV solar farm or change the  
13 name to solar array.

14  
15 Mr. Hall said that one weakness of their Zoning Ordinance is the Table of Authorized Uses, and names  
16 have meanings. He said the solar farm is something that produces electrical energy primarily for resale to  
17 the grid, but these solar arrays, that is not their primary use, so they can't be called a solar farm, they have  
18 to be called something else, and then there is a very small solar array, that isn't going to be treated like a  
19 solar farm. He said that they have to have names for all of that and they have to identify what they are,  
20 and that is why they are doing this.

21  
22 Mr. Wood asked if the other distinction was the fact that a solar farm could be AG-1 or AG-2, and this  
23 cannot.

24  
25 Mr. Hall said that is right.

26  
27 Mr. Wood said that he doesn't understand the difference, if the energy generated from the solar farm is  
28 being used by the local community, then it is for all the businesses that are there.

29  
30 Mr. Hall said that a solar farm is putting energy on the grid and there is no way to know where it is being  
31 used.

32  
33 Mr. Randol said that the solar array going into the grid is supplemental to what the main purpose of it is.  
34 He said that he is uncertain where they make the divide between solar farm and solar array, so if someone  
35 wanted to put in 20 acres opposed to less acreage, where do they draw a line between a solar array for a  
36 data center and saying this is a solar farm.

37  
38 Mr. Hall said that the distinction bears on how the energy is primarily being used; a solar farm is to sell  
39 to the grid and a solar array is for use on site. He said that they have proposed the one-megawatt threshold  
40 as the defining feature between a solar array that has to meet the same requirements as a solar farm, and a  
41 solar array, that is just a solar array, and that is about eight acres in area.

42  
43 Mr. Randol said about eight acres.

44  
45 Mr. Hall said yes.

46  
47 Mr. Randol said okay.

48  
49 Mr. Wood said seven to eight acres for one megawatt, but he thinks the point that Mr. Randol is trying to

1 make is why do they care what it is used for, because it is only used for electricity. He said that they either  
2 have a solar array that creates the energy for the business, or they can add to the grid that they use the  
3 solar power from, which could be a solar farm that is three or four miles away.

4  
5 Mr. Hall said good point.

6  
7 Mr. Wood said that he doesn't know why they would make a distinction.

8  
9 Ms. Burgstrom asked if he saw a distinction between providing an alternative energy source for the grid  
10 for public welfare versus providing energy into a data center that goes into one person's pocketbook.

11  
12 Mr. Wood said yes, but if there was a data center, then the reason why he would do that is because the  
13 energy is cheaper for someone to do it that way than it is to buy it off the grid.

14  
15 Ms. Burgstrom said that it is also a public good.

16  
17 Mr. Wood said that he still doesn't understand, if someone buys it off the grid in bulk, then they are going  
18 to get a discount anyway. He said he still doesn't see the distinction between the two, other than the fact  
19 that the solar farm would be set up for AG-1 or AG-2 and the data center would be set up for just Business  
20 and Industrial Zoning Districts. He said that the energy is a liquid form of energy that they use everywhere,  
21 so where it would come from is unknown.

22  
23 Mr. Hall said that again, their table in the Zoning Ordinance identifies uses by names, so they have to have  
24 a name that clearly identifies if someone was talking a solar farm, which would be a principal use in and  
25 of itself, or a solar array, which is large enough that it is going to be treated as a separate use even though  
26 it is an accessory to something else, which could be a data center or it could be an accessory to some kind  
27 of manufacturing facility.

28  
29 Mr. Wood asked at what capacity does he determine that it becomes a data center. He said that he could  
30 load 50 computers into his basement and run a data center.

31  
32 Mr. Hall said that they don't care about that, but if he were to add more than a 1,000 square feet of solar  
33 arrays to offset his energy costs, then that would have to be screened, because his neighbors didn't buy  
34 into being next to that large of a solar array.

35  
36 Mr. Wood said sure.

37  
38 Mr. Elwell said that you could have 1,200 square feet on their roof and 15 computers in their basement  
39 with it being ten feet away from property line and running 50 air conditioners.

40  
41 Mr. Wood said that in his situation, since he is out in the county and on a rural co-op, unless he is running  
42 a business they won't allow him to do more than a 10 kilowatt system, but if someone was with Ameren,  
43 he doesn't think there is a limit there. He said that maybe in a residential area, as long as someone had  
44 enough ground to put a solar array out on their ground as opposed to just the limited space on their roof,  
45 then they could have as big of a system as they want on their residence.

46  
47 Mr. Hall said that he thinks they have a weakness in their Zoning Ordinance right now. He said if someone  
48 is doing a 20-acre accessory solar array for their business, then it is not a solar farm, so they wouldn't  
49 have to meet any of the requirements that they think are necessary. He said that ELUC thinks that and

1 wants that to be treated as a solar farm, so names are necessary, and names are problematic.

2  
3 Mr. Randol said that he definitely thinks they have to have a dividing line somewhere and keep it as small  
4 as they can, so somebody is not going to say there is a solar farm out there.

5  
6 Mr. Hall said that is sort of why they went to one megawatt as the threshold, and bigger than that might  
7 have been better, but then they would never know what kind of problems they would get into.

8  
9 Mr. Elwell said that someone driving by would say that is .99-megawatt system and 6.5 acres, but from  
10 the road 6.5 acres could look very similar to nine acres, and no one is going to count how many square  
11 feet of solar arrays there are. He said that they are only going to see a lot and it is going to be full of solar  
12 array panels and in all honesty, it is arbitrary that they are putting a name to it now. He said that he doesn't  
13 want to circle back, but why don't they add the definition of array to the solar farm discussion, because  
14 someone may know the difference between 20 acres and ten acres, but they are saying it would be no more  
15 than eight acres or one megawatt is going to be no more than eight acres. He said that someone driving by  
16 is not going to know if that is eight acres or ten acres, and in his mind there is a difference in their zoning  
17 for a 12-acre compared to an eight-acre, someone would need to have a screening and stuff like that, right.

18  
19 Mr. Randol said that 12 acres would fall into the solar farm category.

20  
21 Mr. Elwell said that it would be less than the two megawatts that would make it a solar farm.

22  
23 Mr. Hall said that a community solar farm is two megawatts, but someone could have a one-megawatt  
24 solar farm; the point is that two megawatts is the cut off for a community solar farm and beyond that is  
25 not a community solar farm.

26  
27 Mr. Elwell asked if the two megawatt system required screening.

28  
29 Mr. Hall said yes.

30  
31 Mr. Elwell asked if the one megawatt system would not require screening.

32  
33 Mr. Hall said yes.

34  
35 Mr. Elwell said that he thinks they are splitting hairs here and he doesn't know if it needs to be split. He  
36 said that he understands what Mr. Hall is telling the Board, but he doesn't know what they are trying to  
37 accomplish; he asked what the goal is.

38  
39 Mr. Hall said that his goal is to identify a threshold at which Champaign County residents can expect to  
40 see a screen rather than 12 acres of solar panels, so he has proposed that to be at one megawatt, which is  
41 eight acres, so from now on they would expect to see up to eight acres of solar panels, but beyond that it  
42 would have to be screened. He said that Mr. Elwell was right, someone driving by is not going to know if  
43 it is eight or 12 acres, he cannot imagine constructing a threshold based on the visual analysis whether  
44 something would need screened or not, so not being able to do that, they chose one megawatt.

45  
46 Mr. Randol said that a lot of that would depend on the location.

47  
48 Mr. Hall said yes, and the shape of the land and things like that.

49

1 Mr. Randol said how close the nearest structures are and if it is out in an agriculture area, then people may  
2 not be as opposed to it, but if there would be a subdivision within a half mile, they are not going to be  
3 happy with that, so there could be an issue where special conditions would come to play, meaning the  
4 petitioner could do this, but they are going to have to screen.

5  
6 Mr. Hall said maybe the one-megawatt threshold is a little large, because if someone would do a one  
7 megawatt system and there is a subdivision that would be close by, if the Board thought they would want  
8 to have that screening, then maybe the cutoff shouldn't be one megawatt, but something less than one  
9 megawatt.

10  
11 Mr. Randol said either that or the Board could have it that the petitioner would need to request a variance  
12 to not have it screened. He said that they have done that with landscaping businesses before if the issue  
13 was going to affect somebody.

14  
15 Mr. Randol said that they do require screening for a lot of businesses, whether someone puts out one  
16 megawatt, half megawatt, or whatever, there is going to be a bunch of them there that he would probably  
17 just require them to be screened, depending on the location and where the solar arrays would be located  
18 on the property. He said that when someone doesn't need a permit is if the solar array is found on the roof  
19 or something like that, but if someone were to build a building underground, which would conserve  
20 energy, and put a solar array on top, he asked if that would be considered on the roof or not.

21  
22 Mr. Randol said that it would have to be a large structure to have enough solar panels to come into the  
23 one megawatt system.

24  
25 Mr. Hall said that maybe the better thing is to say, that any solar array larger than the 1,000 square feet at  
26 ground level regardless of whether it is on the roof, basement, or on the actual ground, that would be one  
27 way to deal with it.

28  
29 Mr. Randol said that if something like was ground level, then if it was anything more than 1,000 square  
30 feet it would have to be screened.

31  
32 Mr. Elwell said that if they were using eight acres as one megawatt, then could the Board potentially say  
33 that five acres might be 0.6 megawatt.

34  
35 Mr. Wood said that one megawatt depends on the type of solar panels someone has, and the solar panels  
36 are getting more efficient as time goes along, so there is going to be a point where five acres is going to  
37 use one-megawatt, then four acres, because technology keeps improving.

38  
39 Mr. Elwell said can't the Board just say only five acres.

40  
41 Mr. Hall said for example, any solar array that is five acres or greater would have to be screened.

42  
43 Mr. Elwell said yes.

44  
45 Mr. Hall said that they are using a 1,000 square feet right now for screening.

46  
47 Mr. Elwell said that for him personally, he is very familiar with what a five-acre lot potentially looks like,  
48 that is a common residence type.

49

1 Mr. Randol said yes, but in rural areas.

2

3 Mr. Elwell said right, but they are talking about that too.

4

5 Mr. Randol said that five acres of solar panels would be a pretty good-sized area. He said that for screening  
6 purposes, he thinks that if the solar area was that size, then it probably should be screened. He said he  
7 would be more in favor if the solar area was greater than 1,000 square feet, it would have to be screened.

8

9 Mr. Hall said that is what the Preliminary Memorandum has in it.

10

11 Mr. Randol asked if there was any information on the usage of the average data center other than just for  
12 personal use.

13

14 Mr. Hall said that the City of Urbana has approved three data centers within the past year and each of  
15 those were approximately 16 acres in area.

16

17 Mr. Randol said with solar.

18

19 Mr. Hall said yes, all three data centers were proposed by the same developer, and it is the same developer  
20 who wants to do it in their jurisdiction now. He said that out in Silicon Valley the data centers are huge,  
21 and they are not at all like the data centers we see around here, so it is difficult to say what the average  
22 data center is, but as far as he is concerned, the average for their area is two megawatts that they have seen  
23 the City of Urbana do and now this developer wants to do in their jurisdiction.

24

25 Mr. Randol said that a few months back they had an issue where there was an agronomic research facility  
26 that was coming in to deal with fertilizer. He asked if they wanted to have a data center, which he thinks  
27 would be pretty reasonable with that type of a business, how would this come to play with that.

28

29 Mr. Hall said that they sort of had a data center, they had an office area where they would have staff  
30 working probably around the clock to provide outreach to all their facilities worldwide.

31

32 Mr. Randol said that he could see if that one comes to play, then there is going to be more, especially with  
33 the U of I here and such an agriculture research area that they live in, and he could see businesses in the  
34 agriculture area try to tie all this together.

35

36 Mr. Hall said in that instance, the agronomic research facility had training as a component, so they called  
37 it an agronomic research and training facility, but they were talking about having a rather large office area  
38 for having computer support for their worldwide activities, kind of like a staffed data center, and they  
39 were not proposing an accessory solar array at the time, but when they actually come to build the facility,  
40 then maybe they will have an accessory solar array, and if it is more than one megawatt, they will have to  
41 meet the solar farm requirements.

42

43 Mr. Randol said if that is what they want to do, then they would have to come to the Board.

44

45 Mr. Hall said yes, that is a Special Use Permit.

46

47 Mr. Wood said that they are likely to run into other uses that are going to require that much energy  
48 production and given the rebates that are available through federal or state, they are going to see more and  
49 more. He said that is where there are going to be large quantities of solar panels and could be 15 to 20

1 acres of land just to supply the energy that they need for their business regardless of what type of business  
2 it is, whether it is energy intensive manufacturing or anything else.

3  
4 Mr. Elwell asked if they wanted that in AG-2.

5  
6 Mr. Wood said that land is being converted from AG-1 to AG-2 all the time, and the continued spread of  
7 residential is consuming more AG-1 and AG-2 ground in this community and they can see the spread.

8  
9 Mr. Hall said that what he was talking about was businesses that could propose to have solar arrays, and  
10 those businesses would have to be and are presumably in a Business or Industrial Zoning District, because  
11 they do not allow that many businesses in AG-2.

12  
13 Mr. Wood said that it depends on the type of business that someone would have and whether or not they  
14 really want to have a processing facility located near any residential, because the space would be outside  
15 of town. He said that any time someone puts something big like that adjacent to a municipal community,  
16 eventually it is going to grow around it.

17  
18 Mr. Hall said that if the data center is staffed, then it probably would have to be connected to the city  
19 sewer, which means it would be a municipal project and not a county project, and this would be in the  
20 Champaign and Urbana areas.

21  
22 Mr. Wood said that would be the only place it would be allowed.

23  
24 Mr. Hall said that would be the only place that they would be allowed to connect to a sewer, and if there  
25 was a large staff load and someone was within a 1,000 feet from a sewer, then they would have to connect  
26 and get the city's approval. He asked if the Board would want to see this back at the very next meeting or  
27 if they would want to think about it a little bit longer. He said there is only one meeting in February 2022;  
28 that is kind of the problem with February this year, although it is not that uncommon.

29  
30 Mr. Randol said that they only have one case scheduled for the next meeting, so he thinks they should put  
31 this on the agenda again to discuss it some more. He said that he thinks at the next meeting they should  
32 take these requests and start with number one, and if they don't want to make any changes in that, then  
33 approve that, because they don't have to approve them all at once and could start working their way down  
34 this list.

35  
36 Mr. Wood said that wouldn't matter to him, in terms of calling it, whether it is connected to the grid or  
37 not, that would be an issue with respect to P & Z.

38  
39 Mr. Hall said that there is a good chance that they are both going to be connected to the grid, and the P &  
40 Z Department is more interested in what the principal use would be, and these are principally to supply  
41 power onsite. He said that the key thing is that even that would be treated like a solar farm.

42  
43 Mr. Randol said that one of their goals was to contribute to the grid and it is a solar farm.

44  
45 Mr. Hall said that if the principal use was to provide power for the data mining, then maybe they would  
46 be able to sell some excess to the grid, but it is not clear that they are even going to be doing that. He said  
47 that they are probably going to be buying energy at that time, because those things run around the clock  
48 and don't shut off at night.

49

1 Mr. Wood said they would need to build in a significant amount of redundancy on top of batteries just in  
2 case, so if they have a lot of excess energy, they are going to sell it.

3  
4 **Mr. Randol moved, seconded by Mr. Roberts, to continue Case 030-AT-21 to February 17, 2022.**  
5 **The motion carried by voice vote.**

6  
7 **Case 033-V-21**

8 Petitioners: **Jim Lewis**

9 Request: **Authorize the following variance in the R-1 Single Family Residence Zoning District:**

10 **Part A: Authorize a variance for an existing non-conforming dwelling with a front yard**  
11 **of 14 feet in lieu of the minimum required 25 feet, per section 4.3.2 of the Zoning**  
12 **Ordinance.**

13 **Part B: Authorize a variance for proposed detached garage with a front yard of 21 feet in**  
14 **lieu of the minimum required 25 feet, per section 4.3.2 of the Zoning Ordinance.**

15  
16 Location: **Lot 16 of Park Hills Subdivision in the Northeast Quarter of Section 11, Township 20**  
17 **North, Range 7 East of the Third Principal Meridian in Mahomet Township, commonly**  
18 **known as the residence with an address of 1905 Forest View Dr, Mahomet.**

19  
20 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign  
21 the witness register for that public hearing. He reminded the audience that when they sign the witness  
22 register, they are signing an oath.

23  
24 Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County allows  
25 anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a  
26 show of hands from those who would like to cross-examine, and each person will be called upon. He said  
27 that those who desire to cross-examine do not have to sign the Witness Register, but will be asked to  
28 clearly state their name before asking any questions. He noted that no new testimony is to be given during  
29 the cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws  
30 are exempt from cross-examination. He asked if the petitioner would like to outline the nature of their  
31 request prior to introducing evidence.

32  
33 Jim Lewis stated that he lives at 1905 Forest View Drive in Mahomet, Illinois. He said that his request is  
34 to authorize a variance for a new detached garage that is adjacent to his house in the northeast corner of  
35 his property. He said that he and his wife had moved to this property in August 2021 and realized they  
36 needed additional storage because their previous property had a 24 feet-by-30 feet garage, which provided  
37 ample storage for all their equipment and machinery that they have. He said that now they would like to  
38 build another structure to accommodate what they have at this time.

39  
40 Mr. Elwell asked if there were any questions from the Board.

41  
42 Mr. Randol asked him if he was going to build the structure himself or if it was a large, prefabricated  
43 slide-off storage shed.

44  
45 Mr. Lewis said yes, he would be building the detached garage himself.

46  
47 Mr. Wood said that the principal structure had been like this since it was originally built in 1976. He asked  
48 if the Staff didn't catch that or if the principal structure was already in place when the Zoning Use Permit  
49 Application was submitted for approval.

- 1 Mr. Hall asked Ms. Burgstrom if there was a Zoning Compliance Certificate for the principal structure.  
2
- 3 Ms. Burgstrom said that she doesn't recall if there was a Zoning Compliance Certificate, but the principal  
4 structure was already under construction and in place when a letter from Staff was sent to the previous  
5 owners stating that they required a permit for the principal structure, and then they had applied for the  
6 permit.  
7
- 8 Mr. Wood said that it was his understanding that the detached garage could only be built in this location  
9 because of the rules of their Homeowner's Association.  
10
- 11 Mr. Lewis said yes, that he submitted a letter to Ms. Burgstrom stating that fact.  
12
- 13 Ms. Burgstrom said that Mr. Lewis had handed her the letter from his Homeowner's Association prior to  
14 the public hearing beginning tonight. She said that they had looked at several locations on the property  
15 and found that the location where he wanted to put the detached garage was the most appropriate for the  
16 architectural aesthetic and design of their subdivision, so the Homeowner's Association supports his  
17 application for the variance.  
18
- 19 Mr. Randol said that he is familiar with the lot from working out there and if he recalls, everything slopes  
20 away from the house, including from the streets and the back of the lot, so he would have to add fill dirt  
21 and everything like that. He said that may have been why the principal structure was built the way it was  
22 in the first place after the previous owners had purchased the lot.  
23
- 24 Mr. Anderson asked if he was going to have to sacrifice some of those trees to build the detached garage.  
25
- 26 Mr. Lewis said yes, there are two trees there, the Locust tree is going to have to be removed, but the  
27 Magnolia tree may or may not have to be removed, but that would be the only change of landscape that  
28 would take place.  
29
- 30 Mr. Anderson said that looks like it is pretty nice out there.  
31
- 32 Mr. Lewis said yes it is.  
33
- 34 Mr. Elwell asked if there were any other questions from the Board or Staff. Seeing none, he asked if  
35 anyone from the public would like to cross-examine this witness. Seeing no one, he asked if anyone from  
36 the public would like to testify in this case. Seeing no one, he entertained a motion to close the Witness  
37 Register for Case 033-V-21.  
38
- 39 **Mr. Wood moved, seconded by Mr. Randol, to close the Witness Register for Case 033-V-21. The**  
40 **motion carried by voice vote.**  
41
- 42 Ms. Burgstrom told Mr. Elwell that he needed to add the letter that was received from the Homeowner's  
43 Association as Document Record number three to the Summary of Evidence.  
44
- 45 Mr. Elwell said that he hadn't seen that in their packet.  
46
- 47 Ms. Burgstrom said that Staff had just received it at tonight's public hearing.  
48
- 49 Mr. Elwell asked Mr. Hall if they had any special conditions.

1 Mr. Hall said no.

2

3 Mr. Elwell entertained a motion to move to the Findings of Fact for Case 033-V-21.

4

5 **Mr. Randol moved, seconded by Mr. Wood, to move to the Findings of Fact for Case 033-V-21. The**  
6 **motion carried by voice vote.**

7

8 Mr. Elwell said that he would be reading the Findings of Fact for Case 033-V-21 from Attachment E, page  
9 9 of 10 in the Preliminary Memorandum, as follows:

10

11 **FINDINGS OF FACT FOR CASE 033-V-21**

12 From the documents of record and the testimony and exhibits received at the public hearing for zoning case  
13 **033-V-21** held on **January 27, 2022**, the Zoning Board of Appeals of Champaign County finds that:

14

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

18

19 Mr. Wood said that the special conditions and circumstances DO exist which are peculiar to the land or  
20 structure involved, which are not applicable to other similarly situated land and structures elsewhere in  
21 the same district because: the house was constructed originally without a permit, but was later approved  
22 on August 26, 1975, although there is no explanation as to why the house was constructed closer to the  
23 road than indicated on the approved site plan. He said that Lake of the Woods Road has a 60-foot right-  
24 of-way, which is wider than normal rural township roads that only have a 40-foot right-of-way. He said  
25 the proposed garage location is adjacent to the existing driveway and attached garage, which is probably  
26 the most logical place to put it.

27

28 Mr. Randol said that the Board might want to add that the house was constructed by a previous owner and  
29 was built without a permit.

30

31 Mr. Elwell said that the house was built without a permit by a previous owner.

32

33 Mr. Randol said correct.

34

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

38

39 Mr. Randol said the practical difficulties or hardships created by carrying out the strict letter of the  
40 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or  
41 structure or construction because: without the proposed variance for the existing principal structure, the  
42 petitioner could not rebuild the house in the same location should it be destroyed, because of the lay of  
43 the land. He said without the proposed variance for the detached garage, the petitioner would be unable to  
44 build the garage on the subject property.

45

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

48

1 Mr. Wood said the special conditions, circumstances, hardships, or practical difficulties DO NOT result  
 2 from actions of the applicant because: the house was constructed prior to the petitioner purchasing the  
 3 property in August 2021.  
 4

5 **4. The requested variance *{IS / IS NOT}* in harmony with the general purpose and intent of**  
 6 **the Ordinance because:**  
 7

8 Mr. Randol said the requested variance IS in harmony with the general purpose and intent of the Ordinance  
 9 because: the requested variance Part A is 56% of the minimum required, for a variance of 44% and the  
 10 requested variance Part B is 84% of the minimum required, for a variance of 16%. He said there are no  
 11 known plans to expand Lake of the Woods Road or Forest View Drive.  
 12

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

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

20 Mr. Elwell asked the Board if they should put the Homeowner's Association under one of the findings,  
 21 expressing that it is okay to put the detached garage at the proposed location. He asked if that needs to be  
 22 listed in one of the findings at all.  
 23

24 Mr. Randol said that the Board could add it to number six in the findings, but the Homeowner's  
 25 Association jurisdiction has nothing to do with them, other than just to say that they are happy or unhappy  
 26 with the detached garage.  
 27

28 Mr. Elwell said that he guesses the Homeowner's Association was happy with the detached garage being  
 29 on the east side of the lot.  
 30

31 Mr. Wood said if there was actually an association that had an issue, that would not allow the detached  
 32 garage to be put in another location, then that becomes a finding that would be put under number two in  
 33 the Findings of Fact, as practical difficulties, or hardships, that the detached garage wasn't allowed to be  
 34 put in any other location. He said that there is plenty of space on the west side of the property.

35 Mr. Elwell said that was what he was trying to say, could Mr. Lewis not put the detached garage on the  
 36 west side of the property, but still close enough to the driveway that the detached garage would meet the  
 37 required front setbacks per the Zoning Ordinance.  
 38

39 Mr. Randol said that if Mr. Lewis put the detached garage on the west side of the driveway, then it would  
 40 be in front of the house.  
 41

42 Mr. Wood said that it would block the view.  
 43

44 **6. The requested variance *{IS / IS NOT}* the minimum variation that will make possible the**  
 45 **reasonable use of the land/structure because:**  
 46

47 Mr. Randol said the requested variance IS he minimum variation that will make possible the reasonable  
 48 use of the land/structure because: it is impractical to move the house, and there is not another acceptable  
 49 location to put the new detached garage due to the lay of the land.

1 7. NO SPECIAL CONDITIONS ARE HEREBY IMPOSED.

2  
3 Mr. Elwell said that they were going to add the letter received from the Homeowner’s Association to the  
4 Documents of Record.

5  
6 **Mr. Wood moved, seconded by Mr. Roberts, to accept the Preliminary Draft, the Documents of  
7 Record, and the Findings of Fact for Case 033-V-21, as amended. The motion carried by voice vote.**

8  
9 Mr. Elwell informed Mr. Lewis that they had a full Board, so they would be moving to the Final  
10 Determination for Case 033-V-21.

11  
12 Mr. Elwell entertained a motion to move to the Final Determination for Case 033-V-21.

13  
14 **Mr. Randol moved, seconded by Mr. Roberts, to move to the Final Determination for Case 033-V-  
15 21. The motion carried by voice vote.**

16  
17 Mr. Elwell said that he would be reading the Final Determination for Case 033-V-21 from Attachment E,  
18 page 10 of 10 in the Preliminary Memorandum, as follows:

19  
20 **FINAL DETERMINATION FOR CASE 033-V-21**

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

26  
27 **The Variance requested in Case 033-V-21 is hereby GRANTED to the petitioner, Jim Lewis, to  
28 authorize the following variance in the R-1 Single Family Residence Zoning District:**

29  
30 **Part A: Authorize a variance for an existing non-conforming dwelling with a front yard of  
31 14 feet in lieu of the minimum required 25 feet, per section 4.3.2 of the Zoning Ordinance.**

32  
33 **Part B: Authorize a variance for proposed detached garage with a front yard of 21 feet in  
34 lieu of the minimum required 25 feet, per section 4.3.2 of the Zoning Ordinance.**

35  
36 Mr. Elwell requested a roll call vote.

37  
38 The vote was called as follows:

39 **Randol- yes                      Roberts- yes                      Anderson- yes**  
40 **Elwell- yes                      Wood - yes**

41  
42 **The motion carried.**

43  
44 Mr. Elwell told Mr. Lewis that they received four affirmative votes to approve the case. There may be  
45 communication coming from P&Z Staff.

46  
47 Mr. Lewis thanked the Board for approving his variance.

48  
49 7. **Staff Report - None**

1 **8. Other Business**  
2  
3 **A. Review of Docket**  
4  
5 Mr. Elwell asked if there were any absences anticipated.  
6  
7 **9. Audience participation with respect to matters other than cases pending before the Board**  
8  
9 **10. Adjournment**  
10  
11 Mr. Elwell entertained a motion to adjourn the meeting.  
12  
13 **Mr. Roberts, seconded by Mr. Wood, to adjourn the meeting.**  
14  
15 Mr. Elwell requested a roll call vote.  
16  
17 The vote was called as follows:  
18 **Randol- yes                      Roberts- yes                      Anderson- yes**  
19 **Elwell- no                         Wood - yes**  
20  
21 The meeting adjourned at 7:53 p.m.  
22  
23 Respectfully submitted,  
24  
25  
26  
27 Secretary of Zoning Board of Appeals  
28  
29  
30  
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