

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

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

| | | | |
|--------------|----------------------|---------------|------------------------------------|
| DATE: | June 16, 2022 | PLACE: | Shields-Carter Meeting Room |
| | | | 1776 East Washington Street |
| | | | Urbana, IL 61802 |

MEMBERS PRESENT: Ryan Elwell, Lee Roberts, Jim Randol, Nolan Herbert, Thaddeus Bates

MEMBERS ABSENT: Larry Wood, Tom Anderson

STAFF PRESENT: John Hall, Susan Burgstrom, Isaak Simmers

OTHERS PRESENT: John Rash, Kyle Ramm, Brian Cromwell

1. Call to Order

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

2. Roll Call and Declaration of Quorum

The roll was called, and a quorum declared present.

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

3. Correspondence - None

4. Minutes- May 12, 2022

Mr. Elwell asked if there was any discussion and entertained a motion to approve the May 12, 2022 minutes.

Mr. Randol moved, seconded by Mr. Roberts, to approve the May 12, 2022 minutes. The motion carried by voice vote.

5. Audience participation with respect to matters other than cases pending before the Board

Mr. Elwell asked if there was any audience participation with respect to matters other than cases pending before the Board, and there was none.

6. Continued Public Hearings- None

7. New Public Hearings

Mr. Elwell entertained a motion to move Case 055-V-22 to the top of the agenda.

1 **Mr. Randol moved, seconded by Mr. Roberts, to move Case 055-V-22 to the top of the agenda. The**
2 **motion carried by voice vote. (Note: minutes are done in order by case number).**

3
4 **Case 054-V-22**

5 **Petitioner: John Melton**

6
7 **Request: Authorize a variance in the AG-2 Agricultural Zoning District for an existing detached**
8 **shed with a rear yard of 2 feet and a side yard of 5 feet, in lieu of the minimum required 10 feet, per**
9 **Section 7.2.1 of the Champaign County Zoning Ordinance.**

10
11 **Location: Lot 11 of Trailside First Subdivision in Section 13, Township 20 North, Range 7 East of**
12 **the Third Principal Meridian in Mahomet Township, with an address of 902 Surrey Ct, Mahomet.**

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

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

26
27 Mr. Elwell said he was told that Mr. Melton was not there, and Staff was going to provide an overview of
28 the case.

29
30 Mr. Hall said Mr. Melton had a case earlier this year, but Staff had overlooked this requirement, so we
31 told him if he felt like it to not come to this meeting. He said he took them up on that offer. He said he
32 will now pass it off to Ms. Burgstrom to proceed with this case.

33
34 Ms. Burgstrom said Mr. Melton has an existing shed that Staff found to be installed somewhere between
35 2014 and 2017. She said Mr. Melton has been the property owner since 2006 but a shed has been on that
36 site since before he took ownership. She said one thing she overlooked when she was out there was the
37 shed was too close to the side yard and the rear yard. She said there was a twenty foot notch in the
38 subdivision by design where it looks like he has twenty feet of grass to the east when he does not. She
39 said this variance is seeking to allow that shorter rear yard distance and side yard for that shed.

40
41 Mr. Randol said one thing he would like to add is that nothing would ever be built in his backyard because
42 of an existing twenty foot sewer main running north to south and maintained by Sangamon Valley Water.
43 He said that no one would ever be building near that property line.

44
45 Mr. Elwell asked for questions from the Board.

46
47 Mr. Herbert asked who owned the twenty foot notch.

48
49 Ms. Burgstrom said it was part of the farmland to the east and she was not familiar with their name.

1 Mr. Herbert asked if there was an easement on the sewer line.

2
3 Mr. Randol said it would probably be pushing fifteen years ago since he worked for Sangamon Valley.
4 He said that is how he knew the sewer was there. He said that subdivision was an unsewered area and put
5 sewer lines down the east side of that property to get that. He said it was at least a twenty foot easement
6 because of the size of the main.

7
8 Mr. Elwell asked for any further questions. He asked if anyone would like to cross-examine or testify in
9 this case. Seeing no one, he entertained a motion to close the Witness Register.

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

13
14 Mr. Randol asked if they need to make a motion to approve the variance.

15
16 Mr. Hall said yes, but you do need Findings of Fact.

17
18 **Mr. Randol moved, seconded by Mr. Bates, to approve the Preliminary Draft and Documents of**
19 **Record and the following Findings of Fact to Case 054-V-22, and move on to Final Determination.**
20 **The motion carried by voice vote.**

21
22 **FINDINGS OF FACT FOR CASE 054-V-22**

23 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
24 **054-V-22** held on **June 16, 2022**, the Zoning Board of Appeals of Champaign County finds that:

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

29
30 Special conditions and circumstances DO exist which are peculiar to the land or structure involved, which
31 are not applicable to other similarly situated land and structures elsewhere in the same district because:
32 the farmland to the east has a twenty foot jog adjacent to the rear yard of the subject property. The farmer
33 does not have this twenty foot area in production, and it has grown as grass that gives the appearance it is
34 part of the subject property's lawn.

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

39
40 Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be
41 varied WILL prevent reasonable or otherwise permitted use of the land or structure or construction
42 because: without the proposed variance, the petitioner would have to move the shed, which requires
43 special equipment and might destroy it.

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

47
48 The special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of
49 the applicant because: a shed existed on the property in the same location prior to the petitioner's purchase

1 of the property in 2006. Based on aerial photos, it appears that the petitioner placed a larger shed in the
2 same place between 2011 and 2014 but was apparently unaware of the side and rear yard requirements.
3

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

7 The requested variance IS in harmony with the general purpose and intent of the Ordinance because: there
8 is adequate light and air around the shed and sufficient distance from other structures to prevent
9 conflagration.
10

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

14 The requested variance WILL NOT be injurious to the neighborhood or otherwise detrimental to the public
15 health, safety, or welfare because: relevant jurisdictions were notified of this variance, and no comments
16 have been received.
17

18 **6. The requested variance *{IS / IS NOT}* the minimum variation that will make possible the**
19 **reasonable use of the land/structure because:**
20

21 The requested variance IS the minimum variation that will make possible the reasonable use of the
22 land/structure because: the requested variance is the minimum variation without attempting to move the
23 structure, which could destroy it.
24

25 **7. THE SPECIAL CONDITION IMPOSED HEREIN IS REQUIRED FOR THE PARTICULAR**
26 **PURPOSES DESCRIBED BELOW:**
27

- 28 **A. The existing shed can remain in its current location, but replacement of the shed or**
29 **repair of more than 50% replacement value in any 365-day period means the shed**
30 **must be made to conform to the yard requirements in the Zoning Ordinance.**
31

32 **The special condition stated above is required to ensure the following:**
33 **That replacement of the existing shed conforms to the Zoning Ordinance.**
34

35 **FINAL DETERMINATION FOR CASE 054-V-22**

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

42 **The Variance requested in Case 054-V-22 is hereby GRANTED to the petitioner, John Melton,**
43 **to authorize the following variance:**
44

45 **Authorize a variance in the AG-2 Agriculture Zoning District for an existing detached shed**
46 **with a rear yard of 2 feet and a side yard of 5 feet, in lieu of the minimum required 10 feet,**
47 **per Section 7.2.1 of the Champaign County Zoning Ordinance.**
48

49 **SUBJECT TO THE FOLLOWING CONDITION:**

1 A. The existing shed can remain in its current location, but replacement of the shed or
2 repair of more than 50% replacement value in any 365-day period means the shed
3 must be made to conform to the yard requirements in the Zoning Ordinance.
4

5 Mr. Elwell requested a roll call vote.

6
7 The vote was called as follows:

8 **Randol- yes Roberts- yes Herbert- yes Bates- yes**
9 **Elwell- yes Anderson – absent Wood - absent**

10
11 **The motion carried.**

12
13 **Case 055-V-22**

14 **Petitioner: John Rash**

15
16 **Request: Authorize a variance for a proposed 21-acre lot in lieu of the maximum allowed 3**
17 **acres in area for a lot with soils that are best prime farmland in the AG-1 Agricultural**
18 **Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance**

19
20 **Location: An existing 13.38-acre lot plus approximately 8 acres of a 112.94-acre tract in the**
21 **Southeast Quarter of Section29, Township 21 North, Range 10 East of the Third**
22 **Principal Meridian in Rantoul Township, commonly known as the residence with an**
23 **address of 1962 CR 2500N, Thomasboro.**

24
25 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
26 the witness register for that public hearing. He reminded the audience that when they sign the witness
27 register, they are signing an oath.

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

37
38 Mr. John Rash introduced himself and said his address was 1962 CR 2500N, Thomasboro Illinois.

39
40 Mr. Rash said his case was about his property because there were two notches cut out on the east and west
41 sides creating a T-shaped lot. He said the top of the T was a Restricted Landing Area and going up to it
42 was his residence. He said it was thirty-five feet across the driveway and goes out to a wider square around
43 the house, and narrower, about 100 feet wide, as kind of a taxiway going to an existing hanger in the
44 Restricted Landing Area. He said he would like to put up another building; he did not state this in his
45 original finding, but he would like to include it now. He said the new building would be dual purpose; he
46 wants to put a door on the south side to store agricultural equipment, and a hanger door on the north side
47 for storing additional aircraft. He said he was running out of storage space and does not like to keep stuff
48 outside. He said the problem was he could not get the aircraft around the existing hanger without going
49 onto the neighboring property. He said he has been in discussion with the property owners, and they agreed

1 to sell him the section of property allowing him to square his property off on the east and west sides and
2 create an actual T shape without notches. He said that way he could still use the new building for aircraft
3 and agricultural equipment storage and maintenance.

4
5 Mr. Elwell thanked Mr. Rash and asked if there were any questions from the Board.

6
7 Mr. Elwell asked what kind of plane he flies.

8
9 Mr. Rash said Cessna 182's.

10
11 Mr. Randol asked where Mr. Rash is currently landing his aircraft.

12
13 Mr. Rash said the current property has a Restricted Landing Area on the top of it and that's where they
14 land them. He said there was already an existing hangar there that he stores aircraft in but has an additional
15 aircraft he must store outside for the spring and summer. He said over the winter he packed everything in
16 there tight; too tight to use as a shop or do much of anything else with all the equipment put away in there.
17 He said this new building would allow room for a shop space as well as storage.

18
19 Mr. Randol said thank you.

20
21 Mr. Elwell asked how soon he would be putting up another structure.

22
23 Mr. Rash said he would like to get it put up this fall but that really depends on how quickly he could get
24 the sale to go through and get a contract to get it put up. He said he already owns the building and
25 purchased it from the Paxton City Airport location. He owned the building but not that land. He said he
26 had a land lease there and when his land lease was up, he took down the building and now has it sitting
27 onsite ready to put up. He said he would have to get concrete poured for the foundation. He said it would
28 possibly be this fall, but if not, next spring or summer.

29
30 Mr. Bates asked what the AG-1 ground would be turned into after the addition to the tract. He asked if
31 they were still going to farm part of it or plant grass if this was approved.

32
33 Mr. Rash said no, he neglected to mention that part of his story. He said all the notched areas he was
34 looking to purchase have already been leased and farmed by him. He said he has grown alfalfa for sixteen
35 years. He said it really grew on him, no pun intended. He said he will continue to grow the alfalfa there
36 as it is part of his family income. He said if he ever planted that with grass, he could probably not afford
37 the taxes. He said there was a small area being farmed now he would plant turf grass over but would till a
38 similar area of grass for farming alfalfa somewhere else.

39
40 Mr. Elwell asked if Robert and Gloria Schmidt were the owners of the neighboring property. He referenced
41 the letter stating they would like to square off their property by selling eight acres to John Rash. He said
42 they want this as well.

43
44 Mr. Rash said yes, correct.

45
46 Mr. Elwell asked if there were any questions from the Board or Staff. He asked if anyone in the audience
47 would like to cross-examine this witness or testify in this case. Seeing no one, Mr. Elwell entertained a
48 motion to close the Witness Register and accept the Preliminary Draft and Documents of Record and
49 proceed to the Finding of Fact.

1 **Mr. Randol moved, seconded by Mr. Roberts, to close the Witness Register and accept the**
 2 **Preliminary Draft and Documents of Record and proceed to the Finding of Fact. The motion carried**
 3 **by voice vote.**

4
 5 Mr. Elwell told Mr. Rash that he would be reading from page nine of ten of his packet at the top, entitled
 6 Summary Draft Finding of Fact.

7
 8 **FINDINGS OF FACT FOR CASE 055-V-22**

9
 10 From the documents of record and the testimony and exhibits received at the public hearing for zoning
 11 case **055-V-22** held on **June 16, 2022**, the Zoning Board of Appeals of Champaign County finds that:

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

16
 17 Mr. Randol said special conditions DO exist which are peculiar to the land or structure involved, which
 18 are not applicable to other similarly situated land and structures elsewhere in the same district because: in
 19 zoning case 528-V-05 approved on April 13, 2006, the previous owner, Robert Schmidt, created a 13.38-
 20 acre lot that comprised the minimum possible acreage to include an existing farmstead and a Restricted
 21 Landing Area (RLA). He said the 13.38-acre lot was uniquely notched out to minimize the variance
 22 required.

- 23
 24 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulation**
 25 **sought to be varied *{WILL/WILL NOT}* prevent reasonable or otherwise permitted use of the**
 26 **land or structure or construction because:**

27
 28 Mr. Herbert said practical difficulties or hardships created by carrying out the strict letter of the regulation
 29 sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or
 30 construction because: without the variance, the petitioner could not construct another hangar and have
 31 room to maneuver aircraft within the property.

- 32
 33 **3. The special conditions, circumstances, hardships, or practical difficulties *{DO/ DO NOT}***
 34 **result from actions of the applicant because:**

35
 36 Mr. Randol said the special conditions, circumstances, hardships, or practical difficulties DO NOT result
 37 from actions of the applicant because: the 13.38-acre lot was created in a survey dated April 19, 2006, and
 38 the current owner purchased the property on May 12, 2006.

- 39
 40 **4. The requested variance *{IS/IS NOT}* in harmony with the general purpose and intent of the**
 41 **Ordinance because:**

42
 43 Mr. Herbert said the requested variance IS in harmony with the general purpose and intent of the
 44 Ordinance because: the 13.38-acre lot area was 700% of the required three acre maximum, for a variance
 45 of 600%, and the requested variance was not prohibited by the Zoning Ordinance.

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

1 Mr. Randol said the requested variance WILL NOT be injurious to the neighborhood or otherwise
2 detrimental to the public health, safety, or welfare because: relevant jurisdictions have been notified of
3 this case, and no comments have been received.
4

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

8 Mr. Randol said the requested variance IS the minimum variation that will make possible the reasonable
9 use of the structure because: the twenty-one acres is the minimum acreage to include sufficient land for a
10 new hangar and maneuvering room for aircraft, and to square up the east and west property lines for ease
11 of tillage.
12

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

15 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and the
16 Findings of Fact for Case 055-V-22.
17

18 **Mr. Roberts moved, seconded by Mr. Bates, to adopt the Summary of Evidence, Documents of**
19 **Record, and the Findings of Fact for Case 055-V-22. The motion carried by voice vote.**
20

21 Mr. Elwell informed Mr. Rash that they did not have a full Board that night and it was up to him if they
22 were to vote tonight or wait until they had a full Board. He told Mr. Rash all the Findings of Fact were
23 found to be in the affirmative.
24

25 Mr. Rash said he would like to proceed tonight to get things going as expeditiously as possible.
26

27 Mr. Elwell entertained a motion to move to Final Determination for Case 055-V-22.
28

29 **Mr. Randol moved, seconded by Mr. Roberts, to move to Final Determination for Case 055-V-22.**
30 **The motion carried by voice vote.**
31

32 Mr. Elwell said he would be reading the Final Determination for Case 055-V-22 from Attachment E, page
33 ten of ten in the Preliminary Memorandum, as follows:
34

35 **FINAL DETERMINATION FOR CASE 055-V-22**

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

42 **The variance requested in Case 055-V-22 is hereby GRANTED to the petitioner, John Rash, to**
43 **authorize the following:**
44

45 **Authorize a variance for a proposed 21-acre lot in lieu of the maximum allowed 3 acres in**
46 **area for a lot with solids that are best prime farmland in the AG-1 Agricultural Zoning**
47 **District, per Section 5.3 of the Champaign County Zoning Ordinance.**
48

49 Mr. Elwell requested a roll call vote.

1 The vote was called as follows:

2 **Randol- yes** **Roberts- yes** **Herbert- yes** **Bates- yes**
 3 **Elwell- yes** **Anderson – absent** **Wood - absent**

4
 5 **The motion carried.**

6
 7 Mr. Elwell congratulated Mr. Rash on receiving his four affirmative votes that were required for the
 8 approval of Case 055-V-22. He said there may be further communication coming from Staff, and they
 9 would reach out if needed.

10
 11 Mr. Rash said thank you all.

12
 13 **8. Staff Report- None**

14
 15 **9. Other Business**

16
 17 **A. Review of Docket**

18
 19 Mr. Hall said one thing you will notice on the Docket is that the scheduled meeting for June 30, 2022 was
 20 being proposed as a special joint meeting between ZBA and ELUC, all in one room for the first time since
 21 1973.

22
 23 Mr. Randol said they did not like their decision.

24
 25 Mr. Hall said he recommended they meet and discuss with ZBA the Board's findings from Case 037 and
 26 ELUC agreed to that. Mr. Hall said he also recommended a wind farm moratorium while this process
 27 plays out, and they did not agree to that. He said ELUC is planning on having a joint meeting June 30th,
 28 and Staff will send out a memo and agenda ahead of time. He said assuming four ZBA members will show
 29 up, it would officially be a meeting of the ZBA but essentially run like an ELUC meeting. He said after a
 30 quorum was established for each group, we would recommend the ZBA suspend their bylaws so the rest
 31 of the meeting can be done like an ELUC meeting. He said we are recommending that ZBA members get
 32 the same right to speak as a County Board member. He said like any meeting, the Chair will run the
 33 meeting, in this case the Chair of ELUC. He said he feels the more face-to-face discussion they have the
 34 better outcome is likely. Mr. Hall said there would be this proposed amendment as an agenda item and if
 35 things go incredibly well, ELUC would act at the end of that meeting authorizing us to hold a public
 36 hearing about whatever both groups decide to do during that meeting. He said more than likely, the
 37 meeting will be continued and there would not be a decision. He said they were setting it up so that should
 38 there be an agreement, there could be action and we could immediately proceed to a public hearing,
 39 following a legal advertisement.

40
 41 Mr. Randol if they should expect to be strongarmed.

42
 43 Mr. Hall said they should expect ELUC to have as strong opinions as they did.

44
 45 Mr. Bates asked Mr. Hall if he saw the meeting extending into a couple more joint meetings.

46
 47 Mr. Hall said he thinks that could very well happen. He said he was hoping this process would lead to a
 48 consensus; however, it was clear at the ELUC meeting that they are of the opinion that when rules are

1 adopted, they will be enforced. He said they were all appointed members and should do what they feel is
2 best. He said he does not think that will ever change.

3
4 Mr. Bates said to be clear, ELUC does not need our vote. He said they can move forward without the
5 ZBA's say.

6
7 Mr. Hall said he was glad Mr. Bates brought that up. He said it was an ELUC meeting and only ELUC
8 members would be voting. He said ELUC members will not have a vote but the whole point of the meeting
9 was to meet and discuss, hear them justify why they feel as they do, and they can hear you. He said there
10 were seven ELUC members and he expects they will all be there.

11
12 Mr. Bates said they sent them a recommendation and could put it in front of the County Board if they
13 wanted to.

14
15 Mr. Hall said okay, they accepted the ZBA's recommendation on the text amendment. He said text
16 amendments stay at ELUC for at least a month while we await comments from municipalities, in this case
17 we already had some comments. He said there was also a complication because they did not have a
18 regularly scheduled ELUC meeting in July, so the amendment will sit at ELUC until August. He said the
19 meeting was to discuss those three findings where the ZBA expressed no confidence in the current
20 requirements which were not the subject of that text amendment. He said if things go well coming out of
21 this meeting, we will proceed with another text amendment to adopt different standards that there was
22 some consensus on. He said again, the actual vote is only by ELUC, but they could take a straw poll of all
23 the elected and ZBA members and use that to achieve a consensus. He said he thinks they would find them
24 open to that, but they will have to make their case.

25
26 Mr. Randol said he felt the way they suggested and ELUC would have to do a lot of talking to get him to
27 change his mind.

28
29 Mr. Hall said he thinks everyone understands that.

30
31 Mr. Randol asked if ELUC had the ability to overrule the ZBA even if they were all in agreement.

32
33 Mr. Hall said they always have that option.

34
35 Mr. Randol said if they did, they would have to look for a whole new Zoning Board because if the Board
36 spends its time here going through this and listening to the public on any case and come to a decision and
37 they overrule it, there is no reason for us being here.

38
39 Mr. Hall said the ELUC chair is a former ZBA Chair and is the only ELUC member with ZBA experience.

40
41 Mr. Randol asked who that was.

42
43 Mr. Hall said Eric Thorsland.

44
45 Mr. Randol said okay, and he did not realize Mr. Thorsland was the Chair.

46
47 Mr. Hall said there were about twenty members of the public who attended the ELUC meeting for Case
48 037 and he thinks it would be likely there will be a lot more than twenty at the joint meeting.

49

1 Mr. Randol said that was going to be his next question. He wanted to know if they were going to sit
2 through all the same testimony again at the ELUC meeting.

3
4 Mr. Hall said it would be five minutes per speaker and no more than an hour overall. He said that was a
5 rule that can be waived when necessary. He said he has seen it waived one time prior at the County Board.
6 He said they do not like to do it because they do not like to hear things repeatedly. He said he would not
7 expect that to be waived because they want to make the best use of the three hours as possible.

8
9 Mr. Randol said okay.

10
11 Mr. Herbert said they would not have the opportunity to waive the five minute limit if someone wanted to
12 speak. He asked if they were basically guests at the ELUC meeting. He said they did not have a vote or
13 any other ability other than what they recommended.

14
15 Mr. Hall said if they kept the joint meeting all the way through, everything would need to be done twice,
16 which is not good for efficiency. He said he guessed if the ZBA did not want to waive their bylaws until
17 after audience participation, then they could do that.

18
19 Mr. Herbert said he went and listened to the last ELUC meeting and it seemed to him there was not a
20 whole lot of respect for the time ZBA put into their recommendations from a few people.

21
22 Mr. Elwell said they were accountable to their constituents.

23
24 Mr. Herbert said he does not know what would come from that when there was a unanimous vote by the
25 ZBA, and they think we can come to a different conclusion. He said he does not know what they would
26 get out of that when they are giving up their bylaws to listen to a different side of the story than what we
27 listened to for four meetings.

28
29 Mr. Hall said he must assume that everyone who agreed to having a joint meeting will negotiate or why
30 else would you have a joint meeting in the first place.

31
32 Mr. Bates asked who agreed to it.

33
34 Mr. Hall said ELUC did. He said they voted on it.

35
36 Mr. Bates said he did not ask for it. He asked what the normal process was.

37
38 Mr. Hall said the normal process was ELUC would tell us what to put in a public hearing and ZBA makes
39 a recommendation on it.

40
41 Mr. Bates asked if there was a policy for ELUC to return to ZBA with a different recommendation after
42 receiving their initial one.

43
44 Mr. Hall said the joint meeting does not have anything to do with Case 037. He said they accepted the
45 ZBA recommendation for now and in August they will make the decision to refer it to the County Board
46 or not. He said that was absolutely the normal process. He said that joint meeting was very unusual. The
47 last time ZBA and ELUC met Mr. Bates was not born and Mr. Hall was a junior in High School. He said
48 he was happy ELUC recognized this was an issue they needed to meet with ZBA about and spend some
49 time on.

1 Mr. Roberts asked who was on the committee.

2
3 Mr. Hall said the Chair was Eric Thorsland. He said Aaron Esry was a County Board Member that often
4 comes to ZBA hearings and is the Vice Chair. He said there was Stephanie Fortado who was the County
5 Board Member and Chair of Finance. He also said Kyle Patterson, Chris Stohr, Mary King, and Jacob
6 Paul from the Mahomet area were all ELUC members. He said he thinks that was all seven. He said Esry
7 and Paul represent rural districts and he thinks all the others represent districts in the Champaign-Urbana-
8 Savoy area.

9
10 Mr. Bates said he was all for the joint meeting and seriously concerned with relinquishing the ability to
11 vote. He said there were two separate boards for a reason and to be rolled under them for one public
12 hearing is questionable at best. He said he does not know why they don't follow the process already in
13 place. He asked what they would normally do when there was a unanimous vote they did not like. He said
14 this has not happened since the 1970s.

15
16 Mr. Hall said the first time this happened was when ELUC and ZBA met to iron out the bylaws and to get
17 the process off to a good start. He said there has not been a joint meeting since then that he was aware of.
18 He said he did not review every set of minutes since 1973.

19
20 Mr. Bates said he would not wish that upon anybody.

21
22 Mr. Hall said he was pretty much aware of everything that has happened since 1980 and he cannot recall
23 anything like this happening since 1980. He said one thing that made this unusual was normally no one
24 could talk to ZBA members about a pending case and ELUC will be speaking with ZBA about a proposed
25 amendment in a public meeting out in the public eye. He said he was thinking it should only be an ELUC
26 vote but will check with the State's Attorney. He said if the State's Attorney thinks it would be perfectly
27 fine for ZBA to vote with ELUC, then he could give the Chair of ELUC a heads up. He said maybe there
28 could be time at the beginning of the meeting to discuss this issue and that could be the first thing ELUC
29 and ZBA agree on - whether ZBA can have a vote or not along with ELUC.

30
31 Mr. Elwell said he was confused because he did not know what they would be voting on.

32
33 Mr. Bates said he was too.

34
35 Mr. Hall said the proposed text amendment. He said those were the things they told the County Board
36 about and that will be the proposed amendment.

37
38 Mr. Elwell said from his understanding they will be there as a sort of expert witness to ELUC so there
39 should not be anything ZBA needed to vote on. He said they were meeting because ELUC members did
40 not like what the Board told them, and they all need to iron it out. He said that ELUC needs to vote because
41 they need to be held accountable to their constituents one way or the other.

42
43 Mr. Bates said Mr. Hall gave some perspective. He said two members of ELUC represented constituents
44 that testified for Case 037 and four members were from town. He said it just seemed odd.

45
46 Mr. Hall said ZBA made their concern about three things, and the normal process would be if ELUC was
47 impressed by that, they would ask him to prepare a memo suggesting an amendment along those lines. He
48 said this was such an unusual thing. He said he recommended a joint meeting because he expected some
49 pushback on those standards. He said he had concerns about those standards, but they did not need to get

1 into that right now. He said those standards are a very substantial change and ELUC needs some
2 convincing. He said this was their chance to tell ELUC what they have learned over four meetings and at
3 least know what the hundreds of people who attended those meetings want. He said the Chair of ELUC
4 was the Chair of ZBA when they adopted the original wind farm standards, so he has a lot of background
5 in that. He said he thought it was pointed out at ELUC that those rules were made eleven years ago. He
6 said a lot of things change in eleven years and that was why people want to see different standards.

7
8 Mr. Randol said the wind farm issue came about before he was on the Board and Eric was Chairman when
9 he came on. He said Eric would have been involved with the wind farm through ZBA.

10
11 Mr. Hall said right, he was the Chair of ZBA at the time.

12
13 Mr. Randol said there were stacks of documentation and things we learned within the past eleven years
14 about wind farms since that decision was made. He said he cannot be certain because he was not there.

15
16 Mr. Hall said all the information submitted as evidence was all dated after 2012, new information.

17
18 Mr. Bates said he was all for the joint meeting but was not for giving up their vote. He said he does not
19 know how they would change their minds on something they already submitted.

20
21 Mr. Randol said his mind was set and he was not changing his mind. He said maybe what they have to do
22 is convince them that they are wrong, and we are right.

23
24 Mr. Roberts asked if Mr. Hall said there were two people on ELUC who represented rural districts.

25
26 Mr. Hall said to his recollection, but he could be wrong on that. He said even the districts surrounding
27 Champaign-Urbana go a little way into the rural countryside.

28
29 Mr. Roberts said he understood that too. He said he knew most of ELUC personally.

30
31 Mr. Elwell said it was his understanding that ELUC could act on two options. He asked Mr. Hall if ELUC
32 could send a recommendation back to them after the meeting.

33
34 Mr. Hall said the only way to set new standards was to have another public hearing. He said they would
35 not be recommending anything to the County Board. He said they will be voting on what to send to a new
36 public hearing. He said if they would have rejected the ZBA's recommendation, then there would not be
37 a new public hearing because they would have kept the standards where they were. He said if they accepted
38 a revision of what the ZBA recommended, then they would be sending that back to ZBA for another public
39 hearing. He said one might assume what recommendation would come back if it was not the ZBA's first
40 recommendation to begin with. He said he believed this was going to have to be a negotiation.

41
42 Mr. Randol said maybe both Boards need to go before the County Board and present their views.

43
44 Mr. Hall said there could even be a County Board study session, but they were lucky to have seven well
45 informed ELUC members. He said they were never going to get twenty-two well informed County Board
46 Members, and that was not to criticize the County Board. He said it was just the reality.

47
48 Mr. Elwell asked if it was their role to try and convince ELUC.
49

1 Mr. Hall said it was absolutely their role if they believed in what they sent as a recommendation to ELUC.
2 He said if they could not convince them, then nothing was going to change.

3
4 Mr. Bates said if they did not convince them they would just keep what was in the current ordinance.

5
6 Mr. Hall said if they reject ZBA's recommendation and did not find a midpoint, then that would tell you
7 they really did not think there was a problem. He said they have seen the Finding of Fact from Case 037
8 and throughout that case there were always three or four people that were at every ELUC meeting
9 hammering the same things they hammered at ZBA. He said to their credit, the citizens who attended Case
10 037 have been attending every ELUC meeting since that process started. He said they were saying the
11 same things to ELUC that they were saying to them. He said they were not public hearings, however, and
12 they did not have to endure the barrage that ZBA had to endure.

13
14 Mr. Herbert said someone on ELUC thought something needed to be changed or else the ZBA would not
15 have received the text amendment.

16
17 Mr. Hall said originally ELUC thought there were problems that needed to be changed and that was what
18 brought Case 037 to ZBA, and four out of five things they recommended to approve. He said the thing
19 about distance was recommended for denial. He said they accepted their recommendation for now and it
20 remains to be seen what they will recommend to the County Board in August. He said those three things
21 were brand new because they did not see a problem with them originally now, which makes the issue now.
22 He said that he and Ms. Burgstrom would speak with the State's Attorney about shared voting. He said
23 there was not much information to be found on how to do joint meetings. He said they always have an
24 agenda review meeting before the ELUC meeting. He said he would give the Chair and the Vice Chair a
25 heads up that the ZBA felt strongly they should have a voice vote on this.

26
27 Mr. Elwell said the ZBA was not elected, they were appointed. He asked if an appointed person should
28 have an equal say as someone elected. He said he wanted his voice to be heard but was unsure of his role.

29
30 Mr. Hall said the contradiction here was mind-blowing. He said they were not voted into place, yet they
31 must sit here for hours upon hours.

32
33 Mr. Bates said Mr. Elwell had a valid point, but if we don't have a voice then what was the point of them
34 sitting there. He said same goes for the Staff. He said he could not imagine the work they put in and the
35 laundry list of things that need done when something was unprecedented. He thanked Mr. Hall and Ms.
36 Burgstrom for doing what they were doing.

37
38 Mr. Elwell asked if they even needed the meeting if their voices did not matter.

39
40 Mr. Bates said we already spoke by what we recommended to them.

41
42 Mr. Elwell said right. He said he wanted to be able to express their expert testimony from the twelve hours
43 of sitting through meetings over Case 037. He said he was for having the meeting but was concerned
44 because they did not have anything to turn over to ELUC. They already sent their recommendation.

45
46 Mr. Randol said the interesting thing about this was ELUC came to Mr. Hall and asked him to change this
47 because they did not like it. He said that this ZBA Board was probably one of the more conservative
48 Boards he knows since he started as a member. He said that he does not think ELUC realizes the
49 conservative aspect they are. He also said they were probably more conservative than what Mr. Hall would

1 like them to be. He said that he found it strange that ELUC would recommend the new guidelines and
2 come back to ZBA and say they do not like what ZBA decided.
3
4 Mr. Hall said okay, they have not said that.
5
6 Mr. Randol said they did or else they would not be having that discussion.
7
8 Mr. Hall said no. He said they accepted their recommendation on Case 037 and now they were going
9 ahead with a joint meeting because of the concerns ZBA raised in the Finding of Fact. He said he did not
10 know what more ELUC could do.
11
12 Mr. Randol said that was what he was saying. He said ELUC did not like their findings, so they wanted
13 to talk about it.
14
15 Mr. Hall said the ZBA made three findings of no confidence in the current guidelines in the Zoning
16 Ordinance, and ELUC did not ignore that. He said that was why ELUC wanted to meet with ZBA to
17 discuss their concerns. Mr. Hall said he did not know why the Board was taking that as a rejection.
18
19 Mr. Roberts said because that was the impression that he got from speaking to members of ELUC before
20 that night's meeting.
21
22 Mr. Hall said okay.
23
24 Mr. Elwell asked if there needed to be a motion.
25
26 Ms. Burgstrom said there needed to be a motion to cancel the originally scheduled June 30th ZBA meeting
27 and a motion for the joint meeting to replace it.
28
29 Mr. Elwell confirmed the date was not changing.
30
31 Mr. Bates asked if June 30th was open.
32
33 Mr. Hall said correct.
34
35 Mr. Elwell entertained a motion to cancel the regularly scheduled ZBA meeting in lieu of the special joint
36 ELUC/ZBA meeting.
37
38 Mr. Herbert asked if they were done discussing.
39
40 Mr. Randol said he did not know what else to say. He asked the Staff if there was time to schedule ZBA
41 cases for June 30th, otherwise they would have had to cancel that meeting anyway.
42
43 Mr. Hall said no, there would be no time to advertise for ZBA cases for June 30th.
44
45 Mr. Randol said then canceling the June 30th ZBA meeting needed to be done first and foremost because
46 there was not enough time to schedule new cases.
47
48 Mr. Hall said they could still cancel the meeting and determine the special joint meeting would be
49 unfruitful then there would not be one.

1 Mr. Herbert said he thinks ELUC needs to hear why they recommended what they did. He said he
2 supported having the special joint meeting.

3
4 **Mr. Randol moved, seconded by Mr. Bates, to cancel the scheduled June 30, 2022, ZBA meeting.**
5 **The motion passed by voice vote.**

6
7 Mr. Hall asked who seconded that.

8
9 Mr. Elwell confirmed Mr. Bates. He asked Mr. Bates if he thought the special joint meeting was going to
10 be fruitless.

11
12 Mr. Bates said no, and he thought it was important to get together to talk this through. He said he was not
13 confident in giving up their right to vote, or being aligned with any vote he did not have a say in. He said
14 he did not want to go in without a vote and have his name attached to something he had no control over.

15
16 Mr. Elwell asked Mr. Hall if they were going to basically be guests of ELUC.

17
18 Mr. Hall said that was the way he conceptualized it, but it was still a ZBA meeting. He said they could
19 not have four ZBA members in a room and not have a meeting. He said if ZBA feels strongly they need a
20 say in the outcome, then we will try their best to get that done.

21
22 Mr. Elwell asked if that would be hammered out before the meeting.

23
24 Mr. Hall said there would need to be some discussion at the meeting. He said he could only meet with two
25 ELUC members before there was a meeting. He said he would try to give them a heads-up and pass on
26 their concerns so that it would not surprise anybody. He said they would also review with the State's
27 Attorney to see if they were allowed to do that.

28
29 Mr. Randol asked if they could personally talk with the members of ELUC before the special joint
30 meeting.

31
32 Mr. Hall said he would not encourage that but would leave that to their own inner voice. He said the
33 position of ZBA is very different than the position of ELUC. He said he would never encourage ZBA
34 members to speak with County Board Members unless the case has already been decided. He said this
35 was a pending case and it was his opinion that it should be discussed during the context of a public meeting.

36
37 Mr. Randol said he would not say anything to get the ZBA in trouble. He asked how the special joint
38 meeting was any different than getting together and discussing over coffee at McDonalds.

39
40 Mr. Elwell said it is different because of the public.

41
42 Mr. Randol said okay.

43
44 Mr. Elwell said from his understanding, a public meeting was the best place to have that discussion.

45
46 Mr. Hall said ZBA must vote to have the joint meeting that night if they wanted it to happen.

47
48 Mr. Elwell asked if the meeting needed to be announced in the newspaper.

49

1 Mr. Hall said the Staff would send a notice to the press like they would for any special meeting, but they
2 did not need to advertise it in the newspaper, no.
3
4 Mr. Randol confirmed they needed a motion to have a joint meeting with ELUC on June 30th. He asked if
5 it would be a meeting or discussion.
6
7 Mr. Hall said it would be a joint meeting. He said it had to be a noticed meeting of the ZBA and ELUC.
8
9 Mr. Herbert asked if that was overtime wages.
10
11 Mr. Hall said their wages were all overtime wages compared to what ELUC receives.
12
13 Mr. Randol said before he made a motion, if there was going to be a vote during the special joint meeting,
14 then they would need to have a vote also.
15
16 Mr. Bates agreed.
17
18 Mr. Elwell asked if it was their place.
19
20 Mr. Hall asked if ZBA would still be willing to meet if the State's Attorney believed it would be
21 inappropriate for the ZBA to have a vote at the meeting.
22
23 Mr. Randol said not if they did not agree.
24
25 Mr. Elwell said he felt they needed to be. He said ELUC needed to hear about the many hours of testimony
26 they had to listen to the public. He said they need to hear that whether they had a vote or not. He felt that
27 was their role. He said ELUC is saying that what they recommended to them was not enough and they
28 needed more information. He said he did not want to dirty his name but felt this was their opportunity to
29 tell ELUC what they know and the experience they had. He said it would be great if they listened to us
30 but if they do not, that was not their role. He said they are accountable to the people who voted them into
31 their positions.
32
33 Mr. Elwell asked if the motion had to include the detail about the conversation with the State's Attorney.
34
35 Mr. Hall said they could get that detailed if they wanted to.
36
37 Mr. Elwell said he would prefer it because he would like to enter it known that they wanted the right to
38 vote, and if they did not then there would not be a meeting.
39
40 Mr. Herbert asked to confirm, "No vote, no joint meeting."
41
42 Mr. Bates said he was not sure why they needed a vote if they were just having a discussion with ELUC.
43 He said they can talk something out then receive a different recommendation from ELUC. He said he felt
44 it was very important to get into the same room.
45
46 Mr. Hall said if ELUC did not act at that meeting and they arrive at some understanding, then it would be
47 an agenda item for the next ELUC meeting to authorize a public hearing. He said at some point they
48 needed to authorize a public hearing for any change to happen.
49

1 Mr. Elwell said and then we start this all over again.
2

3 Mr. Herbert asked Mr. Hall if they could leave the vote off the end of the agenda completely and just have
4 a discussion.
5

6 Mr. Hall said yes, but that meant they were leaving the vote eventually up to ELUC. He said ELUC needs
7 to be the one to authorize another public hearing. He said they would do it at some other future meeting if
8 they did not do it that night. He said they might decide the joint meeting was such a good experience they
9 should get back together for a decision. He said that could be an outcome.
10

11 Mr. Herbert said they could have the joint meeting and meet with the State's Attorney for the right to vote
12 during the meeting. He said if the State's Attorney said no, then it would be an information only session.
13 He strongly felt they still needed that discussion.
14

15 Mr. Elwell said they could still go to the meeting and have their five minutes to speak.
16

17 Mr. Herbert said yes, they would have that five minutes, but it would be better to have a unanimous ZBA
18 sitting together saying why they came to that conclusion.
19

20 Mr. Randol said it would not be limited to five minutes by ELUC if they were invited to have a special
21 joint meeting.
22

23 Mr. Hall said that normally every County Board member who wanted to speak would get a chance and
24 then another round would start, and so on until they have the issue discussed. He said there could be
25 fourteen people in the format they were talking about. He said there was a good chance they would begin
26 with ZBA members' opening comments. He said he did not know because it has never happened before.
27

28 Mr. Elwell asked then if they were okay not having a vote.
29

30 Mr. Bates asked to clarify that question.
31

32 Mr. Elwell said they would be still okay with an information only special joint meeting if the State's
33 Attorney believed it would be inappropriate for the ZBA to vote with ELUC.
34

35 Mr. Hall said an action meeting would have an action item to be voted on and what he was hearing from
36 the Board was they were willing to have an action meeting if they had the right to vote just like ELUC.
37 He said if there could not be a vote like that, then it would be an information only meeting with no action
38 item. He said that would leave the decision sort of unresolved.
39

40 Mr. Bates said everything they heard was against and they should hear from both sides of the argument
41 because of the position they are in. He said his mind was made up off the testimony he heard during their
42 ZBA meetings.
43

44 Mr. Hall said okay, the consensus was that ZBA wanted to have the joint meeting with it detailed that the
45 ZBA wishes to have an equal vote with ELUC, and if they do not then it would be an information only
46 session with no action item. He said ELUC has information only meetings all the time.
47

48 **Mr. Bates moved seconded, by Mr. Herbert, to schedule a special joint meeting between the ZBA**
49 **and ELUC on June 30, 2022, and detailed that the ZBA wishes to have an equal vote with ELUC,**

1 **and if they do not then it would be an information only session with no action item. The motion**
2 **carried by voice vote.**

3
4 Mr. Randol asked how the Staff would communicate their decision to the two absent ZBA Members.

5
6 Mr. Hall said they would not be upset with the right to vote if the agenda contained an action item, and
7 they would be none the wiser if the meeting was information only. He said he felt that would work itself
8 out, plus they could put a little discussion in the memo, particularly if ZBA could vote with ELUC. He
9 said that would be discussed in the memo because everyone needs to know that upfront. He said he felt
10 that everyone would benefit from knowing that ZBA did not want to meet with a vote taking place if they
11 were not part of the vote.

12
13 Mr. Randol said he just wanted to make sure the two parties that were not there had the information they
14 would need to be on par with the rest of them. He supposed they could always contact Ms. Burgstrom if
15 they had any concerns.

16
17 Mr. Elwell asked Mr. Hall what would happen if there were only three ZBA members present.

18
19 Mr. Hall said he assumed it would not be a ZBA meeting and it would be up to ELUC; however, ZBA
20 members could still participate like County Board Members.

21
22 Mr. Herbert said he felt it best that all ZBA members be there.

23
24 Mr. Elwell agreed and entertained a motion to Adjourn.

25
26 **10. Adjournment**

27
28 **Mr. Randol moved, seconded by Mr. Roberts, to adjourn the meeting. Mr. Elwell called for a roll**
29 **call vote.**

30
31 The vote was called as follows:

| | | | | |
|----|--------------------|--------------------------|----------------------|-------------------|
| 32 | Randol- yes | Roberts- yes | Herbert- yes | Bates- yes |
| 33 | Elwell- yes | Anderson – absent | Wood - absent | |

34
35 The meeting adjourned at 8:02 pm.

36
37 Respectfully submitted,

38
39
40
41 Secretary of Zoning Board of Appeals

42
43
44
45
46
47
48
49