

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

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

**DATE: July 14, 2022 PLACE: Shields-Carter Meeting Room
1776 East Washington Street
Urbana, IL 61802**

MEMBERS PRESENT: Ryan Elwell, Lee Roberts, Tom Anderson, Nolan Herbert, Thaddeus Bates,
Larry Wood

MEMBERS ABSENT: Jim Randol

STAFF PRESENT: John Hall, Susan Burgstrom, Isaak Simmers

OTHERS PRESENT: Janice Walker, Patricia Russell, Jerry Hendricks, John Slade, Brian Hull,
Marly Corado, Angel Corado, Scott Walker, Mary Ann Walker

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 26, 2022 and June 16, 2022

Mr. Elwell asked if there was any discussion on the May 26, 2022 minutes. Seeing none, he entertained a motion to approve the May 26, 2022 minutes.

Mr. Roberts moved, seconded by Mr. Wood, to approve the May 26, 2022 minutes. The motion carried by voice vote.

Mr. Elwell asked if there was any discussion on the June 16, 2022 minutes. Seeing none, he entertained a motion to approve the June 16, 2022 minutes.

Mr. Roberts moved, seconded by Mr. Wood, to approve the June 16, 2022 minutes. The motion carried by voice vote.

5. Audience Participation with respect to matters other than cases pending before the Board – None

6. Continued Public Hearings - None

7. New Public Hearings

Case 056-S-22

Petitioner: **Bill Cope**

Request: **Authorize the expansion of the Special Use Permit approved in Case 935-S-19 for a combination “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” to include a proposed detached accessory pavilion on land in the AG-2 Agriculture Zoning District.**

Location: **A 17.2 acre tract that is in the East Half of the Northeast Quarter of the Northwest Quarter of Section 32, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township, and commonly known as the residence at 4018 North Lincoln Avenue, Champaign.**

Mr. Elwell said that petitioner Bill Cope is not in the country and based on discussion with Mr. Cope, the August 25, 2022 meeting would be a really good time for the Board to hear his case. He entertained a motion to move Case 056-S-22 to the August 25, 2022 docket.

Mr. Wood moved, seconded by Mr. Roberts, to move Case 056-S-22 to the August 25, 2022 docket. The motion carried by voice vote.

Case 057-V-22

Petitioner: **Angel Corado via agent Marly Corado**

Request: **Authorize a variance for the construction and use of an accessory structure with an average height of 17 feet 9 inches in lieu of the maximum allowed average height of 15 feet in the R-3 Two-Family Residence Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.**

Location: **A 0.46 acre lot that is the South Half of Lot 38 in Fred C. Carroll’s Subdivision of the East Half of the Northwest Quarter of the East Half of Section 9, Township 19 North, Range 9 East of the Third Principal Meridian in Urbana Township, commonly known as the residence with an address of 1206 Carroll Avenue, Urbana.**

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

Angel Corado, 1401 East Perkins Road, Urbana, said they are just wanting the detached garage behind

1 the building.
2
3 Mr. Elwell asked if there were any questions from the Board.
4
5 Mr. Bates referred to Attachment B in the Preliminary Memorandum. He asked if the proposed shed had
6 a setback of six inches or six feet on the north side.
7
8 Ms. Burgstrom said that it was supposed to be six feet.
9
10 Mr. Elwell asked if both of the petitioners could state their names.
11
12 Marly Corado said she was Angel Corado's daughter, and she lives at the same address.
13
14 Mr. Elwell asked if that was the 1206 Carroll Avenue, Urbana.
15
16 Ms. Corado said she lives at 1401 East Perkins Road, Urbana.
17
18 Mr. Elwell called on Mr. Anderson.
19
20 Mr. Anderson referred to Attachment B in the Preliminary Memorandum and asked if that was a faithful
21 drawing from back there.
22
23 Ms. Corado said sorry, could he repeat that again.
24
25 Mr. Anderson asked if this was a faithful drawing from back there and it can't be seen from back there
26 from the road.
27
28 Ms. Corado said correct, it can't be seen from the back and asked him if he was talking about the shed in
29 the back, correct.
30
31 Mr. Anderson said yes.
32
33 Ms. Corado said that is to be removed.
34
35 Mr. Anderson said the neighbors don't have much of anything back there on their lots, right or wrong.
36
37 Ms. Corado said that they don't have anything in the back of their lots.
38
39 Mr. Anderson said yes.
40
41 Ms. Corado said that it doesn't look like they do, but she wouldn't know either, so no they do not have
42 anything in the back and asked him if that was his question.
43
44 Mr. Anderson said yes.
45
46 Mr. Elwell asked Ms. Burgstrom if the five foot rear yard for the shed was okay.
47
48 Ms. Burgstrom said yes, the five foot rear yard is sufficient for the Zoning Ordinance in this Zoning
49 District.

1 Mr. Elwell said okay and asked if there was any concern with water runoff. He said maybe 15 percent of
2 the back of the lot is going to be covered with this shed.
3
4 Ms. Burgstrom said that she has not heard of any concerns, but it is a large building, so they would
5 anticipate quite a bit of roof line that is going to take on rainwater. She said she doesn't know if the
6 neighbors who are here tonight would have something to say about that.
7
8 Mr. Elwell thanked Ms. Burgstrom.
9
10 Mr. Anderson said he didn't see any new driveways back to the new shed.
11
12 Ms. Corado asked if he meant the driveway to the new shed.
13
14 Ms. Anderson said yes.
15
16 Ms. Burgstrom said there is a driveway on the south side of the house.
17
18 Ms. Corado said there is currently one there that leads up to the existing house and garage on the map, but
19 there aren't any current plans. She said that if a new driveway was made to the new shed it would be
20 through the existing garage that is to be removed.
21
22 Mr. Anderson said that he couldn't hear her.
23
24 Ms. Corado said that there is an existing garage that is going to be removed and the current driveway leads
25 up to that garage, so by removing that garage it would essentially create a pathway to the new shed they
26 are proposing. She asked if that answered his question.
27
28 Mr. Elwell asked if that was going to be a future plan or are they going to extend the current driveway.
29
30 Ms. Corado said yes, it would just be an extension from where it currently is located, because the current
31 one leads to that existing garage, so it would create the perfect pathway to go forward. She said right now
32 that is not in the plans, but it would make sense for the future.
33
34 Mr. Wood said that in other words it just going to be extended from the current driveway, correct.
35
36 Ms. Corado said correct.
37
38 Mr. Wood said the average height comes from the height of the sidewall and peak of a structure and asked
39 if that was how it was calculated.
40
41 Ms. Burgstrom said that was correct, so the actual peak of the proposed shed is 22 feet tall, but for zoning
42 purposes they calculate the height differently, they do it as an average of the sidewall height and the peak.
43
44 Mr. Wood said yes and asked if the roof could not be lowered to stay within code.
45
46 Ms. Corado said the current code is a height of 15 feet, correct.
47
48 Mr. Wood said yes.
49

1 Ms. Corado said the building was bought at the current size.
2
3 Mr. Elwell asked if the proposed shed was not like a stick built where they could cut off four feet of height
4 kind of thing, correct. He asked if it was a metal building.
5
6 Ms. Corado said yes, it is a metal building.
7
8 Mr. Wood said it has a wood frame underneath it and asked if they had taken possession of the materials
9 or anything like that yet.
10
11 Ms. Corado said yes.
12
13 Mr. Wood said they have, oh.
14
15 Mr. Herbert asked if it was a standard pole barn building.
16
17 Ms. Corado said yes.
18
19 Mr. Herbert said aren't those like a 3:12 or 4:12 pitch.
20
21 Ms. Corado asked him what he meant by pitch.
22
23 Mr. Herbert said the roof pitch.
24
25 Ms. Corado said they would have to go and see; they wouldn't be able to tell the Board right now.
26
27 Mr. Elwell asked if there were any other questions from the Board.
28
29 Mr. Wood said that is about a 6:12 pitch.
30
31 Mr. Elwell said a 6:12 pitch.
32
33 Mr. Wood said yes.
34
35 Mr. Hall said the roof slopes 1:3, right, because it has a nine foot rise over 27 foot half, so that is 1:3
36 sloped.
37
38 Mr. Wood said so a 3:12 pitch.
39
40 Mr. Roberts asked if the trusses were ordered already and everything then.
41
42 Mr. Wood said yes.
43
44 Mr. Hall said someone wouldn't want a slope lower than 1:3.
45
46 Mr. Elwell asked if there were any other questions from the Board or Staff. Seeing no one, he asked if
47 anyone would like to cross-examine this witness. He explained that there is cross examining this witness,
48 where someone can ask this witness anything that they have testified to. He said if someone would like to
49 provide testimony, that is going to be his next question. He said if someone would like to testify in this

1 case then shortly he will ask for participation. He thanked everyone and asked if the petitioners if they
2 could sit down, and he is going to call the next witness.
3
4 Ms. Corado thanked the Board.
5
6 Someone from the audience asked if they could cross examine the petitioners.
7
8 Mr. Elwell asked the person from the audience if he would like to cross examine the witness.
9
10 The person from the audience responded yes.
11
12 Mr. Elwell said yes, absolutely and asked if he could please come to the microphone.
13
14 Brian Hull, 1207 and 1307 North Eastern Avenue, Urbana, said that he owns the property right behind
15 where the Corados are wanting to build the proposed shed. He said that this building is proposed to be a
16 height of 22 foot high and asked how close it was going to be from the property line.
17
18 Ms. Corado said the total height should be 22 feet, and the setback is five feet.
19
20 Mr. Hull asked if that setback was from the property line.
21
22 Ms. Corado said correct.
23
24 Mr. Hull said okay, and it has a 6:12 pitch.
25
26 Mr. Wood said that the pitch is lower than that.
27
28 Mr. Hull said that he thought it was a 6:12 pitch and asked if it was a 4:12 pitch or what was it.
29
30 Mr. Hall said a 3:12 pitch.
31
32 Mr. Hull said okay a 3:12 pitch, and his property is right behind the proposed shed, so there is probably
33 going to be a lot of water runoff coming off that shed. He asked where all the runoff water is going to go
34 and said they would probably have to build it up.
35
36 Ms. Corado asked him to say that again.
37
38 Mr. Hull said that they would probably have to build it up.
39
40 Ms. Corado asked if he meant the proposed shed.
41
42 Mr. Hull said no, the foundation. He said that they couldn't put the proposed shed on the ground without
43 having the shed to where the water doesn't run down in it.
44
45 Mr. Elwell asked him if he had a question.
46
47 Mr. Hull said excuse me.
48
49 Mr. Elwell said that he was providing testimony, so at this point they are just asking the petitioners

1 questions.

2

3 Mr. Hull said okay.

4

5 Ms. Burgstrom said that the question she heard was where the water was going to go.

6

7 Mr. Hull said right, that is going to be five feet from his backyard.

8

9 Ms. Corado asked if it was on a slope.

10

11 Mr. Hull asked her if she meant his yard was on a slope.

12

13 Ms. Corado said yes, it is on a slope. She said what they could do is investigate and see what the opinions
14 would be to make sure to collect some of that water, so it doesn't run off. She said that if it is not on the
15 slope she doesn't think it would be that big of a problem, because essentially it doesn't automatically go
16 downhill.

17

18 Mr. Hull said that from the peak of the proposed shed, the water kind of goes like this.

19

20 Mr. Roberts asked if they could speak into their microphone, because he can't hear a thing they are saying.

21

22 Mr. Hull said that the water slopes and naturally moves and accumulates to the northeast.

23

24 Mr. Elwell asked him if he had a question because again that is testimony and the Board will give him
25 plenty of time to provide testimony, but at this point they are just asking questions.

26

27 Mr. Hull said that would be it then, the main thing is the flooding part.

28

29 Mr. Elwell thanked him and asked if anyone else would like to cross-examine this witness. Seeing no one,
30 he said he was going to call the next witness, Patricia Russell.

31

32 Patricia Russell said that she lives at the current residence right now.

33

34 Mr. Elwell asked her to hold on one second, he was going to have the petitioners sit back down and have
35 her take their place at the testimony microphone. He asked Ms. Russell to please state her name and
36 address again.

37

38 Patricia Russell, 1206 Carroll Avenue, Urbana, said that she resides at the current residence the proposed
39 shed is to be built on and she has rented off Mr. Corado for three plus years, but she is moving now. She
40 said that they have had nothing but trouble with the property and his storage. She has put complaints into
41 P & Z the whole time she has lived there and that should be on record. She said that Mr. Corado had stored
42 institutional freezers in the back of the house for two years to where it blocked off any exit to get out if a
43 fire happened. She said that Mr. Corado stores restaurant equipment in the garage, which she has no use
44 of and has pictures to verify that. She said that the gravel in the driveway she paid for and in the back yard
45 where Mr. Corado is wanting to build the proposed shed is a flood zone. She said that her neighbor's yard
46 floods. She said as a matter of fact, Mr. Corado drove through her neighbor's yard one time to dump off
47 stuff and left ruts in her yard, which they also have pictures of, but he did attempt to fix it. She said the
48 lady she spoke to from P & Z that came out to take pictures and let her know Mr. Corado was wanting to
49 build the proposed shed in her backyard, had told her that they are not allowed to store business equipment

1 on a property. She feels that the proposed shed is going to be full of junk just like the rest of the place.
2 She is moving but she is very close to the neighbors, and they are good people, but they will get to say
3 their testimony too. She feels that the proposed shed will be another place for him to store junk.
4

5 Mr. Elwell asked if there were any questions from the Board or Staff. Seeing none, he asked if anyone
6 would like to cross examine this witness. Seeing no one, he thanked Ms. Russell and called John Slade to
7 the testify.
8

9 John Slade, 1207 Carroll Avenue, Urbana, said he lives catty-corner from Mr. Corado's place, and he
10 doesn't see why anyone would want to put a big shed in a single-family neighborhood to store a bunch of
11 junk and that is all it is. He said behind the house and garage there is a pile of charcoal stacked to the
12 ceiling that isn't nothing but a fire hazard. He said that is all he wanted to say; the petitioners don't need
13 the shed, it is single-family housing there and that is all it has ever been, except for the two places out
14 there they let stay on account they were there before the Zoning Ordinance came into effect. He said the
15 only two businesses that were supposed to be out there was Jenkins & Key Moving & Storage, and Mack's
16 Twin City Recycling. He said that is all he has got to say, it is a single- family neighborhood, that is what
17 it is, but he can't say why anybody would want to build a shed to store junk and that is what the man has
18 got – junk. He said that Mr. Corado should be made to clean the charcoal up behind the house because it
19 is a fire hazard, and he thanked the Board and wished them a good night.
20

21 Mr. Elwell asked the Board or Staff if there were any questions for this witness. Seeing none, he asked if
22 anyone would like to cross examine this witness. Seeing no one, he thanked Mr. Slade and called Janice
23 Walker to testify.
24

25 Janice Walker, 1208 Carroll Avenue, Urbana, said that she lives right next door to Mr. Corado's property.
26 She said her concern is that her lot is higher in the backyard than it is in the front yard and if he is going
27 to build this shed, then he is going to have to properly grade for the shed, because the water would be
28 dumped onto her property, so that is a huge concern. She said if the existing garage that is there is removed,
29 then they will be able to see that shed from the street. She said that she had a letter from one of her
30 neighbors, Bill and Velta Brownfield, but the letter fell out of her purse on her way here. She said they
31 have voted no, and she will get the letter and bring it into staff.
32

33 Ms. Burgstrom asked her if she knew their address.
34

35 Ms. Walker said that she was 1202 Carroll Avenue, Urbana.
36

37 Mr. Elwell asked if there were any questions from the Board.
38

39 Mr. Herbert asked her if she was located to the north of this property.
40

41 Ms. Walker said yes.
42

43 Mr. Herbert said that her backyard was higher, so that is all sloped toward the front of her property.
44

45 Ms. Walker said yes.
46

47 Mr. Herbert said okay and thanked her.
48

49 Mr. Elwell asked her if she has noticed any flooding or anything like that.

1 Ms. Walker said yes, she already gets flooding in her backyard.

2

3 Mr. Elwell asked if this was from an average or torrential rainfall.

4

5 Ms. Walker said from a torrential rainfall is when the flooding will show up.

6

7 Mr. Elwell asked her where the best way would be to reroute the water with a shed of this size.

8

9 Ms. Walker said that she is not an engineer, so she has no idea about any of that, she just knows that her
10 backyard already floods, and she knows Mr. Corado is going to have to grade that off for the proposed
11 shed and the water runoff is going to have to go somewhere.

12

13 Mr. Elwell asked if there were any other questions from the Board or Staff. Seeing none, he asked if
14 anyone else would like to cross examine this witness. Seeing no one, he thanked Ms. Walker and called
15 Scott Walker to testify.

16

17 Scott Walker, 1208 Carroll Avenue, Urbana, said he is located diagonally across the street from Mr.
18 Corado's property and his mother lives next door to him. He said the question that Mr. Elwell asked earlier
19 was with the width of the building, which would take up most of the lot; there is no other option but to
20 dump that water on the neighbor's yard, it can't go anywhere else, because the backyard is higher. He said
21 the gentlemen that lives directly behind his mother has a yard that is higher than that, so she is catching
22 all his water, so when it rains, it floods. He said that he lives directly across the street from his mother and
23 if Mr. Corado tears down the existing garage, then every time he looks out his front door he is going to
24 look at that shed. He said that two doors down there is a monstrosity on a lot that was built up four feet
25 by Eldred Schoonover that floods his backyard. He said the yard is full of junk, he is a contractor by trade
26 and has been his entire life, and he can tell them it is nothing but a huge problem. He said that storing cars
27 is not what Mr. Corado is going to do in the proposed shed. He said it is going to be full of junk like it is
28 now and there has been no respect for the neighborhood or the neighbors. He said that at nine or ten o'
29 clock at night there will be a box truck pull in with beepers going off because it is backing up, and they
30 are unloading and transferring stuff in and out of the truck. He said that he doesn't see why their
31 neighborhood has to have so many monstrosities— it is really irritating. He just bought his house and has
32 lived there for 20 years. He has got one monstrosity down here, another one on the other side of the center,
33 two junk yards at the end of the road, another big metal building on this side at the end of Perkins Road,
34 and another big metal building for the semi. He said that it is supposed to be a residential neighborhood
35 and if it is a residential neighborhood, then why do they have all this, why do they have to look at it, why
36 do they have to deal with it, and why do they have to deal with the constant garbage that is laying around.
37 He said that when he was a kid they came in and made the entire neighborhood clean up and had rock
38 roads and junk all over the place, and that is exactly where they are heading now. He said that the property
39 values have decreased, he just doesn't understand why they have to deal with this. He asked how many of
40 these buildings are they going to allow, because every time he looks out a door he is looking at a junk
41 yard, whether it is his neighbor Eldred Schoonover's big building down there that he built his lot up four
42 feet and dumped off onto him, so now his backyard is a swamp. He said that is exactly what will happen
43 to his mother's lot when Mr. Corado builds the proposed shed, because there is nowhere else to put that
44 water. He said that water can't run up hill, so it has to go that way onto their lots. He said this building is
45 going to take up almost the entire lot in width and flood their yards; like Carroll Avenue doesn't have
46 enough problems with water. He said their basement is wet all the time and that entire little section of
47 houses right there is known for flooding. He said that the house that sits on Mr. Corado's lot is known for
48 having water in the crawlspace up to the bottom of the joist; he knew the man that lived there, and he tore
49 down the previous garage and rebuilt the current garage that is there for the man that was living there. He

1 said if Mr. Corado tears that garage down, then they will walk out and when they drive by they are going
2 to see this machine shed, and if he looks out his window there is going be another huge machine shed,
3 they just don't need it in the neighborhood. He said that was pretty much all he had to say.
4

5 Mr. Elwell thanked Mr. Walker and asked the Board if they had any questions.
6

7 Mr. Anderson asked him what he believed the proposed shed was going to be used for.
8

9 Mr. Walker said that the shed is going to be used for storing his business junk and that is what it has been
10 since the day they got there. He said there has been nothing but Mr. Corado's business junk in and around
11 that existing garage. He said that as Mr. Slade had said earlier, there is a big stack of charcoal behind that
12 existing garage that is laying there, that is a major fire hazard, and it is going to sit there until either he is
13 forced to move it or it all washes down into the ground. He said there is a big giant stack of wood that is
14 currently out back, or the machines or whatever is new will be sitting there for the next year.
15

16 Mr. Anderson asked him if he had said anything to Mr. Corado about it.
17

18 Mr. Walker said that he was the one that confronted his employee when he drove through his mother's
19 yard and he had him get on the phone and tell Mr. Corado that he wanted the yard fixed; they showed up
20 sprinkled some dirt and threw some sod on top of the ground – that was the fix. He had told Mr. Corado
21 that he wanted it fixed properly and Mr. Corado had told him that he would take care of it; they came and
22 threw some dirt in the hole and sod on the ground, that was the way it was taken care of.
23

24 Mr. Wood said that he mentioned there were several other buildings out there on properties of this similar
25 size.
26

27 Mr. Walker said yes, he just doesn't understand how Mr. Schoonover built that monstrosity building that
28 he has.
29

30 Mr. Wood asked him if some of those other buildings were of comparable size to what Mr. Corado's
31 proposed shed is.
32

33 Mr. Walker said yes.
34

35 Mr. Wood asked if they were being used for businesses.
36

37 Mr. Walker said exactly, that is all they are used for. He said Mr. Schoonover is two doors down from
38 him and every night when those guys leave, and they are there seven days a week and they could leave
39 anywhere from five o' clock to eight o' clock – they tear down the road. He said that Mack's Twin City
40 Recycling is constantly driving his trucks through. He said how many more businesses do they need on
41 this street. He said they have two junk yards now down at the end of the road, brand new big shiny ones
42 now down at the end of the road, and Urbana Township's building out there and all that traffic, and on the
43 other side of the center there is a big building sitting in the back that is used for business. He said that
44 Jenkins & Key Moving & Storage has always been there and isn't bothering nobody and they don't leave
45 a bunch of trash laying around their buildings, he has lived in that neighborhood his entire life or most of
46 it since he was a kid.
47

48 Mr. Elwell asked if there were any other questions form the Board or Staff. Seeing none, he thanked Mr.
49 Walker and called Patricia Russell to testify.

1 Patricia Russell, 1206 Carroll Avenue, Urbana, said she said wanted to reiterate on the charcoal aspect,
2 she was denied renter's insurance because of the hazard with the charcoal, and she has been burning the
3 charcoal bags one at a time trying to get rid of it, because it originally was seven foot by 20 foot by four
4 foot deep, and she has it down to five foot now. She said she didn't know if staff saw the charcoal when
5 they were out there taking pictures, but it is right up against the existing garage, so that is what she wanted
6 to add.

7
8 Mr. Elwell asked if there were any questions from the Board or Staff.

9
10 Mr. Anderson asked what she thought Mr. Corado's proposed shed would be used for.

11
12 Ms. Russell said junk, roofing materials because his brother does roofing, and the restaurant equipment
13 that is just like it in the existing garage, which she has pictures of if the Board is interested in seeing them.

14
15 Mr. Anderson asked if Mr. Corado rented the house out.

16
17 Ms. Russell said she lives on the property and has rented the house going on four years, but he didn't want
18 to sign another lease. She said they had a lot of problems and Mr. Corado got upset up with her, because
19 she deducted two hotel rooms when they removed 1,500 gallons of human waste out from underneath the
20 crawlspace. She said that besides that, the neighbors are good people, and she has used so much of her
21 own money cleaning up Mr. Corado's property and everyone can attest to that, that is problematic.

22
23 Mr. Elwell said asked if anyone would like to cross examine this witness. Seeing no one, he asked if
24 anyone else would like to testify in this case. Seeing no one, he entertained a motion to close the Witness
25 Register.

26
27 **Mr. Roberts moved, seconded by Mr. Bates, to close the Witness Register for Case 057-V-22. The**
28 **motion carried by voice vote.**

29
30 Mr. Elwell asked if there was any discussion.

31
32 Mr. Bates said his concern in this case is the precedence of buying a building that doesn't fit the code and
33 asked if he recalls a time that they have had a situation before where if somebody purchased a building or
34 had a structure that they needed to insert into a place where it didn't fit that they provided a variance for.

35
36 Mr. Hall said that he is sure that has happened, he doesn't remember specific instances, but he is thinking
37 what he calls the Gordon Deck building, which is next to Mr. Walker's property, he thinks they may have
38 already bought that and then found out about the height being too tall.

39
40 Mr. Bates said okay.

41
42 Mr. Hall said that he has assumed that has happened.

43
44 Mr. Elwell said there has also been instances to where a garage has been built and it was too close to the
45 property line.

46
47 Mr. Bates thanked them.

48
49 Mr. Elwell said that it is not quite the same in this instance and asked if there were any other comments.

1 He said that his concern is with the water runoff and with the size of the building being the vast majority
2 of the width of the backyard. He said he would anticipate the proposed shed needing some sort of plan
3 where that potential water runoff is going to go or the potential volume of water. He said that they have
4 heard testimony this evening about that area and surrounding area properties being wet after a rainfall. He
5 said that is his biggest concern. He asked Mr. Hall and Ms. Burgstrom what type of business can be in the
6 R-3 Zoning District.

7
8 Ms. Burgstrom said this is not a business district, so people can have home occupations sometimes,
9 depending on what the home occupation would be. She said a person who wants to use the majority of a
10 building for business storage is not allowed.

11
12 Mr. Elwell said the testimony that they have had tonight, he would say a lot of it has been the fear of Mr.
13 Corado using it for business storage.

14
15 Ms. Burgstrom said that is what she has heard.

16
17 Mr. Elwell said that they can assure them that business is not allowed or wouldn't be allowed if this shed
18 is constructed or approved, correct.

19
20 Ms. Burgstrom said they can tell them that the Zoning Ordinance does not allow business storage, but
21 they cannot guarantee what someone is going to do with their property and always be vigilant of that.

22
23 Mr. Herbert said even if the size of that shed with the sidewall height of 13.5 feet tall and asked if six feet
24 away from the property line was adequate.

25
26 Ms. Burgstrom said that it is adequate from a Zoning Ordinance perspective of the minimum required side
27 yard, whether it is enough to do grading, she doesn't know and asked if that answered his question.

28
29 Mr. Herbert said that he guesses with ice or snow coming off that size of a roof, and he was just asking
30 for practicality side not even the zoning side, he isn't sure that a six feet setback is adequate for that.

31
32 Mr. Hall said the minimum required setback is five feet and the six feet setback exceeds the minimum
33 required.

34
35 Mr. Herbert said right, he guesses what he is getting at is his shop at home, if he parks a truck too close to
36 that shop when there is snow or ice on the roof and the sun starts shining, that snow and ice comes off the
37 roof – it's really not a good thing. He has to park a pretty good distance away to avoid that issue. He said
38 that is sort of his question of a shed that size, and he gets that the proposed shed fits in the cookie cutter
39 of it, but from a safety standpoint for the neighbors what they could do about that.

40
41 Mr. Hall said the Board has had cases in the past, and there was one in particular he can recall, where a
42 neighbor had concerns about drainage because the building was in the rural district and they were wanting
43 to go within five feet of a lot line, and this Board required an underground drainage system to be put in
44 along the side of the building to try and redirect the drainage towards the front of the lot. He said the size
45 of the building is not restricted by the Zoning Ordinance and exceeds the side yard requirements, but the
46 Board could in fact require drainage improvements in particular. He said that he did not look at the slope
47 on this property, but if the slope of the ground is such that they are going to be having downspouts within
48 five feet of a lot line for a building this large, he thinks that is clearly something the Board could step in
49 and tell them to redirect the drainage, so it doesn't go onto neighboring properties. He said the issue of

1 snow fall, that is an interesting issue that he wouldn't have thought about, he doesn't even know how they
2 would begin to try and provide for that. He said in the aerial photograph there is a small building close by
3 on the property to the south, he doesn't know if the snow falling off this roof would put that building at
4 risk, but if that is the case that would be something that Board could take into account.
5

6 Mr. Wood said so for a building this size they could require a drainage plan around the building, because
7 he thinks that would be appropriate, that is more than likely going to kill the project. He said for a
8 residential area even though he knows they have approved one back in 2019 and he can't remember what
9 the details were of that, he thinks for a building that size there is going to be a tremendous amount of water
10 coming off that thing for any type of rainfall. He said that he thinks it would be appropriate to ensure that
11 it is not going to have a negative effect on any of the properties around it.
12

13 Mr. Hall said that one question he would have if the Board were contemplating something like that, the
14 immediate question he would have is that something that needs to be designed by an engineer if they want
15 it to work reliably, then he thinks they would want at least a sketch by an engineer, but what are the
16 Board's thoughts.
17

18 Mr. Wood said how else would they insure that they are going to mitigate the problem.
19

20 Mr. Anderson asked if he could speak louder please.
21

22 Mr. Wood said the only way they could mitigate the problem or insure that that problem is going to be
23 fixed so that it doesn't affect any of the neighbors would be to have an engineer actually do the work. He
24 said the other issue that he has there is what kind of drainage system is available, and he assumes an
25 engineer could figure that out.
26

27 Mr. Herbert said that they couldn't hear him.
28

29 Mr. Hall said that he was anticipating just directing the stormwater to the open part of the lot and allowing
30 for the water to pool there on this lot; there are street drains in Carroll Addition but getting it out to the
31 street would be a major task and then if there wasn't an inlet where they would want it, then they would
32 have to do an inlet. He thinks letting it pool on this property would be one way to deal with it, it's not
33 going onto neighbors' properties at least. He said they would lead the water to a depression that they have
34 made in the ground, and they size that depression for a five year storm.
35

36 Mr. Wood said wouldn't they have to have an engineer figure that out.
37

38 Mr. Hall said yes, he would have to have to an engineer figure it out.
39

40 Mr. Elwell asked if these properties were on city sewer or septic.

41 Mr. Hall said there are some storm sewers in Carroll Addition, technically they are township sewers, they
42 don't have maps of where they are located, they drain to the Saline Branch. He said as far as he knows,
43 maybe some of these neighbors know more about it than he does, but it is one of the few rural residential
44 areas where they did put in storm sewers.
45

46 Someone from the audience said the streets flood.
47

48 Mr. Hall said that streets commonly flood in any city; hopefully the flooding has been designed to be a
49 reasonable amount, but he doesn't know that, and streets are always designed to flood.

1 Mr. Elwell said he doesn't want the Board to necessarily impose undue burden onto the petitioner, but in
2 this instance he needs to know where and how that water is going to be diverted, maintained, and stuff
3 like that. He understands there has already been an investment into the building material and stuff like
4 that, and especially in this time, he is sure that material was purchased at a premium, but he feels like they
5 need to have an engineer, or he doesn't think he would be able to do this, so he would have to hire an
6 engineer.

7
8 Mr. Hall said that he would encourage the Board because this is such a unique situation and he wouldn't
9 want to see a special condition requiring an engineer to submit a plan, he would want to see the plan
10 submitted to this Board before the variance is approved and if this Board finds it adequate, then that settles
11 it. He said if the Board does a special condition it is going to be very difficult at a staff level to know what
12 is reasonable and what isn't.

13
14 Mr. Wood asked him if he was recommending the Board defer it with that recommendation.

15
16 Mr. Hall said that is what he would like to see.

17
18 Mr. Elwell asked the Board if they are okay with the height of the building. He said that they have had a
19 lot of discussion about the actual footprint but are they okay with the height.

20
21 Mr. Wood said they have already established precedence for doing that with previous situations. He said
22 he doesn't have a problem with the height; if he were to do anything at all, he knows the zoning and
23 doesn't know if it makes sense to put in a special condition that no business stuff be stored there on site.
24 He said it just begs the question, why would you need a building this big for a garage and what else is it
25 going to be used for.

26
27 Mr. Elwell asked him if the precedence he was referring to would include the testimony of Mr.
28 Schoonover's building.

29
30 Mr. Wood said he doesn't remember and knows they had a case in year 2019, and really the only issue
31 with the building was there was some complaints about the size of the building, but he doesn't remember
32 anything involving water runoff or anything else that was connected with that. He said they did establish
33 a precedence by allowing the variance.

34
35 Mr. Hall said that any amount of business storage in a residential district is prohibited under the Zoning
36 Ordinance, that is why staff included that special condition. He said it becomes difficult to enforce, but
37 that is what the Ordinance provides for; no business activities in a residential neighborhood unless it is of
38 the scale and type that makes it suitable as a home occupation, but a resident can only do a home
39 occupation if the property owner lives on the property.

40
41 Mr. Wood said sorry, it is in there and he didn't read it.

42
43 Mr. Herbert asked if the petitioners could come back up and tell the Board what the intended use is or the
44 reason for such a big garage; they didn't touch on that earlier.

45
46 Mr. Elwell asked if the petitioners would like to come back up to the testimony microphone.

47
48 Marly Corado, 1401 East Perkins Road, Urbana, said that as they had testified, they travel quite a bit and
49 so they do have quite a bit of items, including cars, personal items, and household items. She said they

1 have really large equipment that they use for the yards and quite a bit of stuff that they keep in storage as
2 is. She said that this would give them an opportunity to essentially put everything together in one spot.

3
4 Mr. Elwell said that they have heard testimony this evening about business storage and asked if they were
5 going to be storing anything for a business.

6
7 Ms. Corado said no, so anything that they did have as a business either was used or discarded. She said
8 they do not have any plans to store anything business related on this property. She wants to clarify that
9 this size of a building wasn't sought out, they were given an opportunity to purchase the building and he
10 had told them that this was the perfect location for it and lets go ahead and do it, so it isn't like they sought
11 out to necessarily go and purchase this type of storage of this size, it was something that someone else
12 was in great need and they decided to help them out and they are now kind of stuck with the handy work
13 with trying to help. She said it would be used for storage of the many items that they do have as testified
14 by other people.

15
16 Mr. Herbert said they have told the Board they have many cars and asked how many cars that is.

17
18 Ms. Corado said she would have to count but would think they have around nine cars.

19
20 Mr. Herbert said they wouldn't be living on this premises; they would just use it as a storage.

21
22 Ms. Corado said right now, yes, it would literally just be a storage, they do hope to make some
23 accommodations for the housing that is there, but right now the idea behind it was storage of items.

24
25 Mr. Herbert said that is a lot of room for cars, it should fit the nine easy.

26
27 Ms. Corado said they travel quite a bit and are in three different states; this is where they decided make
28 home and this building was literally brought from Indiana. She said that they have collected quite a few
29 items and she doesn't think that is the question, because people have testified tonight that they have quite
30 a few items, but if the concern is that it would be for business, they don't have a need for a business
31 storage. She said that what they would want to do is remove or tear down that current housing that is there
32 and build another one where they would occupy it. She said they do live in a multi-generational household,
33 so there are three generations living in one household, so they do have plans for that in the future, but one
34 step at a time.

35
36 Mr. Hall asked if he could ask a question.

37
38 Ms. Corado said yes.

39
40 Mr. Hall asked if she just said they were contemplating tearing down the house and replacing it in the
41 future.

42
43 Ms. Corado said yes.

44
45 Mr. Hall said okay.

46
47 Ms. Corado asked if that would be an issue.

48
49 Mr. Hall said well the issue with that is, the Zoning Ordinance says that there cannot be an accessory

1 storage building if there isn't a dwelling on the property. He said that his concern would be that if they
2 don't have anyone renting the house and they eventually tear it down, that would be exactly the situation
3 the Zoning Ordinance doesn't want to see – a standalone storage building. He said that it is something that
4 he would caution them about.

5
6 Mr. Wood asked if there was a reasonable time frame for tearing down a dwelling and replacing it.

7
8 Mr. Hall said one year.

9
10 Ms. Corado said that wouldn't be a problem whatsoever, if not the storage itself would not make sense for
11 them either. She said if they had a year then that would be plenty of time to build, if there is a need to
12 build a house there, but there should always be someone there either renting the house or that time period
13 that is allotted between the renters. She said the plan is not to have that storage by itself by no means,
14 because that doesn't make sense to them either, they do run different businesses and that doesn't make
15 sense for them either.

16
17 Mr. Elwell said that they have heard testimony tonight about the water and there have been concerns from
18 the Board about the water. He asked if there is anything that they are willing to do or has there been
19 thought about doing this kind of thing; what was their plan to do with the water or was there any thought
20 with going forward with redirecting the water.

21
22 Ms. Corado said they had talked about it, but since they are not experts in this, their idea was to somehow
23 collect the water, remove it, and move it elsewhere, but hearing from the Board this evening about having
24 a system to redirect the water runoff would make more sense in her opinion, again, not an expert in this,
25 so any suggestions that the Board gives them to alleviate some of the worries would be great. She said if
26 that means they have to build a system so it redirects it, she personally thinks that would be ideal, because
27 what they had thought about was just somehow collecting the water that comes off of the building and
28 collecting it in some sort of collection and disposing of it somewhere else. She said if there is a system
29 that can be built so it just redirects the water runoff and it is automatic without any actual human effort
30 and continual work into it would be ideal, because it would be automatic, so it would be one less thing
31 that they would have to worry about. She said yes, they did think about it, and they did want the Board's
32 suggestions, because they see these type of items quite often.

33
34 Mr. Elwell thanked Ms. Corado and called on Mr. Anderson.

35
36 Mr. Anderson asked Mr. Hall if a property owner had to live on the premises in order to store stuff there
37 or could they rent the house out.

38
39 Mr. Hall said he wanted to make sure he understood his question correctly and asked him if he meant, if
40 the petitioners could have their own personal storage in this building could they then rent out the house to
41 someone else.

42
43 Mr. Anderson said yes.

44
45 Mr. Hall said that he doesn't see anything in the Ordinance that prohibits that.

46
47 Mr. Anderson said as long as the storage items are not business related.

48
49 Mr. Hall said correct.

- 1 Mr. Anderson asked him in this case what can these cars be valued at.
2
- 3 Mr. Hall said what can they be valued at.
4
- 5 Mr. Anderson said that didn't come out like he had thought about it and asked how many cars a property
6 owner can have on premises for a hobby, for instance, fixing up cars and selling them – is that a business.
7
- 8 Mr. Hall said there is a gray line there and he thinks at a certain point it becomes a business, and he is
9 wondering if there might be some state rules involved about if someone is selling cars enough that they
10 have to have a state license, then in his mind that becomes a business, but maybe he is just naive about
11 those things, he doesn't know.
12
- 13 Ms. Corado said that they do not sell cars.
14
- 15 Mr. Hall said that it is not uncommon, and he has seen this many times throughout the county with
16 buildings of this size only used to store vehicles in that are a hobby, it is really quite common.
17
- 18 Mr. Anderson asked why anybody would want to store nine vehicles at a time unless it was making money.
19
- 20 Mr. Hall said he is not saying they might not sell a car now and then, but they are not turning them over
21 on any kind of regular basis, they all know that people do this because they love it, that is not unusual at
22 all to have more than nine cars. He said that he wishes he could afford to have nine cars that were just
23 there because he liked them, he is lucky to have two that he has to have to drive.
24
- 25 Mr. Elwell asked if there were any other questions for the petitioners.
26
- 27 Ms. Corado asked if she could say something.
28
- 29 Mr. Elwell said yes.
30
- 31 Ms. Corado said just as a reminder, they didn't go seeking this size of a storage, because they didn't go
32 seeking they were not aware of the sizing, so just keep that in mind.
33
- 34 Mr. Herbert asked her when they bought the building did they have that property in mind to put it on or
35 did they just buy it not knowing where they were going to put the building.
36
- 37 Ms. Corado said that the building was under consideration for this property and then another property in
38 a different county was considered. She said literally a week apart they got offered another building from
39 the same people that was even bigger, so the other building had to go to the other property and not in this
40 county; she doesn't know if that makes sense.
41
- 42 Mr. Elwell asked if there were any other questions from the Board for the petitioner. Seeing none, he
43 thanked Ms. Corado and asked how the Board they would like to proceed.
44
- 45 Mr. Wood said he would suggest that they defer the case and ask the petitioners here to come back with
46 some kind of drainage plan to manage the water runoff with a roof of that size, so that is doesn't impact
47 the neighbors.
48
- 49 Mr. Elwell asked the staff how they would recommend that motion to be stated.

1 Mr. Hall said that it is definitely a continuance, and this being July and trying to find an engineer that
2 would have time to do something like this, the petitioners might have a plan prepared in two months if
3 they are lucky. He said that would suggest continuing to September 15, 2022 and it is not a big project for
4 an engineer, it is a small one, but his concern is that any engineer is going to busy now with bigger projects
5 that are more important to them. He said the September 15, 2022 date might only be an update that the
6 petitioners have finally contacted an engineer who is willing to do the project, but he hasn't had time to
7 do it yet and they might have to continue the case again, but that would be making progress of some sort.
8 He said that September 15, 2022 would be the earliest.

9
10 Mr. Elwell asked him what the Board should ask for in the motion.

11
12 Mr. Hall asked for what.

13
14 Mr. Elwell said a stormwater drainage plan.

15
16 Mr. Hall asked him if he meant a plan to handle the stormwater runoff so as not to impact neighbors; not
17 a stormwater drainage plan; they are not asking for an engineered detention basin, but something less than
18 that, that in an engineer's judgment would be adequate. He said that they are going to have to provide
19 some written explanation and a sketch of what they are thinking; he thinks that would be feasible.

20
21 Mr. Elwell asked Mr. Wood if he would like to entertain that motion.

22
23 Mr. Wood said the motion would just be a continuance to provide the Board with some semblance of a
24 plan as to the management of the water runoff coming off that building's roof, so that it doesn't impact
25 the neighbors – however that is done.

26
27 Mr. Elwell asked if the Board needs to explicitly state that or is that good.

28
29 Mr. Hall said that tells him what the Board wants.

30
31 Mr. Elwell said fantastic and entertained a second to the motion.

32
33 Mr. Hall asked the Board if they wanted to make sure the petitioners could be here on that date.

34
35 Mr. Elwell asked Mr. and Ms. Corado if they would be available on September 15, 2022 – giving them
36 two months. He said if September 15, 2022 doesn't work, would staff recommend October 13, 2022.

37
38 Mr. Hall said yes.

39
40 Ms. Corado said September 15, 2022 does work.

41
42 Mr. Elwell said okay, September 15, 2022 does work and thanked them.

43
44 **Mr. Wood moved, seconded by Mr. Roberts, to continue Case 057-V-22 to September 15, 2022.**

45
46 Mr. Elwell requested a roll call vote.

47
48 The vote was called as follows:

49 **Randol- absent Roberts- yes Anderson- yes Herbert- yes**

Elwell- yes Wood – yes Bates- yes

The motion carried.

Mr. Elwell said the case will be moved to September 15, 2022 and hopefully by then they will have an update with the stormwater from an engineer.

058-AT-22

Petitioners: **Zoning Administrator**

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

- 1. **Revise, add, or remove defined terms to Section 3.0 as follows:**
 - A. **Add defined terms in Section 3.0: COMPOST, COMPOSTABLE WASTE, CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY, FOOD SCRAP, GARBAGE, GARDEN COMPOST OPERATION, GENERAL CONSTRUCTION OR DEMOLITION DEBRIS, HOUSEHOLD WASTE DROP-OFF POINT, LANDSCAPE WASTE COMPOST FACILITY, ONE-DAY COMPOSTABLE WASTE COLLECTION EVENT, PERMANENT COMPOSTABLE WASTE COLLECTION POINT, POLLUTION CONTROL FACILITY/NEW POLLUTION CONTROL FACILITY, RECYCLING CENTER, SPECIFIC MATERIAL COLLECTION SITE.**
 - B. **Revise defined terms in Section 3.0: LANDSCAPE WASTE, LANDSCAPE WASTE PROCESSING FACILITY.**
 - C. **Remove defined terms from Section 3.0: REFUSE DUMP, SANITARY LANDFILL.**
- 2. **Add “SPECIFIC MATERIAL COLLECTION SITE” authorized as a second PRINCIPAL USE on a LOT as a SPECIAL USE Permit in AG-1 or AG-2 Zoning Districts in Section 4.2.1.**
- 3. **Add “POLLUTION CONTROL FACILITY/NEW POLLUTION CONTROL FACILITY” as exempt from Zoning Ordinance in Section 4.3.7.**
- 4. **Revise Section 5.2 TABLE OF AUTHORIZED PRINCIPAL USES as follows:**
 - A. **Change “AUTOMOBILE Salvage Yard (junkyard)” to “JUNK YARD or AUTOMOBILE SALVAGE YARD” as a listed PRINCIPAL USE.**
 - B. **Amend “Recycling of non-hazardous materials (all storage and processing indoors)” to be “RECYCLING CENTER with no Outdoor STORAGE nor Outdoor OPERATIONS” to be allowed By Right in the B-4, B-5, I-1, or I-2 Zoning Districts.**
 - C. **Add “RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS” to be allowed by Special Use Permit in the B-4, or B-5 Zoning Districts and By Right in the I-1 or I-2 Zoning Districts.**
 - D. **Add “CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY” to be allowed by Special Use Permit in the I-1 or I-2 Zoning Districts and add Special Use Standards to Table 6.1.3.**
 - E. **Revise “LANDSCAPE WASTE COMPOSTING FACILITY” to be allowed by Special Use Permit in the AG-2, I-1, or I-2 Zoning Districts.**
 - F. **Add “PERMANENT COMPOSTABLE WASTE COLLECTION POINT” as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts.**
 - G. **Add “SPECIFIC MATERIAL COLLECTION SITE” as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in AG-1, AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts.**

- 1 **5. Add Standard Conditions to Section 6.1.3 SCHEDULE OF STANDARD CONDITIONS**
 2 **FOR SPECIFIC TYPES OF SPECIAL USES: “CONSTRUCTION AND DEMOLITION**
 3 **DEBRIS RECYCLING FACILITY”, “PERMANENT COMPOSTABLE WASTE**
 4 **COLLECTION POINT”, and “LANDSCAPE WASTE COMPOST FACILITY, or**
 5 **LANDSCAPE WASTE PROCESSING FACILITY.”**
- 6 **6. Remove Standard Conditions to Section 6.1.3 SCHEDULE OF STANDARD**
 7 **CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES: Public or Commercial**
 8 **SANITARY LANDFILL**
- 9 **7. Revise Section 7.1.2(J)3 to indicate “JUNK YARD or AUTOMOBILE SALVAGE YARD”**
 10 **as prohibited STORAGE or OPERATIONS for a RURAL HOME OCCUPATION.**

11
 12 Mr. Elwell asked the petitioner if he would like to tell the Board a little more about his request.

13
 14 Mr. Hall said that this text amendment was prepared by a recent retiree from the P & Z Department. He
 15 said Susan Monte had been the Champaign County’s Recycling Coordinator for almost 20 years. He said
 16 that during that time she developed an expertise with things like this and she recently prepared a new Solid
 17 Waste Ordinance for Champaign County, which is out for review right now. He said in preparing that
 18 ordinance, she became of the opinion that they really needed to amend their ordinance to bring it up to
 19 date and he agrees with her completely. He said for example, if they look in their current ordinance there
 20 is a use called junkyard, and junkyard is one thing, but a pollution control facility is something different.
 21 He said the State doesn’t allow pollution control facilities to be cited as a Zoning Ordinance approval, it’s
 22 its own unique approval that the State has established guidelines for; in fact, those guidelines use criteria
 23 very similar to what the Zoning Ordinance uses, but they are done outside of the zoning context and for a
 24 long time, if they reviewed their ordinance, it wasn’t clear that was the case. He said that is one good thing
 25 this text amendment does; it makes it very clear that a new pollution control facility or any pollution
 26 control facility does not come under the Zoning Ordinance review. He said it still needs to be approved
 27 by the County Board; in fact, there are very specific standards that it has to meet, but it is not a zoning
 28 approval. He said the defined terms refuse dump and sanitary landfill might lead one to think, well okay
 29 they could do that as a Zoning Ordinance approval, and they can’t, it’s outside of the Zoning Ordinance.

30
 31 He said the Zoning Ordinance also has a couple of recycling uses that were added back in the 1990s, which
 32 are sort of out of step with current requirements. He said they seem to be a little too strict that no one ever
 33 really wants to do them, and as their society has come to terms with recycling, he thinks they have better
 34 standards than what they had back in the 1990s; it is easier to do those things than the way it was imagined
 35 it should be done back in the 1990s, so he thinks that is another important change this amendment brings.
 36 He said another important change is it recognizes that construction and demolition debris recycling is a
 37 modern activity that is good because it removes materials from the waste stream that goes to landfills, and
 38 their ordinance doesn’t really provide for that. He said that those are just a handful of things that their
 39 ordinance is out of date on and this amendment he thinks would bring them up to date. He said that it is
 40 unfortunate that Susan Monte just retired in the past few weeks and will not be available to shepherd this
 41 amendment through the process, but he does think Susan Monte would be available to answer questions
 42 and they are obviously not looking for a recommendation on this case tonight. He said what he would
 43 recommend the Board do is that between now and whatever date they want to have this case back, they
 44 might have specific questions that they could forward to Susan Monte if they feel like they can’t answer
 45 them. He said he is not afraid to say that Susan Monte was the expert in the P & Z Department on these
 46 materials, so he is not a afraid to ask questions of her and she has been answering questions every day
 47 since she retired, so he knows she is still available as a resource to a limited extent. He said that State law
 48 doesn’t actually allow them to actually bring her back as a consultant for 90 days, but she is still available

1 to answer questions. He said that is all he had prepared for tonight and he doesn't know if the Board has
2 any questions right now or not.

3
4 Mr. Elwell asked what a pollution control facility is.

5
6 Mr. Wood said that a pollution control facility is run by EPA as well as the sanitary landfill facility.

7
8 Mr. Hall said yes.

9
10 Mr. Elwell asked what the difference is between a pollution control facility and a new pollution control
11 facility.

12
13 Mr. Hall said one is new and one isn't.

14
15 Mr. Elwell said that old pollution control facility compared to new pollution control facility.

16
17 Mr. Hall said they both have the same standards.

18
19 Mr. Wood asked if they had any old ones.

20
21 Mr. Hall said they don't have any in operation, but they do have old landfills.

22
23 Mr. Wood said that is what the old ones are, they are landfills.

24
25 Mr. Hall said yes but he is happy to say they have no pollution control facilities, however, they rely on
26 them being in other counties, so it is not like they are getting away without pollution control facilities;
27 there is just none in Champaign County.

28
29 Mr. Elwell said it is not the pollution being old, it is the site being old compared to a new site, that makes
30 sense. He asked if they saw Case 058-AT-22 back on the docket.

31
32 Mr. Hall said they haven't sketched it in at any location, but his gut feeling is it really wouldn't make
33 sense, well he doesn't know, they could have it on the next agenda in case Board members would have
34 any questions by then.

35
36 Mr. Elwell asked about August 11, 2022.

37
38 Mr. Hall said that August 11, 2022 is full and closed.

39
40 Mr. Wood said that the gentlemen down at Broadlands that had the concrete crushing facility and asked
41 where that would fall under – assuming it was allowed.

42
43 Mr. Hall said he thinks it would be a concrete construction debris and recycling facility.

44
45 Mr. Wood said that allows for actually crushing and stuff on site.

46
47 Mr. Hall said yes but he is happy to say it is not allowed in AG-1 or AG-2, it is limited to I-1 and I-2.

48
49 Mr. Wood said just in AG-2.

1 Mr. Hall said he is in AG-1.

2

3 Mr. Wood said yes.

4

5 Mr. Hall said but again, he was actually proposing that as an accessory use to his contracting business. He
6 said it is common in the ordinance to allow things as an accessory use when they might need a different
7 approval as a full principal use, that was the thinking there.

8

9 Mr. Elwell asked if there were any other further comments.

10

11 Mr. Elwell asked if they tentatively decided if July 28, 2022 would be a good time to circle back to this.

12

13 Mr. Hall said that he thinks it would be because again, it is the only way they can discuss the case if it is
14 on the agenda, and this is such a complicated case that he knows he even needs some more time to read
15 these things over and think through questions he might have. He said he did provide a round of comments
16 for Susan Monte when she was preparing them and she followed through on those, but he is not going to
17 say those were all the comments he is going to have, he may still have comments between now and July
18 28, 2022.

19

20 Mr. Elwell entertained a motion to continue Case 058-AT-22 to the July 28, 2022 docket.

21

22 **Mr. Roberts moved, seconded by Mr. Herbert, to continue Case 058-AT-22 to the July 28, 2022**
23 **docket. The motion carried by voice vote.**

24

25 **7. Staff Report-** None.

26

27 **8. Other Business**

28

29 **A. Review of Docket**

30

31 Mr. Hall said they would like to change the date of the study session with ELUC. He said as it turns out
32 the ELUC chair is not going to be in the country for the day that it was planned for, and August 11, 2022
33 would be a good workable date for ELUC. He said that staff had looked at the cases that had been docketed
34 for August 11, 2002 and those were cases for which they don't still even have a site plan and don't really
35 expect to have a site plan by August 11, 2022, so from a staff perspective they moved those cases down
36 to September 15, 2022 and he thinks on the next agenda they are going to have this as an action item to
37 make August 11, 2022 a joint study session with ELUC.

38

39 Mr. Roberts said aren't they just spinning their wheels with the County Board.

40

41 Mr. Hall said the Board is not spinning their wheels if they are in this to find a compromise that both sides
42 can settle on. He said if they are thinking that they are going to bring ELUC over to what the Board
43 recommended originally with no changes, he thinks they might be spinning their wheels on that one, but
44 he does know they are interested in their viewpoint.

45

46 Mr. Roberts said they have their viewpoint.

47

48 Mr. Hall asked if the Board had ELUC's.

49

1 Mr. Robert said yes – loud and clear.

2

3 Mr. Elwell said quote unquote a 600 foot tall windmill right in the middle of West Side Park.

4

5 Mr. Hall said yes, well that isn't going to happen.

6

7 Mr. Elwell said hypothetically speaking, if a Board member comes up to let's say the ZBA chair and says,
8 if they do not have a compromise, the State of Illinois will come and pass HB1682, that will remove or
9 take authority from this Board to the State level.

10

11 Mr. Wood said is that a threat.

12

13 Mr. Herbert said who says that; other counties in Illinois have different regulations than them.

14

15 Mr. Elwell said hypothetically speaking if that was to happen, he doesn't know how much interest there
16 might be in hearing more from Board's side and quite honestly it really upset him or hypothetically it
17 could have upset the chair and he wants that in the minutes.

18

19 Mr. Hall said yes, and they shouldn't be discussing the merits of the case, well there is no case to discuss
20 anyhow. He said that was an interesting view and thinks that issue is separate from what is necessary to
21 protect Champaign County citizens from nearby wind farms. He thinks that is all they can focus on, if the
22 State wants to impose inadequate standards across the whole State they are not going to stop them, he
23 wouldn't worry about that. He said he does think it's somewhat relevant at least, but from his perspective
24 the only good that this study session can do is to try and find out what everyone thinks would be adequate
25 standards.

26

27 Mr. Bates said didn't they go through that already. He said they heard them out and they had every
28 opportunity. He said he had a big concern if anybody would get up there and speak without the ZBA
29 allowed to answer questions. He said the two labor individuals that were paid to be there spoke
30 unknowingly about what was going on that there were just going to be metal structures and immediately
31 left following their testimony. He said Mr. Josh Hartke, who was a paid informant, immediately left. He
32 said they did not get the chance to ask them questions when they had every opportunity to be at their
33 meetings and present their case. He said he did not see any common ground being found when all they
34 had to do was listen to the Chair. He said he was opposed to having any further joint meetings or
35 discussions. He said he was all for ELUC providing a recommendation and sending it back to ZBA. He
36 said they gave their expert testimony and Mr. Wood did a wonderful job discussing population density.
37 He said they needed to go through the testimony process and ask questions if they were to change their
38 minds. He said they should not be sitting there having a message forced down their throat. He said ELUC
39 had every right to come forth with a different recommendation. He said they should not be leveraging the
40 ZBA to change their mind from a recommendation they sent back to them that they did not like. He said
41 he understood that they did not like it. He said they also had every opportunity to be there during the
42 timeframe they set forth and dedicated their time to. He said there was no reason for them to go out and
43 listen to something being forced down everyone's throat without any cross examination. He said they
44 should be there at the time the ZBA meets and the ZBA should not be making special concessions.

45

46 Mr. Hall said that was why he wanted that to be an agenda item for the next meeting, so this Board can
47 vote up or down.

48

49 Mr. Elwell asked Mr. Hall if August 11th was a normal ZBA meeting. He asked if ELUC was going to be

1 guests of the ZBA.

2
3 Mr. Hall said it would work the same way as it did last time, as a joint study session. He said the ZBA
4 bylaws do not provide for study sessions.

5
6 Mr. Herbert said so the ZBA would not be able to run the meeting. He asked if they would have the
7 opportunity to cross examine witnesses if the ZBA ran the meeting.

8
9 Mr. Elwell said and there would not be the five-minute limit on people to speak. He said he could foresee
10 the conversation would continue to drag on if that were to happen.

11
12 Mr. Anderson said there was a complaint from the County Board that the audience was all pro one thing,
13 against the wind turbines. He said there ought to be more support for wind turbines among the farmers.
14 He said all they heard were complaints about the wind turbines and he wanted to know if the next meeting
15 would have farmers who were for the wind turbines to come and speak out.

16
17 Mr. Elwell asked if they would just be litigating what they had already done. He said he felt it was their
18 job as the ZBA to hear the case in front of them and listen to the evidence provided; the whole truth and
19 nothing but the truth from the person giving testimony.

20
21 Mr. Anderson said the only pro-wind farm testimonials they heard were following the dollar.

22
23 Mr. Elwell said he was not following.

24
25 Mr. Anderson said the County Board was speaking about revenue for the county and that they needed
26 dollars.

27
28 Mr. Hall said he heard more support for wind turbines from the renewable energy perspective than the
29 dollars. He said Mrs. Fortado was the chair of the Finance Committee and was arguing for wind energy
30 because it was a renewable energy. He said he does not think she mentioned tax dollars.

31
32 Mr. Roberts said they wanted it to go one way and it was their way. He said that was why they were
33 browbeating them to change their mind and send it to them. He said he told Mr. Thorsland and the rest of
34 the Board that it was in their court now. He said the ZBA made their recommendation and ELUC needed
35 to do what they had to do. He said that if ELUC wanted to change what ZBA recommended, then they
36 should change it. He said that was within their power, but the ZBA had listened to hours and hours of
37 testimony, scientific and anecdotal. He said they listened and ELUC was not there, except maybe one or
38 two. He said for the most part he was not aware if anyone else was there. He said he was disappointed in
39 being browbeaten by the County Board because a lot of them were his friends.

40
41 Mr. Elwell asked Mr. Hall what the next steps would be if the ZBA changed their mind during the August
42 11th meeting.

43
44 Mr. Hall said normal procedure would be to have ELUC have it as an agenda item during their next
45 meeting where they would direct Staff to write a text amendment that would return to the ZBA with an
46 ultimate recommendation back to ELUC.

47
48 Mr. Elwell said thank you.

49

1 Mr. Bates said essentially, they would do exactly what they had already done, if he understood that
2 correctly.

3
4 Mr. Wood said they could reiterate the information they had but everything he read was completed before
5 the California Ridge system was installed in 2012 or 2013. He said the data showed to get the dB(A)
6 number down to the 39-40 level they would have to be over 3,000 feet away. He said the study was out
7 there and Schomer testified in Livingston or McLean County that the current Illinois Noise Pollution
8 Control standards did not really apply to windmills because of the way they were set up. He said wind
9 towers had a whole range of noise frequencies and therefore the standards would not be applicable in that
10 sense. He said it came down to at what level was really the annoyance. He said he would not want that
11 nuisance in his backyard 24/7 and he would be happy to reiterate that to ELUC, but he was not about to
12 change his mind on what those standards should be. He said the whole other issue was, was it appropriate
13 to have a county with as high a population density as Champaign County because there are a dozen other
14 places where it would make more sense. He said those were the two facts that needed to influence their
15 decision. He said they are not a political group and ELUC is. He said whatever decision they would make
16 was going to be political.

17
18 Mr. Hall asked if it made sense to require a wind farm to produce less noise than what their neighbor could
19 produce.

20
21 Mr. Wood said the wind farm produces noise 24/7 and their neighbor would only produce noise on an
22 intermittent level. He said it was not something that was going on day in and day out, twenty-four hours
23 a day. He said he thought that was a significant difference. He said sure, farming operations and stuff
24 would produce loud noises, but once a combine moved far enough down the field, they would not be able
25 to hear it anymore. He said it would make sense because of the range of frequencies wind farms produce
26 were from extremely low to 1,000-1,500 cycles per second and it was all compressed together. He said
27 the noise level would change with the amount of wind energy going into creating those frequencies, so it
28 was not a constant noise like they would hear coming from a manufacturing facility with machines running
29 constantly. He said wind farms were constantly changing, which was why at some point a person in their
30 home would be sensing a very strong signal compression wave coming at them and five minutes later it
31 could be gone. He said it was extremely difficult to measure something like that. He said it would be
32 compounded because they would have multiple turbines within a couple thousand feet of them. He said
33 the frequencies that were generated by three or four different windmills created an interference pattern
34 making it difficult to pin down.

35
36 Mr. Elwell asked what would happen if their minds were not changed.

37
38 Mr. Hall said he did not know what would happen then, but there might be a wind farm heading their way
39 with standards we already knew they did not think were adequate. He asked what would happen then.

40
41 Mr. Bates said they would have to receive it and they would have to proceed with the process that was
42 already in place. He said there was some conversation there was a lack of confidence vote and he did not
43 feel that was accurate. He said the facts were ELUC presented something to the ZBA, the ZBA listened
44 to testimony, and they sent a response back. He thought it was appropriate for ELUC to dial in the height
45 limit that they want, dial in the distance they want, and send that back to ZBA for discussion. He said if
46 they were going to fear monger with the lack of confidence or if the State was going to take this out of
47 their hands, he said it was already mentioned that there was not a landfill in Champaign County. He asked
48 if that should bring up some issues that they need to be taking care of their own landfills. He asked why
49 they could be worried about not having a windmill, they could come sign an agreement at 3,250 feet if

1 that was passed. He said they could make a deal with the landowner and have a windmill closer to them
2 than 3,250 feet. He said the concern was not the 3,250 feet but the wind farm companies had to go out and
3 do their due diligence work with the communities. He said they would be able to set up windmills within
4 the 3,250 feet even if they changed the height by a landowner agreement. He asked Mr. Hall if that was
5 correct.

6
7 Mr. Hall said he supposed it would be possible. He said the current ordinance technically does not provide
8 for that unless they were calling all those people participating landowners, which he does not believe they
9 do want to be called that.

10
11 Mr. Bates said correct, but if they wanted to participate, they could sign an agreement and would all be
12 participating landowners. He asked Mr. Hall if he was correct.

13
14 Mr. Hall said yes.

15
16 Mr. Bates said they were not shutting windmills down in Champaign County. He said they were protecting
17 the rural constituents of the county and asking windfarm companies to meet with the individuals and set
18 up an agreement. He said the ZBA was not shutting down windfarms in the county, which has been said.
19 He said that was what was frustrating about the last meeting. He said there were statements that were
20 made that were inaccurate and they had no way to rebut those statements. He said they have done their
21 job and ELUC needed to submit something back to them and the ZBA will do their job again because that
22 was what the policy and procedure were. He said there was no reason to change policy on someone else's
23 belief because they did not agree with something they said. He said they were all appointed and ELUC
24 was all elected. He said they did their job and ELUC did not like what they did, and they have the option
25 to send something back or they can set people up to come and testify during the proper times than parade
26 people through.

27
28 Mr. Elwell asked Mr. Bates if they should have the August 11th meeting.

29
30 Mr. Bates said they shared their expert testimony and he had nothing more to say. He said that they do not
31 sit and read every letter that was pro or against. He said it was fruitless because they heard some people
32 who were for and some people who were against. He said they had no suggestions, guardrails, or
33 guidelines or even one iota of what the change would be. He said it was great and funny that people said
34 they want wind turbines in Hessel Park, but that was not helpful and was not going to happen. He asked
35 why there was not a suggestion made for what the change could be. He said there was no discussion on
36 what the height and setback should be, just that we didn't agree with the unlimited.

37
38 Mr. Elwell said it was his opinion the ZBA did not need to be subjected to anymore "browbeating." He
39 said he felt their piece was said during the last meeting and agrees that it was just one after another. He
40 said they were elected officials and he was not. He said they have constituents to answer to and he did not.

41
42 Mr. Bates said but they do. He said they had the constituents that testified.

43
44 Mr. Elwell said right, but he loved everyone on the ZBA enough to not subject them to the continual if
45 you do not do this then something else was going to happen. He does not believe there was going to be
46 any more testimony that was going to change their opinion. He does not feel there was a need for the ZBA
47 to meet with ELUC again.

48
49 Mr. Hall said he did not need a vote but that sounded like the consensus of the Board, and he would rather

1 pass it along now than July 29th. He said he would pass on to the ELUC Chair and Vice-Chair that the
2 ZBA was not interested in having another joint study session.

3
4 Mr. Elwell asked if there was any further discussion.

5
6 Mr. Roberts said one of the things he picked up was that a lot of the people thought that because of their
7 stand on this that the ZBA was not pro energy efficiency and that could not be further from the truth. He
8 said they want it but as pointed out, the population density does not warrant having as many huge
9 windmills in that area.

10
11 Mr. Elwell mentioned the comment made by the Chair saying maybe they should have put more guardrails
12 up. He said he thought that would be a good thing to have guardrails and if it was one of those things that
13 ELUC wanted the ZBA to look at then he would welcome that. He said that was why they were there. He
14 said he hoped he could hear more testimony from both sides.

15
16 Mr. Bates said the guardrails would have helped and doesn't believe they would be in the position they
17 were in of having to revisit this had there been more direction. He said he was not throwing that on Mr.
18 Thorsland. He said it was kind of an unknown. He said that they all learned that there will probably be
19 more direct things coming from ELUC moving forward. He said unfortunate they were in their shoes, and
20 they must wear them and follow the process. He said he had complete confidence in the ZBA. He thought
21 it was interesting if they really wanted to rectify the energy piece with something they could have done
22 that day was implement that every new house in Champaign County to have a solar panel and be 25
23 percent energy efficient on their own. He said that would take the power company out of it. He said the
24 ZBA has the means, ways, and technology to do that. He said if people wanted to, they could pay and
25 have it done now, yet they were trying to force it upon people who did not necessarily want to live amongst
26 it.

27
28 Mr. Wood said they did know the wind companies reap a huge dividend and everyone has their snout in
29 the public trough. He said there was a lot of money at stake there including not having the windfarms was
30 an issue in not having enough tax revenue. He said it was on both sides, but the decision he would make
31 if it were up to him. He said he was not that influenced by the people who went up there and said they did
32 not want it in their backyard. He said the data presented to them was the only thing that affected his
33 decision. He said it was not the emotion involved or any of the wind folks that were involved. He said it
34 had to do with all the studies he looked at. He said it affects the health of the people there and the behavior
35 of the windfarms being absentee landlords, in his opinion, just did not smell right. He said the ZBA did
36 know they make a ton of money from it. He said he knows because he was a part of it and paid \$34,000
37 for a 10K solar array system. He said that by the time he was done receiving the benefits from the state
38 government it only costed him \$12,000. He said the wind farms are playing that same game but on a much
39 larger scale.

40
41 Mr. Elwell asked if there was any further discussion.

42
43 Mr. Elwell entertained a motion to adjourn.

44
45 **Mr. Roberts moved, seconded by Mr. Randol, to adjourn the meeting.**

46
47 Mr. Elwell requested a roll call vote.

48
49 The vote was called as follows:

1 **Randol- yes** **Roberts- yes** **Anderson- yes** **Herbert- yes**
2 **Elwell- no** **Wood – yes** **Bates- yes**

3
4 **The motion carried.**

5
6 The meeting adjourned at 8:39 p.m.

7
8 Respectfully submitted,

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11 Secretary of Zoning Board of Appeals
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