

**MINUTES OF REGULAR MEETING****CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

1776 E. Washington Street  
Urbana, IL 61802

**DATE:** December 01, 2022                      **PLACE:** Shields-Carter Meeting Room  
1776 East Washington Street  
**TIME:** 6:30 p.m.                                      **Urbana, IL 61802**

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

**STAFF PRESENT:** John Hall, Susan Burgstrom, Isaak Simmers, Trevor Partin

**OTHERS PRESENT:** Deanna Zehr, Yancy Burke, Jamie Burke, Brad Smith, Paul Crutcher, James Weickersheimer, Kipp Weickersheimer, Jeff Jenkins

**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- *October 13, 2022, October 27, 2022***

Mr. Elwell asked if there was any discussion on the October 13, 2022 minutes.

**Mr. Randol move, seconded by Mr. Roberts, to approve the October 13, 2022 minutes. The motion carried by voice vote.**

Mr. Elwell asked if there was any discussion on the October 27, 2022 minutes.

**Mr. Randol moved, seconded by Mr. Roberts, to approve the October 27, 2022 minutes. The motion carried by voice vote.**

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

Mr. Elwell entertained a motion to move Case 073-V-22 to the beginning of the meeting.

**Mr. Bates moved, seconded by Mr. Roberts, to move Case 073-V-22 to the beginning of the meeting. The motion carried by voice vote.**

6. Continued Public Hearings

Case 035-AM-21

Petitioner: Jeffrey Jenkins, d.b.a. Walnut Grove MHC

Request: Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the R-5 Manufactured Home Park Zoning District in order to operate the proposed Special Use with waivers in related Zoning Case 036-S-21.

Location: A 9.68-acre tract in the Northwest Quarter of the Northwest Quarter of Section 10, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township and commonly known as Walnut Grove MHC with an address of 1513 CR 2300N, Urbana.

Case 036-S-21

Petitioner: Jeffrey Jenkins, d.b.a. Walnut Grove MHC

Request: Authorize the expansion and use of an existing nonconforming manufactured home park with 12 existing plus 8 proposed manufactured home sites in the R-5 Manufactured Home Park Zoning District, contingent upon the rezoning of the subject property in related case 035-AM-21 and including the following waivers of standard conditions (other waivers may be necessary):

Part A: Authorize a waiver from Section 6.2.2. B. for having 20 home sites in lieu of the minimum required 40 home sites in a manufactured home park.

Part B: Authorize a waiver from Section 6.2.1 C.2., for a Site Plan that does not include the number, location, and size of all Manufactured Home Sites.

Part C: Authorize a waiver from Section 6.2.2 C.3. for not providing screening along all boundary lines abutting existing residential development.

Part D: Authorize a Manufactured Home Park with recreation space totaling less than the minimum required 8% of gross site area, per Section 6.2.2 D.

Part E: Authorize a waiver from Section 6.2.2 E.1., for a Site Plan that does not include the limits of each Manufactured Home Site.

Part F: Authorize a minimum setback (yard) of 11 feet in lieu of 15 feet between the manufactured home and the manufactured home site boundary adjacent to private accessways, per Section 6.2.2 E.2.a. for proposed home sites 15 through 20.

Part G: Authorize a minimum setback (yard) of 15 feet in lieu of 20 feet between the entrance side of the manufactured home and the manufactured home site boundary, per Section 6.2.2 E.2.b., for existing home site 2.

Part H: Authorize a minimum side yard of 9 feet in lieu of 10 feet, per Section

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**6.2.2 E.2.c. for existing home site 3.**

**Part I: Authorize a waiver from having a manufactured home stand or pad on each home site made of concrete slabs or runways with ground anchors, per Section 6.2.2 E.4.**

**Part J: Authorize no outdoor paved living space in lieu of an outdoor living space of at least 160 square feet with a minimum dimension of 8 feet, per Section 6.2.2 E.5. for all existing and proposed home sites.**

**Part K: Authorize a minimum pavement width of 19 feet for existing private accessways in lieu of the minimum required 24 feet for minor streets, per Section 6.2.2 F.5.**

**Part L: Authorize a waiver from Section 6.2.2 F.6., with respect to paving materials, curbs and gutters, grading, intersections, offsets, and radii of curvature, that the provisions of the Subdivision Ordinance shall apply to existing private accessways.**

**Part M: Authorize a waiver from Section 6.2.2 H.1., for not having individual walks to each manufactured home stand that are paved and a minimum of two feet in width.**

**Part N: Authorize a waiver from Section 6.2.3 A., for having a private water system that can furnish a minimum of 150 gallons per day per manufactured home at a minimum pressure of 20 pounds per square inch.**

**Part O: Authorize a waiver for the electrical system to comply with the latest edition of the National Electric Code, per Section 6.2.3 D.1.**

**Location: A 9.68-acre tract in the Northwest Quarter of the Northwest Quarter of Section 10, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township and commonly known as Walnut Grove MHC with an address of 1513 CR 2300N, Urbana.**

**Case 041-V-22**

**Petitioner: Jeffrey Jenkins, d.b.a. Walnut Grove MHC**

**Request: Authorize a variance for a 9.68-acre lot in lieu of the maximum allowed 3 acres in area for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.**

**Location: A 9.68-acre tract in the Northwest Quarter of the Northwest Quarter of Section 10, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township and commonly known as Walnut Grove MHC with an address of 1513 CR 2300N, 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

1 register, they are signing an oath.

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

11  
12 Mr. Jenkins said if he may, they have four full-size revised site plans if any of the Board or staff wants a  
13 copy.

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15 Mr. Elwell asked him to state his name and address.

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17 Jeffery D. Jenkins, 13426 Maverick Road, Marion, Illinois, said the blue cover page of the packet in  
18 Supplemental Memorandum #1 was what Ms. Burgstrom put together. He said what she had stated was a  
19 status at the bottom of the page, which was their goal working with Farnsworth Group. He said if it's  
20 okay, he would run down the list just like he did with A through O at the last meeting. He said to bear in  
21 mind on the flip side of the blue page Ms. Burgstrom describes what was submitted, which suffices the  
22 front page, but if it's okay he can skim through it all.

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24 Mr. Jenkins referred to the revised site plan and said regarding the east road, you can see that an oil and  
25 chip drive is proposed. He said you can also see where the old road is proposed to be connected to the east  
26 road, and that too would be oil and chip. He said where that extension to meet the new road begins, the  
27 dumpster used to be at the end of the existing community road and that has been moved to the north side  
28 of the road. He said the road was extended and expanded an additional 75 feet as they needed to  
29 compensate for the new road cutting through. He said the four proposed future homes were moved south  
30 with that road extended 75 feet.

31  
32 Mr. Jenkins said the original plan they submitted had the recreation area on the southeast corner of the  
33 property. He said that has been changed to the south center part of the property. He said as you can see  
34 there is a dashed line 130 feet west of the east property line; that is the original community. He said what  
35 they did is they extended that line through as they also did in the northwest corner where the previous  
36 owner had built his own home and sold that off. He said that line on the east side of that one acre plus, the  
37 Gray's home, was extended through also; in other words, there was 348 feet wide on the south side by  
38 130 feet. He said in addition to that recreational area they propose a garden area 30 feet by 348 feet for all  
39 the residents to stake off that section of the property for gardening.

40  
41 Mr. Jenkins said for the sidewalks, you can see all the lot numbers in a circle behind each home. He said  
42 starting up at lot 1, you can see a substantial sized deck on that home; the number they were shooting for  
43 was 160 square feet from the building codes. He said they went through and either showed what was  
44 existing or they added to it. He said the bulk of the additions were sidewalks. He said in the bottom corner  
45 of the site plan there is a chart prepared by Farnsworth Group that shows the square footage of all the  
46 patios and decks. He said in lot 1 you could see a sidewalk coming off that deck to the parking lot, and  
47 then you go down to the chart where it says to the far right that lot 1 proposes an 8-foot sidewalk, so now  
48 you can see the pattern that it created. He referred to lot 2 and said you can see an additional sidewalk off  
49 of the deck to the parking spot. He said lot 3 has an L-shaped walkway because the parking area is a little

1 short of the front of the home. He said lot 4 has way more than adequate deck, and the parking is actually  
2 right up to the deck. He said that lot 5 is a unique situation; you can see a circle with an L in it that means  
3 a landscaped entryway. He said landscaping might include landscape timbers with larger stone and then  
4 walking paths laid into the stone. He said some of these people did it just beautiful, like lot 5 and lot 7 is  
5 extremely extensive and is done very well. He said when you go to lot 5, you can see there is 168 square  
6 feet of deck and patio. He said lot 6 has a very extensive patio and there is a short sidewalk to the parking  
7 area. He said lot 7 actually has a really extensive landscaped area. He said lot 8 indicates a D for deck,  
8 which is the entrance to the home and that sidewalk actually exists. He said lot 9 needs an additional  
9 sidewalk to the parking area. He said lot 10 is another well done landscaped home that has a walkway up  
10 to the front porch. He said next to lot 10 is lot 14, which needs an additional pad poured around the deck  
11 so that their sitting area dimensions are 9 feet by 18 feet. He said that lot 14 has two parking areas, so that  
12 as you come off of lot 14 you come off the deck onto the patio, down the sidewalk to the parking areas.  
13 He said lot 15 just has a deck, so similar to lot 14, you can see PP, which means proposed patio, so that is  
14 proposed around the existing deck on lot 15. He said you can see there is 63 square feet of deck and 134  
15 square feet of patio, which suffices the required 160 square feet. He said that lot 16 was just brought into  
16 the community when he received the cease-and-desist order, so it does not even have skirting on it yet;  
17 it's just there tied down to the property. He said the pattern he just described on lot 15 that is a deck with  
18 a patio wrapped around, you can see the same all the way down through, proposing that for all future  
19 homes. He said that basically covers all sidewalks, patios and existing decks.

20  
21 Mr. Jenkins referred to the northwest corner and said the site plan used to refer to a septic tank and pressure  
22 tank. He said now it says 3,600-gallon pressure tank, and just north of that is the well house. He said  
23 coming south a little bit, you can see all the access chambers for the septic tank. He said that the septic  
24 chamber all the way to the east is where it forms a Y into the community and then disperses into the three  
25 tanks. He said as you come out of those tanks, all of this is sand filtration water that goes to a chlorination  
26 tank should that ever be necessary that's why they put it in. He said from that chlorination tank, you angle  
27 all the way to the ditch and at that ditch the line is about six feet from the surface, and it projects out into  
28 the ditch four feet. He said like he mentioned before, because their sand filtration system is so extensive,  
29 it's really for about 40 homes, having 15 homes on the system, evaporation exceeds discharge, so not a  
30 drop comes out in the ditch. He said if they can do 20 homes, they might have something come out of that.  
31 He said it's an amazing system.

32  
33 Mr. Jenkins said they talked about the repositioning of the four future homes because of the roadway and  
34 they did the notation for the recreation area, so he basically covered all of Ms. Burgstrom's criteria. He  
35 said if we go back to lot 15 in the northeast corner, you'll see a parking space in front of the home, and  
36 you can see the typical distance from the front of the home to the roadway. He said as you go down to lot  
37 20, it also notes 16 feet of separation. He said the way Farnsworth calculated that, you see the far east  
38 solid black line, and then you see a dashed line. He said the dashed line is existing; they want four feet,  
39 not the full five feet, but four feet, down that side of the road and all the 275 feet of the road, and then  
40 notch out at each of the homes creating 16 feet of space at the front of the homes to the road. He said he  
41 thinks that pretty much covers it and asked if there were any questions.

42  
43 Mr. Elwell asked if there were any questions from the Board.

44  
45 Mr. Wood asked if any of the original mobile homes are on a concrete pad.

46  
47 Mr. Jenkins referred to where the garden and recreation area are and said to look just below that at a typical  
48 concrete pad. He said over in Champaign on Mattis Avenue they have a Bobcat with a 36-inch post hole  
49 digger; it is so far superior to digging up a square or rectangle, that thing will go down forever. He said

1 what he did was on lots 15 and 16 was to dig a 27-inch-deep hole with three inches of gravel down at the  
2 bottom. He said you can also see the notation stating that an anchor should be 16 feet or less apart, so in  
3 other words, what he likes on a mobile home is an 8-foot spacing; others go to 9 or 10 feet, but he's never  
4 done that. He said they have always been eight feet apart for each pad; it gives it a real solid home and  
5 every other pad will have an anchor. He said he likes the anchor to be right at the edge of the concrete so  
6 that the auger part of that anchor is actually in the concrete, so you don't have a tornado coming through  
7 and pulling an anchor out of dirt, which just yanks it out like a weed. When you have the help of securing  
8 it to a concrete pad, it's immense. He said on May 2, 2018, two F-2 tornadoes split at his mobile home  
9 community down in Marion. He said he had two homes at a 90-degree angle, and it went directly over  
10 those two homes. He said the home to the west was picked up in the air and dropped eight feet down and  
11 the home to the right didn't budge – there was no sign whatsoever of a tornado where the other was  
12 devastated. He said one was tied down that way and the other was not, and he swears by that type of  
13 concrete tie down system.

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15 Mr. Wood said his question had to do with all of the original homes and whether they are on concrete pads  
16 or are they anchored.

17  
18 Mr. Jenkins said there are no runners in there; they're all pads and they're all tied down.

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20 Mr. Wood said okay, because he believes that is the requirement for all the future homes.

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22 Mr. Herbert asked if the pads are 24 inches deep.

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24 Mr. Jenkins said the anchors are 48 inches deep.

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26 Mr. Herbert asked if the pads are deep enough, and if they should be below the frost line.

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28 Mr. Jenkins said he has worked here three years and dug every year for whatever reason, and the deepest  
29 frost he has seen so far is six inches. He said that they want 40 inches up in Chicago.

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31 Mr. Herbert said that three feet is what we call frost line if he's not mistaken.

32  
33 Mr. Hall said he's not clear if it's 32 inches or 36 inches, but it is more than 24 inches.

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35 Mr. Herbert said his concern would be that they are above the frost line.

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37 Mr. Hall said in this case we also have the anchors, and he assumes that the anchors would resist frost  
38 heave. He said they are going to resist a tornado so they should resist frost heave.

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40 Mr. Herbert said yes.

41  
42 Mr. Jenkins said actually, many of these communities that are here in Champaign County have concrete  
43 runners. He said they are 16 to 24 inches and six inches thick. He said they float and crack through the  
44 years. He said they sink and it's a lot of maintenance afterwards, but he has never ever had an issue with  
45 this type of system.

46  
47 Mr. Elwell asked if Mr. Jenkins had already done lots 17 through 20 or was that just lots 15 and 16. He  
48 asked how many pads Mr. Jenkins has poured so far in the manner he described.

49 Mr. Jenkins said lots 15 and 16.

1 Mr. Randol said what Mr. Jenkins was saying, going back to the frost line, is that the anchors help keep  
2 the mobile home from heaving in the frost even though it's not 30 inches or so.  
3  
4 Mr. Jenkins said he started working when he was 20 years old in construction up in Chicago. He said even  
5 though you have a frost line, he was in the dead of winter digging up an issue with a backhoe in the worst  
6 part of the winter in Chicago, and he found 12 inches. He said he has never ever seen two feet.  
7  
8 Mr. Randol said it is different around here. He said he worked for 20 years for a water company and many  
9 times he has seen frost over 30 inches.  
10  
11 Mr. Elwell said a quick Google search currently indicates a frost line of 40 inches in Chicago, which  
12 means that water levels in the soil have not frozen deeper than 40 inches below grade.  
13  
14 Mr. Jenkins said that you've seen in many cases you have black soil down five feet; up in Chicago you  
15 have clay down at six inches. He said it's not really making a point, so he doesn't know why. He said if  
16 the idea was to change it to 30 inches, he would be fine with that. He said a 33-inch dig takes an extra two  
17 minutes when you have a Bobcat augering down. He said if that makes the Board happy, then he is fine  
18 with that.  
19  
20 Mr. Randol said he thinks he agrees with Mr. Bates, that 27 inches is not really that stable around here.  
21  
22 Mr. Bates asked on these drawings of the concrete support detail, who determined that – did Farnsworth  
23 come up with this detail or is that something Mr. Jenkins just submitted to them.  
24  
25 Mr. Jenkins said it was Farnsworth and him.  
26  
27 Mr. Bates asked what the basis behind them was.  
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29 Mr. Jenkins said that is what is existing at lots 15 and 16.  
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31 Mr. Bates asked what the basis for this comes from – is there historical data. He said if Farnsworth is  
32 putting this on a document, you would think that they would have the background.  
33  
34 Mr. Jenkins said that he guessed his answer was 46 years of construction.  
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36 Mr. Bates asked if it was Mr. Jenkins's drawing or Farnsworth's drawing.  
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38 Mr. Jenkins said it was an engineered drawing, not his drawing.  
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40 Mr. Herbert asked if it was drawn to Mr. Jenkins's 46 years of construction or to Farnsworth engineer's  
41 drawing. He asked who is putting their name on that.  
42  
43 Mr. Jenkins said again, probably half of the homes in the county are on concrete runners, and this is far  
44 more extensive. He said he is willing to go deeper if they want.  
45  
46 Mr. Herbert said we're not engineers either, that's what they're getting at. He said in his opinion, the  
47 anchors should be in the middle of the concrete; steel anchors he has never been around.  
48  
49 Mr. Jenkins said you have wheels driving over these.

1 Mr. Herbert said he did not have enough education to speak on it.  
2  
3 Mr. Jenkins said in the middle of the concrete pad is a concrete block, and they stack. He said that concrete  
4 needs to be smooth, and you couldn't put the anchor in the center and the concrete block in the center.  
5  
6 Mr. Herbert said if they are steel anchors, they are going to rust out over time.  
7  
8 Mr. Jenkins said maybe in 100 years; he's never even seen rust on them, and the home would be long  
9 gone by then.  
10  
11 Mr. Hall asked Mr. Jenkins if the anchor has to be outside the footprint of the home because doesn't the  
12 cable actually go over the home.  
13  
14 Mr. Jenkins said centerline to centerline of steel on a mobile home is 99.5 inches, whether you have a 14-  
15 wide or a 16-wide, it's 99.5 inches. He said do the math and you have about a foot wing on each side. He  
16 said the pads are all directly under the I-beams and the blocks are supporting those. He said fore and aft,  
17 you will put all your anchors on the front side, front side and then to the back, to the back. He said in line  
18 with the steel, but at the far edge or the near edge, going down the nine pads are poured on each side. He  
19 said that they limited the future homes to 16 feet wide by 68 feet long and asked for confirmation from  
20 Ms. Burgstrom.  
21  
22 Ms. Burgstrom said yes, that is what is in the special conditions.  
23  
24 Mr. Jenkins said therefore it would be nine pads.  
25  
26 Mr. Bates asked if this meets the code of what is supposed to be built.  
27  
28 Mr. Hall said that the anchors would meet state requirements, but he is not familiar with how many are  
29 required. He said he assumes they have to provide certification to IDPH that they meet the standard,  
30 whatever that is.  
31  
32 Mr. Bates said we really don't have a say in any of this if Mr. Jenkins has done what IDPH requires.  
33  
34 Mr. Hall, said no, you have your own approval, and you can require whatever you think is necessary. He  
35 said but he does agree with Mr. Jenkins, that all the mobile home foundations that he has seen are no more  
36 than a four- or six-inch slab on grade as runners and he doesn't even think they reinforce them typically,  
37 which is why they crack over time because they do get frost heave.  
38  
39 Mr. Jenkins said in the winter you'll see a three- or four-inch heave from the frost, and then it settles right  
40 back down where it was in the spring.  
41  
42 Mr. Randol said with the older mobile homes, they had to anchor them down with a metal strap over the  
43 top of them. He said if he is understanding Mr. Jenkins correctly, they now anchor the frame to the ground.  
44  
45 Mr. Jenkins said you have your 3/4-inch steel on a shaft with the auger blades, which comes up to a U-  
46 shaped bracket that is six inches long. He said from one side to the other side is a round hole and a square  
47 hole. He said the round hole is for the split bolt head, which is where you take your strapping, and you go  
48 down through that split bolt. He said you keep the bolt from hanging up in that square by pushing against  
49 it, and you crank that. He said you have the strap going up, over, and down the steel and both straps are



1 into that split bolt, and you leave about six inches sticking out. He said as you crank on it, you just wind  
2 that whole thing up and the six inches disappears in a big wad of strapping. He said then you crank up the  
3 wrench and you slide that square into the bracket and it's forever, it can't unspin. He said like he said  
4 before, it has to be vertical. He said that's why he says that the anchor is in line with the steel and many,  
5 many people that do this get the home in place over the pad and then they come back and put all the  
6 anchors in at an angle. He said it takes a real strong drill and you drill it down into the ground – they're  
7 just drilled into the dirt. He said he saw what an F-2 tornado would do to anchors like that; it just yanks  
8 them out like weeds.

9  
10 Mr. Elwell asked Mr. Jenkins if he could revisit the previous testimony about the discharge into the ditch.  
11 He recalls Mr. Jenkins saying with what is there now, there is no discharge, but what about when you get  
12 to 20 homes.

13  
14 Mr. Jenkins said we don't even know; the sand filtration system is designed for 40 homes. He said  
15 originally, Charles Hepler had a massive plan for 136 homes. He said if you remember the original plan,  
16 it had three sand filtration systems covering 120 homes, then you had 16 homes way out in the southwest  
17 corner, and he had a retention pond in there. He said he doesn't like those things; the sewage just runs into  
18 it. He said that is how Mr. Hepler was going to compensate – a cesspool.

19  
20 Mr. Herbert asked Mr. Jenkins if he didn't like a discharge line running into a retention pond.

21  
22 Mr. Jenkins said sorry, Mr. Hepler originally had three sand filtration systems; that's 40 times three to  
23 total 120 homes, but he had 136 homes in the plan, so the additional 16 homes ran into a cesspool. He said  
24 he couldn't imagine the Board ever approving that right by Route 45. He said the point being that this  
25 sand filtration system can handle 40 homes, so with 20 homes, we might finally get discharge, but he  
26 doesn't know.

27  
28 Mr. Elwell thanked Mr. Jenkins and asked if there were any other questions from the Board or staff.

29  
30 Mr. Hall said he wanted to bring some things to the Board's and Mr. Jenkins's attention because we  
31 haven't had a chance to review these. He said first of all, he wanted to commend the site plan for being so  
32 much better than what we had received previously – it was a huge improvement. He said the 16 feet of  
33 separation between the homes on the east side and the gravel drive, he's assuming that the pad shown is  
34 intended to be two improved parking spaces that are required.

35  
36 Mr. Jenkins said now you have a 16-foot-wide parking space, and yes, that is what they are for.

37  
38 Mr. Hall said 16 feet long; the ordinance requires a minimum parking space to be 20 feet long, so he wants  
39 to point out to the Board that with this current layout, you should expect vehicles to extend four feet into  
40 that 20-foot-wide driveway. He said if the Board is happy with that, it can stay the way it is. He said he  
41 doesn't think that's a very good arrangement, but that's up to the Board. He said more importantly to his  
42 understanding the homes on lots 15 and 16 are already firmly attached, and so presumably 15 and 16 may  
43 end up being what they are. He said he doesn't know if that means 17 through 20 can't be made to be  
44 different if that's what the Board wants.

45  
46 Mr. Jenkins said if he may, he'll go back to the original layout. He referred to the dark black line on the  
47 east side, which was five feet between the property line and the 20-foot-wide road, then it was 12 feet to  
48 the front of a home. He said the existing road right now is the dashed line. He said for the sake of being  
49 able to see it on a small map like this, it certainly isn't that wide. He referred to a line next to the black

1 line and said those should almost be touching on the plan rather than being so far away. He said what they  
2 are trying to say is that is only one foot of property area then the actual 24-foot road, which then  
3 compensates four more feet for that 12. He said he understands what Mr. Hall is saying with the two  
4 vehicles in front of the home. He said there is a 25-foot yard, and the home is typically 16 feet, so we're  
5 talking about 41 feet; virtually the parking could eat up most of that 16 feet. He said he makes two parking  
6 spaces per home. He said you're right; looking at it, it only shows 24 feet of parking space, and you can't  
7 get two cars in there.

8  
9 Mr. Elwell asked if he understood Mr. Hall correctly, that he is talking east to west when referring to the  
10 16 feet. He said if we were to make it to zoning standard of 20 feet, then homes 17 through 20 would have  
11 to be moved west by four feet.

12  
13 Mr. Randol said the spaces are wide enough, just not deep enough.

14  
15 Mr. Elwell said right, it's wide enough, it's just four feet short. He asked if the homes could be pushed  
16 back four feet to get the 20 feet that is required.

17  
18 Mr. Jenkins said they park parallel to the road.

19  
20 Mr. Herbert asked what the parking spaces are from north to south. He said if 20 feet is required, that's  
21 40 feet if parking parallel to the road. He said there's really not enough room to park parallel or pull in.  
22 He said his vehicle is 21 feet long and he barely has room to walk around it in his garage.

23  
24 Mr. Bates asked if they had revisited lot 15, because it was part of the reason we came here originally  
25 because it was built without a permit.

26  
27 Mr. Jenkins said he doesn't have a problem with the parking area actually being continuous. He said not  
28 16 feet wide; there's no way there's going to be 16 feet wide for parking. He said they could be ten or 11  
29 feet wide for a vehicle extending all the way to lot 20.

30  
31 Mr. Elwell said it's really hard for him to visualize. He said he is seeing this as going down the road and  
32 pulling in with your headlights facing the home itself. He said if the home is east and west, in his mind  
33 you're pulling in east to west.

34  
35 Mr. Jenkins said they park north to south, parallel with the road. He said if they go ten feet wide all the  
36 way from north of lot 15 to past lot 20, then everybody is just swinging over and you have a 25-foot yard  
37 and 16-foot home - that's 41 feet, everyone can park two cars in front of their homes.

38  
39 Mr. Hall asked after you pull in parking parallel, how is it you get turned around to get back to the main  
40 road.

41  
42 Mr. Jenkins said they could back out and go. He said they have a lot of room out there.

43  
44 Mr. Hall said that Mr. Jenkins is saying adding an additional ten feet of pavement the whole distance to  
45 allow for parallel parking in addition to the 20 feet of traffic lane.

46  
47 Mr. Jenkins said you'd see 30 feet there, and rarely would two cars ever pass on that road even though  
48 we've compensated 20 feet. He said he hopes he is okay with oil and chip on the road and gravel for  
49 parking.

1 Mr. Hall said that's another issue; oil and chip is what the ordinance requires; however, it requires it to  
2 meet the IDOT specification for oil and chip. He said we haven't had any evidence that Mr. Jenkins is  
3 planning to or not planning to meet the IDOT specifications, so one thing we wanted to make clear tonight  
4 is whether Mr. Jenkins is planning to meet the IDOT specification. He said if so, he recommends that the  
5 Board require certification from an engineer that the installed pavement meets the IDOT specification.

6  
7 Mr. Randol said they could make that a special condition.

8  
9 Mr. Hall said yes.

10  
11 Mr. Randol asked if Mr. Jenkins could have gravel parking; it is just the road that has to meet IDOT  
12 specifications, correct.

13  
14 Mr. Hall said the ordinance requires parking to be improved, which is a gray area – what does improved  
15 mean. He said other places in the ordinance specify dust free, so he thinks gravel will work here.

16  
17 Mr. Elwell told someone in the audience that there would be opportunity to cross-examine this witness as  
18 well as provide testimony, so they would have an opportunity to speak.

19  
20 Mr. Hall said the ordinance does not say dust free, so if the Board is willing to accept gravel parking, that  
21 would be consistent with the ordinance.

22  
23 Mr. Elwell asked what the parking is like now for lots 1 through 14 – is the parking gravel.

24  
25 Mr. Jenkins said that it is road pack and limestone chips.

26  
27 Mr. Elwell said that is different than what we were just discussing.

28  
29 Mr. Hall said in his view that is better than gravel; road pack is a more stable surface.

30  
31 Mr. Bates said he would like to go back and revisit lot 15; is the mobile home on lot 15 in the right spot –  
32 does it meet the proper setbacks.

33  
34 Mr. Randol said it's not in the right place, but it's already established. He said he thought in the last  
35 meeting the Board agreed to leave it.

36  
37 Mr. Bates said he did not agree to leave it, because that was one of the topics he has – he is not comfortable  
38 setting a precedent. He said for someone who has been in the industry since he was 18 years old not  
39 coming somewhere and getting a permit, he is not willing to set that standard for anything. He said that's  
40 what we're here for, we shouldn't be issuing variances for things that get built first and then ask questions  
41 later. He said that is where he stands on that. He said we're setting up, based on that home, to continue  
42 that pattern all the way down through home 20 because they're all in line.

43  
44 Mr. Hall asked Ms. Burgstrom if home 15 meets the setback from the public road.

45  
46 Ms. Burgstrom said yes.

47  
48 Mr. Hall asked if it meets the setback from the private accessway.

49

1 Ms. Burgstrom said with 16 feet there, yes it does.  
2  
3 Mr. Jenkins said home 15 is 56 feet off the road.  
4  
5 Mr. Hall said the homes have to be at least 15 feet from the private accessway, so we're past that.  
6  
7 Mr. Bates said so he doesn't need a variance for that, it qualifies for the current setbacks based on these  
8 new drawings.  
9  
10 Mr. Hall said yes.  
11  
12 Mr. Bates said the road has been moved to accommodate that, so there's no special conditions needed for  
13 that.  
14  
15 Mr. Hall said no.  
16  
17 Mr. Bates said he just feels like we're continuing to get these situations and unfortunately the case before  
18 this was the same scenario, that it was built and then they're coming to ask for a variance. He said we're  
19 here for a reason, to have zoning laws, and to ask for that variance prior to being built is his sense. He said  
20 it sounds like accommodations were made here and there's no need. He said the rest of these homes here,  
21 other than where parking is, are acceptable.  
22  
23 Mr. Jenkins said Farnsworth Group accommodated a 20-foot road and 16 feet on the west side of that road  
24 to the front of the home, where the ordinance requires 15 feet.  
25  
26 Mr. Herbert asked where the oil and chip stops.  
27  
28 Mr. Jenkins said all of the new roads, the interior extension and the entire 275 feet of the east accessway.  
29  
30 Mr. Herbert said his question is on the north end of the map, he can see it's a little way from the property  
31 line, so there will be a strip of grass between the oil and chip and the property line to the east.  
32  
33 Mr. Jenkins said yes.  
34  
35 Mr. Herbert asked what is to the east of this property.  
36  
37 Mr. Jenkins said he is not understanding the question.  
38  
39 Mr. Hall said there is a note on the site plan that says the oil and chip drive is one foot west of the property  
40 line. He said according to that note, along the east property line there is one foot of grass between the new  
41 accessway and the neighbor's property.  
42  
43 Mr. Jenkins said yes.  
44  
45 Mr. Herbert said he saw the note, but in looking at the drawing, it looks like it gets incredibly close to the  
46 line there if the north side of the map shows a foot. He said if that is true that it is that close to the property  
47 line, what does that do to our setbacks for future homes 19 and 20 if that road has to be moved west. He  
48 said that would close the gap between the road and future homes.  
49

1 Mr. Hall said the dimensions here indicate one foot of separation between the accessway and the property  
2 line.  
3  
4 Mr. Herbert said so that would be guaranteed one foot, then a 20-foot road, then the setback to the home  
5 – everything will lay out the way it should.  
6  
7 Mr. Randol asked if it is farmland to the east.  
8  
9 Mr. Jenkins said yes.  
10  
11 Mr. Herbert explained that where he was coming from with that is that he would like to see some sort of  
12 strip of grass between that farmland and the drive because over time that starts encroaching on the  
13 neighbor.  
14  
15 Mr. Jenkins said it would probably be eaten up by the buffer zone. He said that the farmers will go right  
16 to the edge of the property. He said as a matter of fact, the mailbox that was there for homes 15 and 16  
17 temporarily until he had to move it into the community had corn growing over the top of it, so they farm  
18 as close as they can. He said he would try to keep them back a bit because with chemicals you should.  
19  
20 Mr. Bates asked if where home 15 sits is part of the AG-1 ground that needs to be approved to be  
21 converted. He said you've already built something on something that doesn't even have a permit to be  
22 built on because it hasn't been converted.  
23  
24 Mr. Hall said yes, there is no permit for the home on site 15 or 16, because even if there had been an  
25 application it could not have been approved.  
26  
27 Mr. Jenkins said again, he apologizes for that; he grew up in the Chicago area where they permit for  
28 absolutely everything then moved down to Williamson County and went to the building department and  
29 said he wanted to put up a home and they said they didn't have a building inspector. He asked them what  
30 to do and they said build it, and when you get done, they'll come out and measure it and tax you for it. He  
31 said they came out three years later. He said he went from one extreme to the other.  
32  
33 Mr. Elwell asked if there were any other questions from the Board.  
34  
35 Mr. Anderson asked if anyone is living in home 15.  
36  
37 Mr. Jenkins said yes.  
38  
39 Mr. Elwell asked if there were any other questions from the Board or staff. Seeing none, he asked if anyone  
40 would like to cross-examine Mr. Jenkins. Seeing no one, he thanked Mr. Jenkins. He asked if anyone  
41 would like to testify in this case.  
42  
43 Mr. James Weickersheimer, 1513 CR 2300N, Lot 10, said he had lived there since 2006. He asked when  
44 the well had been tested last and where the sample was pulled. He said if you understand from previous  
45 testing that he did when he lived in Michigan for the sale of a house, the sample was taken after the supply  
46 tank. He said the supply tank turned out to be bad, but the well was good. He said he drew a sample out  
47 of the well and that sample was good, so that told him that the tank was bad. He said it was sediment in  
48 the tank that every time they tested the tank, they flushed the tank and stirred up the sediment. He said it's  
49 something that if you live with this over years, you're not affected by it, so if you come into it from outside,

1 you could be affected by it. He said that is the reason he is asking – he is wondering if where that sample  
2 was taken and if it's tested every month and it passes, that's good. He said but if it happens to be that the  
3 casing on the well is bad, then there's a big problem.

4  
5 Mr. Randol said that public water systems are overseen by the EPA. He said having worked for the public  
6 water district for years, samples have to be sent into a private lab monthly and those test results get sent  
7 to the EPA office in Springfield.

8  
9 Mr. Weickersheimer said you can have a sample that tests bad depending on where you take the sample  
10 from; the well itself could be good, but the tank could be bad.

11  
12 Mr. Randol said that was up to the EPA.

13  
14 Mr. Weickersheimer said he was just making a statement.

15  
16 Mr. Randol said he was just answering his statement that the public water system is under the jurisdiction  
17 of EPA and the ZBA does not have anything to do with that.

18  
19 Mr. Weickersheimer said he had to test the well first and it had to pass before the sale could be completed  
20 on his home in Michigan.

21  
22 Mr. Randol said he understood that but that was not anything to do with the ZBA.

23  
24 Mr. Elwell asked if there were any questions from the Board or Staff for the witness. He asked if anyone  
25 would like to cross-examine the witness. Seeing no one, he thanked Mr. Weickersheimer for speaking and  
26 called on Diana Zehr.

27  
28 Ms. Deanna Zehr introduced herself and said her address was 1532B CR 2300N. She asked if the zoning  
29 has been changed because it sounded like the Board was going to make decisions on the Variances, but  
30 she heard nothing about the zoning. She asked if the cart was before the horse.

31  
32 Mr. Elwell said the Map Amendment was one of the cases the Board was discussing.

33  
34 Ms. Zehr said that sounds like to her that the zoning should be first. She said she has not heard any  
35 discussion about that.

36  
37 Mr. Elwell said that was correct.

38  
39 Ms. Zehr said the waiver for the water system and the waiver for the electric system has not been addressed  
40 yet and those were her next questions, Part N and Part O.

41  
42 Mr. Hall said they have kept those waivers in place because they simply did not have sufficient information  
43 to determine compliance or not and so, rather than pretend it complies with the Zoning Ordinance, the  
44 Board will either approve those waivers or ask for more data to support that it is consistent.

45  
46 Ms. Zehr said okay. She said when they were all here last time, a Board member told her when she  
47 questioned some of these things that a lot of these waivers were for a pre-existing mobile home park. She  
48 said she understood that and was good with it. She wanted to know if the new section of the park was  
49 going to conform to codes. She said it seemed like it was not going to do that. She said she was glad to

1 see there have been a lot of changes, but he has built all this stuff without going through the right channels  
2 and she was concerned about that. She said she was concerned that they were going to end up with another  
3 slum like some trailer parks were. She said she was not against a trailer park, and she lived in a trailer, but  
4 she would like to see it done right. She said her property value was going to be affected by whatever gets  
5 done.  
6

7 Mr. Hall said at the last meeting there was a lot of discussion on how thorough and expeditious the Ameren  
8 person was, but we did not have any affirmation by a statement by a licensed professional engineer that  
9 the development would comply with the National Electrical Code. He said they did not have a statement  
10 like that yet and did not know if the Board would want to see a statement like that. He said that was the  
11 only way to verify that waiver Part M is not required for the entire development in his mind. He said  
12 regarding the minimum 150 gallons per day for private water, 150 gallons a day times 20 sites totals 3,000  
13 gallons. He said the existing pressure tank is stated to be 3,600 gallons so does that math work out. He  
14 said he thought it did. He said the Staff did not feel comfortable removing that waiver which is why that  
15 waiver is still there. He said there was a 3,000-gallon demand and the pressure tank is 3,600 gallons. He  
16 said maybe Mr. Jenkins can address that and that waiver would not be necessary, but until the Board sees  
17 something from a licensed professional engineer, he did not know how they could determine compliance  
18 with the National Electrical Code.  
19

20 Ms. Zehr said all she was asking was to have Mr. Jenkins follow the rules. She said if he was willing to  
21 do that then more power to him. She said she follows the rules.  
22

23 Mr. Elwell asked if there were any questions from the Board or Staff for the witness. He asked if there  
24 was anyone who would like to cross-examine the witness. See no one, he thanked Ms. Zehr for speaking  
25 and asked if anyone else would like to testify in the case.  
26

27 Mr. Randol said he did have one other question. He asked if Mr. Jenkins was doing all this work himself  
28 or having contractors coming in to do it.  
29

30 Mr. Elwell asked if Mr. Jenkins would come back up to the microphone. He asked Mr. Jenkins who was  
31 going to do all the work.  
32

33 Mr. Jenkins said it was himself and contractors - a lot of people. He said each concrete pad had to be dug  
34 and the Staff comes out to measure them. He said they had to see all the holes before they get poured. He  
35 said that was as simple as can be.  
36

37 Mr. Randol asked who was doing the electrical work.  
38

39 Mr. Jenkins said Ameren.  
40

41 Mr. Randol asked if Ameren was running the electric from each individual home site.  
42

43 Mr. Jenkins said from the meter to the home is direct burial and that was hooked up inside at the meter by  
44 an electrician. He said it takes the electrician about 45 minutes.  
45

46 Mr. Hall asked if Ameren ran the line from the meter to the home.  
47

48 Mr. Jenkins said no.  
49

1 Mr. Hall said okay, who does that, and can the Staff get a certification that it met the National Electrical  
2 Code.  
3  
4 Mr. Jenkins said the like between the meter and the house was buried about a foot and it was just laying  
5 there looped at the meter and looped under the home where the electrician comes in and ties it in.  
6  
7 Mr. Bates said the question was who was doing that work. Who is the one burying the cable.  
8  
9 Mr. Jenkins said that he was doing it.  
10  
11 Mr. Bates said okay that was the question. He said the next question was who the licensed electrician was  
12 hooking it up.  
13  
14 Mr. Jenkins said it could be anybody.  
15  
16 Mr. Bates asked who the licensed professional was that hooked up lot 15 because that lot was currently  
17 occupied.  
18  
19 Mr. Jenkins said Beatty Electric. He said Beatty Electric lived three blocks down from him in Marion. He  
20 said he brought him up here and he installed it.  
21  
22 Mr. Bates asked if he was a certified electrician.  
23  
24 Mr. Jenkins said he has his own company, Beatty Electric.  
25  
26 Mr. Bates asked if the Board could get that documentation.  
27  
28 Mr. Jenkins said sure.  
29  
30 Mr. Bates asked if Beatty Electric was going to be the electrician moving forward.  
31  
32 Mr. Jenkins said he doubts it because it was a lot of trouble and was not worth his time to drive three hours  
33 up and back. He said he would not do that.  
34  
35 Mr. Randol said the thing they were trying to get at was he needed licensed electricians out there doing  
36 the work, not yourself unless you are licensed.  
37  
38 Mr. Jenkins said absolutely.  
39  
40 Mr. Herbert asked how that falls in a mobile home park. He asked if he could go and just buy the mobile  
41 homes and put them out, get the right permits and the right zoning and everything, but go and put all that  
42 out there and do all that work himself and sell it. He asked if that was right.  
43  
44 Mr. Jenkins said the owner of the mobile home community is responsible for all of that.  
45  
46 Mr. Herbert said he got that.  
47  
48 Mr. Jenkins said responsible for Ameren, responsible for all the contractors.  
49



1 Mr. Herbert said he thinks he could do more in his own personal home than what he could do for someone  
2 else because he was not a licensed electrician.

3  
4 Mr. Jenkins said right.

5  
6 Mr. Herbert said so that was what he was trying to get at, who held Mr. Jenkins to those standards.

7  
8 Mr. Jenkins said from what they were talking about right now he would not lay any more wire in the  
9 ground. He said he would dig the trench and get the electrician to come uncoil it and lay in the trench. He  
10 said the electrician will have it tied in while he backfills it. He said it will be done and that simple. He said  
11 Don's Mobile Home Service was one of his favorites right now. He said they were only three miles south  
12 of him. He said he came in and took a furnace completely tampered with and destroyed all the wires, cut  
13 the pilot flange, bent back to try to slander him. He said Don came in there and fixed everything and got  
14 it running perfect. He said Don does everything so there you go with the heating guy. He said honestly  
15 that was the answer to the Board's question, Don's Mobile Home Service. He said they could come out  
16 and do all this stuff.

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

19  
20 Mr. Randol said he needed to have an inspection done by the State of Illinois. He asked how often the  
21 State must come and do that. He wanted to know about any mobile home park, not just Mr. Jenkins's in  
22 particular.

23  
24 Mr. Jenkins asked if he was talking about the Public Health Department.

25  
26 Mr. Randol said all he knew was a representative from the State goes around to mobile home parks and  
27 does a visual inspection.

28  
29 Mr. Jenkins said and gives him a sheet of all the complications that he has to correct.

30  
31 Mr. Randol said yes, who does that.

32  
33 Mr. Jenkins said the Illinois Public Health Department, Springfield.

34  
35 Mr. Randol said okay, thank you.

36  
37 Mr. Elwell asked if there were any further questions from the Board or Staff. He asked if anyone would  
38 like to cross-examine the witness. Seeing no one, he asked if anyone else would like to testify in this case.  
39 Seeing no one, he entertained a motion to close the Witness Register.

40  
41 **Mr. Randol moved, seconded by Mr. Roberts, to close the Witness Register. The motion passed by**  
42 **voice vote.**

43  
44 Mr. Elwell asked if there was any further discussion from the Board. He said a couple things for him  
45 personally, he needed to have better clarification on the parking situation for lots 17-20. He said he also  
46 needed to know the National Electric Code was being upheld so he agreed the Board needed some sort of  
47 statement from a licensed electrician or engineer. He said he felt that was bare minimum.

48  
49 Mr. Hall asked as far as the electrical code statement, that could be done at the time of permitting to make

1 sure we get a statement from a licensed engineer.

2

3 Mr. Elwell said correct.

4

5 Mr. Hall said okay.

6

7 Mr. Elwell asked how the Board would like to proceed.

8

9 Mr. Herbert said he was a little bit concerned, you know, if this was all correctly done every step of the  
10 way than he would not think it was an issue. He said he felt that every trip they made there has been he  
11 will change that, he will change that, he will do that, etc. He said he was a little bit concerned as to who  
12 holds what accountable on this. He said we say we need the 20-foot road; we say we need this much  
13 parking, and all that stuff is all fine, great, and dandy, right out of the gate and that kind of trickles off and  
14 the Board just gets a permit. He said they have no septic other than it was designed for 40 homes. He said  
15 he did not know how it was designed for 40 homes because they had no water testing to truly show that.  
16 He said they have a 3,600-gallon pressure tank, but we don't truly know that it was going to support 20  
17 homes. He said they have not seen any plan as to where that septic tank was tying into the old septic, the  
18 new portion to the old. He asked if a four-inch line was adequate to feed another eight homes or six. He  
19 said on the east edge of the old homes, if that was a one-inch water line over there to support those homes  
20 and they tied on to the other end of that, that was not designed, that was not put in with the intent of adding  
21 these homes to the east, or do they know that. He said there were a lot of unknowns in this that he does  
22 not think he would feel comfortable putting a stamp on it to say this is all okay. He said that he has not  
23 seen just the quite right clarification on a few of the items to know this was where they need to be. He said  
24 those were his thoughts.

25

26 Mr. Wood said there was a special condition for the septic system that ensures the Illinois Department of  
27 Public Health was going to certify that, so he felt that would cover that concern. He said as far as the water  
28 is concerned, the EPA takes care of managing that and he believed it had to be tested on a regular basis.

29

30 Mr. Randol said he understood what Mr. Herbert was saying about the water line, but he did not know  
31 how much of this was under ZBA jurisdiction. He said if the water lines that ran through the existing park  
32 were one inch and old as the line is, they may be plastic, they may not be plastic. He said with all the lead  
33 issues that have been showing up, but if they were one-inch lines and they were adding on all these other  
34 homes to a one-inch line that was feeding everyone was not going to be very good pressure. He said the  
35 ZBA does not fall under that jurisdiction but somehow if the Board was going to approve an extension  
36 onto a mobile home park, then the Board needed to be assured there was going to be ample water supply  
37 to all the new homes and that the sewer system was going to be adequate to take the additional flow. He  
38 said he was adding on eight new homes and traveling 400 feet to get there.

39

40 Mr. Jenkins said it was a six-inch main.

41

42 Mr. Randol said to him those were things that Farnsworth Engineering should be showing the Board.

43

44 Mr. Hall said it was certainly within the Board's right to require some sort of substantiation that there was  
45 going to be adequate water pressure, it can be delivered in an adequate way, and that the septic lines have  
46 been planned out so that either they will flow by gravity, or they may need to have lift stations.

47

48 Mr. Randol asked if this was a public water system, like a public water district, the waterline and sewer  
49 extensions would have to be approved by the EPA, but since this is private, he did not know how that

1 would fall in line with what the Board must oversee.

2  
3 Mr. Hall said they were not going to get any permit until the health department approves the septic system  
4 as being adequate. He said normally when they approve a septic system as adequate, they are approving  
5 it from where it leaves the house to the final point, so he would think that would take care of the septic  
6 system. He said they had no new information about the water pressure for each of the new homes.

7  
8 Mr. Randol said something like that when serving the public must have a minimum of twenty pounds of  
9 pressure all the time. He said they would have to issue boil orders if it ever dropped below twenty pounds  
10 and that part would have been true for this system.

11  
12 Mr. Elwell asked what would happen to lots 15 and 16 if the Board could not recommend this project to  
13 move forward.

14  
15 Mr. Hall said they would be removed eventually, or with 15, it would be entirely possible that, and he was  
16 not encouraging this, but he could get a permit for an individual home on at least one acre of minimum  
17 area. He said everyone knew that was the standard in the rural area, but that lot would need to be 200 feet  
18 wide on average. He said he could not say that would not happen eventually, but it was not going to get a  
19 permit as part of a manufactured home park if it does not get rezoned, and a special use permit and then  
20 supply whatever certifications are needed before the permit is approved and whatever certifications are  
21 needed for as-builts.

22  
23 Mr. Herbert asked if Mr. Jenkins could not have a building permit until each one of those home sites are  
24 tested for water and sewer from the way that was stated. He said so really what fell into the Board's  
25 jurisdiction was placement of the home only. He said there were special conditions on top of that, but he  
26 asked Mr. Hall if he understood that correctly.

27  
28 Mr. Hall said that the Zoning Ordinance also requires that each home be provided a minimum pressure of  
29 twenty pounds per square inch for water. He said that was in the Board's ordinance so they would be  
30 entirely reasonable to require an explanation before they approve it that there has been a system planned  
31 that will provide twenty pounds per square inch minimum water pressure with 150 gallons per day total  
32 volume. He said that seems cut and dried to him. He said with some of the larger manufactured home park  
33 expansions in the Champaign-Urbana area, this Board would see detailed drawings of the water line  
34 routes, detailed drawings of what happens at meters and things like that, lots of detailed drawings that the  
35 Board has not seen in this small, proposed expansion of this manufactured home park.

36  
37 Mr. Randol said he believed Farnsworth should provide that information to them so they know it will be  
38 ample.

39  
40 Mr. Elwell asked if Farnsworth would put their name on a draft without knowing that information already.

41  
42 Mr. Randol said that would be entirely possible because no one was asking for it.

43  
44 Mr. Herbert said they are going to do what they were paid to do. He said if he went down there and said  
45 he needed them to draw this up, this is what he wants, that is what he was going to get.

46  
47 Mr. Elwell said that maybe he was not understanding the scope of what they do because if someone said  
48 they want a house in this location, then Farnsworth would go out there and measure etc., so if the house  
49 could physically not be there, then they could not draw it there.

1 Mr. Hall said they already know that Farnsworth has provided a plan that does not meet the county  
2 ordinance. He said that has been shown already for something as simple as parking, so the Board cannot  
3 assume that Farnsworth has thought through all these details.

4  
5 Mr. Elwell said good point.

6  
7 Mr. Hall said it was certainty within Farnsworth's capabilities, but until the petitioner is told to provide  
8 this documentation, he will not tell Farnsworth that he needs this documentation. He said he thinks the  
9 Board needs to make that clear. He said the site plan has been much improved since the last meeting, but  
10 it still does not meet what would be required for the larger manufactured home park expansions.

11  
12 Mr. Bates said to Mr. Hall's point, the title of the drawing is the "topographical" plan. He said it was just  
13 telling them elevation information. He said it was a great picture but does not meet what is in the ordinance  
14 currently.

15  
16 Mr. Elwell said the three things he has written down were: obtain documentation proving that the electrical  
17 code is taken care of, obtain a detailed water system overlay on the site plan as well as evidence of the  
18 3,600 gallons, and the evidence of an adequate septic system.

19  
20 Mr. Randol said yes. He said he needed a plan showing the electrical, the water, and the sewer.

21  
22 Mr. Elwell said yes.

23  
24 Mr. Randol said a lot of times with electrical, they will have a central panel with six or eight meters coming  
25 to one panel, and they would run outlets from that panel to the various homes. He said they just do not  
26 know how this was going to be done.

27  
28 Mr. Elwell said they did not know how lot 15 and 16 have already been done either.

29  
30 Mr. Herbert said and the other side to that is that the well and sewer may be more than capable of what  
31 they are doing but how does the Board know for sure without proper documentation. He said that would  
32 be required to be fair to everyone else in the manufactured home park. He said it was the same with the  
33 sewer. He said how would they know tying into that six-inch main with ten outlets in front of it on the  
34 same six-inch main was able to support eight more homes on the end of it.

35  
36 Mr. Elwell said as Mr. Hall mentioned the parking is inadequate, so the things he had written down were  
37 an adequate water and sewer plan, electrical code, and parking. He asked the Board if there was anything  
38 else they would like to see on the site plan prior to deciding.

39  
40 Mr. Herbert asked if something in there should be about the oil and chip regulations or if that could just  
41 be included as a special condition.

42  
43 Mr. Hall said they think they could deal with that as a special condition. He said they would just require  
44 certification so that the petitioner would know that would be required. He said that was the easiest thing  
45 they have dealt with, although it would be nice to have a note on the site plan stating that it would meet  
46 IDOT specifications.

47  
48 Mr. Herbert said that he agreed with that and that would be a lot cleaner way of doing it.

49

- 1 Mr. Hall asked if the Board wanted to see the footing depth increased to 32 inches.  
2
- 3 Mr. Herbert said he was good with 27 inches if a licensed engineer said that 27 was enough. He said it  
4 would probably be a lot deeper than that if he was doing it himself, but he did not know if that was right  
5 or wrong either. He said that was what engineers were paid to do and that was their job.  
6
- 7 Mr. Elwell said that he was assuming that the product that was delivered to them through expertise of the  
8 engineer would know, and they decided that they could not do that without explicitly asking for that  
9 information.  
10
- 11 Mr. Hall said one easy way to get around this would be if Staff could check other local municipal building  
12 code ordinances for what they determined the frost depth to be, and Mr. Jenkins can just agree to it. Mr.  
13 Hall said if the frost depth that the City of Champaign and City of Urbana go by complies with this 27-  
14 inch-deep footing, then he assumes that would be fine with the Board. If they required footings at least 32  
15 inches deep, then he would assume Mr. Jenkins should revise his detail to meet that municipal  
16 requirement.  
17
- 18 Mr. Herbert said that would be the easiest way to do it.  
19
- 20 Mr. Hall said he thinks they should find out what that depth is, and the footing detail needs to be revised  
21 if necessary.  
22
- 23 Mr. Herbert said he would not know why the frost would not just pull the anchor with it if it were already  
24 pulling up the concrete. He said they still would have 27 inches of earth anchor above the frost line that  
25 was going to help pull with it too. He said again, he was no engineer, but the drawing needs to be updated  
26 with that information.  
27
- 28 Mr. Elwell said he did not feel that was overly burdensome either.  
29
- 30 Mr. Herbert said he thought that there also needed to be more than just location on the site plan. He thinks  
31 all outlets need to be shown and it needs to show that it was engineered to support that. He said just  
32 because they drew a sewer line on an old map does not make that acceptable. He said there needs to be  
33 more.  
34
- 35 Mr. Hall said okay, and he was assuming the Board did not need to see the septic lines and all the electrical  
36 on the pre-existing park. He said that is just what he was assuming.  
37
- 38 Mr. Herbert said they would be looking into those to see if the other end of it was engineered to support  
39 the addition.  
40
- 41 Mr. Hall said they might for the septic.  
42
- 43 Mr. Herbert asked why not the water.  
44
- 45 Mr. Randol said if it just showed where the mains are they might have just one main that runs around and  
46 branches off it. He said if it was like that then the Board would just need to know the size of that.  
47
- 48 Mr. Hall said yes.  
49

1 Mr. Elwell said he did not know how extensive the petitioner would need to be, but he felt they needed to  
2 know there will be new demand and the system will have to meet it.

3  
4 Mr. Herbert said they probably need to know, just because an old map was looked at as to what was  
5 supposed to be there does not mean that it happened. He said that could have changed due to a budgetary  
6 decision or who knows what.

7  
8 Mr. Elwell said true. He said all he needed to know was if the farthest line in the system meets the  
9 requirement of 20 pounds per square inch. He said that standard was there for a reason and the Board  
10 needs to be convinced that supply will meet the new demand.

11  
12 Mr. Wood said they could have the supply there at twenty pounds or better, and it really should be better;  
13 the real issue there in his mind was that they have about twenty different properties and if they all pull at  
14 the same time that's when you are going to have a problem. He said whether it could maintain that pressure  
15 over that time is probably just a function of how the tank is set up and how often the well turns on and off  
16 in that cycling to maintain that pressure. He asked if Champaign County had building codes for rural  
17 subdivisions or were just designing their own when they go through this process.

18  
19 Mr. Hall said they were not designing a building code; they were ensuring compliance with the Champaign  
20 County Zoning Ordinance for a manufactured home park. He said they would know what the frost depth  
21 would be if they had a building code because that would have to be predetermined as part of adopting a  
22 building code.

23  
24 Mr. Wood said there was not a whole lot there on the electrical side. He said all they were doing was  
25 connecting the meter with the thing. He said he could not imagine Ameren would hook up to a meter  
26 without it already being connected to the house. He said that would not happen.

27  
28 Mr. Herbert asked if Ameren even allowed an individual to hook into a meter. He thought they had to be  
29 a certified electrician to do that.

30  
31 Mr. Wood said yes, it should be done by an electrician but even out in the county, Eastern Illini Electric  
32 would not hook up to a meter until they already had the meter installed and connected to the house. He  
33 said you may not be using a certified electrician if they were building the home themselves, but they  
34 should be. He said of course they should be using the right sized wire for the amperage that they were  
35 going to use for that house, but he doubts that most of these homes would require more than 100 amps.  
36 He said the wiring is already certified and in place inside the manufactured home, so it was just the  
37 connection between the meter and the house that needs to be certified.

38  
39 Mr. Herbert said yes.

40  
41 Mr. Wood said it was not anything too complicated.

42  
43 Mr. Hall said but it was more than they had now.

44  
45 Mr. Wood said yes.

46  
47 Mr. Elwell said so it sounds like the Board will not be making any determinations tonight. He asked Mr.  
48 Hall if Staff would be able to put a list together with the information gathered from tonight's meeting for  
49 the petitioner and everything that is expected from Farnsworth.

1 Mr. Hall said yes.  
2  
3 Mr. Elwell said okay. He asked Mr. Hall when a good date would be to schedule the next meeting.  
4  
5 Mr. Hall said he does not see the Board having that volume of information until February 16<sup>th</sup> at the  
6 earliest.  
7  
8 Mr. Elwell asked Mr. Jenkins to please come back up.  
9  
10 Mr. Hall said the meetings between now and February are too full to accommodate this case anyway but  
11 given the detail the Board has talked about tonight he felt that February 16<sup>th</sup> would be the earliest possible.  
12  
13 Mr. Elwell asked Mr. Jenkins if February 16<sup>th</sup> worked.  
14  
15 Mr. Jenkins said that was fine.  
16  
17 Mr. Elwell asked if he thought Farnsworth would be able to get them the required information.  
18  
19 Mr. Jenkins said absolutely. He said the original plan he came there with was an engineer stamped sewer  
20 and water system that exists in that property. He said it was stamped.  
21  
22 Mr. Randol said he had it but the Board needs a copy of it so they can see it.  
23  
24 Mr. Herbert said not only that. He asked how many homes that was engineered to.  
25  
26 Mr. Jenkins said only 12 and pointed to the drawing of the existing community on the original plans.  
27  
28 Mr. Herbert said that was only engineered to 12.  
29  
30 Mr. Jenkins said this was for 12.  
31  
32 Mr. Herbert said it was not engineered to add another one.  
33  
34 Mr. Jenkins said he wished they could all see this and gestured to the dark line and called that the eight-  
35 inch sewer that tied into the sanitation filtration. He said each one of the corners where you see a manhole,  
36 schedule 80, eight inch will last longer than everyone in this room. He said each corner has a 75-foot stub  
37 out and capped off the manhole. He said there were three ports, so the plan was to pick up an extra row of  
38 homes out there and cross over with the eight-inch sewer.  
39  
40 Mr. Herbert said he was just making assumptions as to what his plans were.  
41  
42 Mr. Jenkins said no, he dug it and saw it. He said if they opened the manhole, they would see three ports.  
43 One heads out to never-neverland.  
44  
45 Mr. Herbert wanted to know if he was hooking into that one pipe there and if that one pipe was capable  
46 of carrying the load.  
47  
48 Mr. Jenkins said the engineer stamp would explain that, right.  
49

1 Mr. Elwell asked if February 16<sup>th</sup> would work.  
2  
3 Mr. Jenkins said yes, that was great. He said Farnsworth can put it all together, he was sure.  
4  
5 Mr. Randol said all Farnsworth had to do was look at those and confirm the plans and make sure the new  
6 lots will receive adequate utilities and all that.  
7  
8 Mr. Jenkins and if Ameren gives Farnsworth an extensive detail, as they mentioned 15 and 16, there’s two  
9 meter sockets in between 15 and 16.  
10  
11 Mr. Herbert said he did not care how Ameren gets their power from their overhead line to the meter. He  
12 said Ameren was going to have that extensively taken care of. He said from the meter to the home was  
13 Mr. Jenkins’s responsibility. He said that needs to be done correctly and by a certified electrician.  
14  
15 Mr. Jenkins said right, that was where Don’s Mobile Home Service will do the hook up.  
16  
17 Mr. Hall said and hopefully they will see a detail of a typical connection in the drawings and that detail  
18 will state that it meets the National Electrical Code and there will be a requirement of certification for the  
19 as-builts.  
20  
21 Mr. Jenkins said absolutely.  
22  
23 Mr. Elwell entertained a motion to continue Cases 035-AM-21, 036-S-221, and 041-V-22 to February 16,  
24 2023.  
25  
26 **Mr. Roberts moved, seconded by Mr. Randol, to continue Cases 035-AM-21, 036-S-21, and 041-V-**  
27 **22 to February 16, 2023. The motion passed by voice vote.**  
28

29 **7. New Public Hearings**

30  
31 **Case 073-V-22**

32 Petitioner: **Eastern Illini Electric Coop**

33  
34 Request: **Authorize the following variance in the I-1 Light Industry Zoning District:**  
35 **Authorize a variance for an existing structure with a front yard of 18 feet and a**  
36 **setback from the centerline of CR 700N of 38 feet in lieu of the minimum required 25**  
37 **feet front yard and 55 feet setback, per Section 4.3.2 of the Zoning Ordinance.**  
38

39 Location: **An existing 1.08-acre parcel located in the North Half of the Northeast Quarter of the**  
40 **Northeast Quarter of Section 34, Township 18 N, Range 8 E of the Third Principal**  
41 **Meridian in Tolono Township with an address of 981 CR 700N, Tolono, on land that**  
42 **is east of the Premier Cooperative grain elevator at 949 CR 700N, Tolono.**  
43

44 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign  
45 the witness register for that public hearing. He reminded the audience that when they sign the witness  
46 register, they are signing an oath.  
47

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



1 show of hands from those who would like to cross-examine, and each person will be called upon. He said  
2 that those who desire to cross-examine do not have to sign the Witness Register but will be asked to clearly  
3 state their name before asking any questions. He noted that no new testimony is to be given during the  
4 cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are  
5 exempt from cross-examination. He asked if the petitioner would like to outline the nature of their request  
6 prior to introducing evidence.

7  
8 Paul Crutcher, agent for Eastern Illini Electric Coop, said they are headquartered in Paxton, Illinois. He  
9 said in 2016 they built an electric substation on this property that is called their Tolono Substation. He  
10 said the initial engineering drawings were submitted to the Zoning Board of Appeals back in 2014 with a  
11 control enclosure slated to be built in the southwest corner. He said in 2016 the design was changed to  
12 unify with two other substations they were building at the time in order to streamline design and  
13 construction; they opted to move the control enclosure to align it with the similar orientation as the other  
14 two substations. He said in 2016 they submitted a revised drawing showing the control building, which is  
15 now on the northern fence line close to the road. He is not sure what happened, but it didn't trigger a  
16 variance process to get a closer setback to the road and for the front yards, so that was constructed in 2016.  
17 He said that he joined EIEC in 2018 and kind of at the same time their manager staff turned over, so  
18 everybody on the manager staff now is kind of reaping the benefits of what happened. He said that he  
19 would be happy to try and answer any other questions.

20  
21 Mr. Elwell thanked Mr. Crutcher and asked if there were any questions from the Board.

22  
23 Mr. Wood asked Mr. Crutcher what triggered the request for the variance.

24  
25 Mr. Crutcher said that is a great question, so in 2016 they built the control building, it has been sitting  
26 there for six years or so. He said recently, an internet company came into the state called Nextlink, and  
27 they worked a deal with them to lease part of their substation property, on which they had extra property  
28 in the southwest corner, and in the process of applying for a permit for the tower it had triggered a site  
29 plan review, and he guesses at that time staff had noticed the control enclosure wasn't where it was  
30 supposed to be. He said staff had contacted them to tell them that they needed to apply for a variance and  
31 so they did, and where the control enclosure sits today, they are asking for a variance to keep it in that  
32 location.

33  
34 Mr. Elwell asked if there were any other questions from the Board or Staff. Seeing none, he asked if  
35 anyone would like to cross-examine this witness. Seeing no one, he asked if anyone else would like to  
36 testify in this case. Seeing no one, he thanked Mr. Crutcher. He entertained a motion to close the Witness  
37 Register.

38  
39 **Mr. Roberts moved, seconded by Mr. Wood, to close the Witness Register for Case 073-V-22. The**  
40 **motioned carried by voice vote.**

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

43  
44 **Mr. Randol moved, seconded by Mr. Wood, to accept the Preliminary Draft, Documents of Record,**  
45 **and move to the Findings of Fact for Case 073-V-22. The motioned carried by voice vote.**

46  
47 Mr. Elwell said that he would be reading the Findings of Fact for Case 073-V-22 from Attachment H,  
48 page 10 of 12 in Supplemental Memorandum #1, as follows:

1 **FINDINGS OF FACT FOR CASE 073-V-22**

2 From the documents of record and the testimony and exhibits received at the public hearing for zoning case  
3 **073-V-22** held on **December 1, 2022**, the Zoning Board of Appeals of Champaign County finds that:

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

8  
9 Mr. Wood said the special conditions and circumstances DO exist which are peculiar to the land or  
10 structure involved, which are not applicable to other similarly situated land and structures elsewhere in  
11 the same district because: in this particular case the electrical substation has limited and infrequent activity  
12 surrounded by a fence and in addition to that, it looks to him that the placement of the control building,  
13 even though it needs the variance for being close to the road, but also makes it a whole safer to make a  
14 transit through there with vehicles, because he knows their vehicles are probably fairly large most of the  
15 time. His understanding is that the current placement of it saved quite a bit in terms of wire, conduit,  
16 digging, and is similar to their other facilities.

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

21  
22 Mr. Herbert said the practical difficulties or hardships created by carrying out the strict letter of the  
23 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or  
24 structure or construction because: without the proposed variance, the control building and numerous  
25 electric systems would have to be moved.

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

29  
30 Mr. Randol said the special conditions, circumstances, hardships, or practical difficulties DO NOT result  
31 from actions of the applicant because: the control building is already in place and has been there since  
32 2016 and in that time frame the current staff has nothing to do with the location of the control building.  
33 He said to move the control building there would be numerous underground conduits, cables, and wires  
34 to re-route, and it would be expensive. He said the petitioners constructed the control building at the front  
35 of the substation where they thought it had been approved under ZUPA 302-15-01.

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

39  
40 Mr. Herbert said the requested variance IS in harmony with the general purpose and intent of the  
41 Ordinance because: the control building does not meet setback requirements but still meets the intent of  
42 good visibility, safety, and traffic flow.

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

46  
47 Mr. Randol said the requested variance WILL NOT be injurious to the neighborhood or otherwise  
48 detrimental to the public health, safety, or welfare because: no comments or complaints have been  
49 received, and no response was received from the Tolono Township Road Commissioner or Tolono Fire

1 Protection District. He said the nearest structure to the property is Premier Cooperative, which is located  
2 at least 350 feet away.

3  
4 **6. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* the  
5 minimum variation that will make possible the reasonable use of the land/structure because:**

6  
7 Mr. Herbert said the requested variance IS the minimum variation that will make possible the reasonable  
8 use of the land/structure because: the existing control building has been in use with no issues, and it would  
9 be costly to move the building and all connected wiring.

10  
11 **7. *NO SPECIAL CONDITIONS ARE HEREBY IMPOSED.***

12  
13 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Records, and the  
14 Findings of Fact for Case 073-V-22, as amended.

15  
16 **Mr. Wood moved, seconded by Mr. Herbert, to adopt the Summary of Evidence, Documents of  
17 Records, and the Findings of Fact for Case 073-V-22, as amended. The motion carried by voice vote.**

18  
19 Mr. Elwell entertained a motion to move to the Final Determination for Case 073-V-22.

20  
21 **Mr. Wood moved, seconded by Mr. Randol, to move to the Final Determination for Case 073-V-22.  
22 The motion carried by voice vote.**

23  
24 Mr. Elwell said that he would be reading the Final Determination for Case 073-V-22 from Attachment H,  
25 page 12 of 12 in Supplemental Memorandum #1, as follows:

26  
27 **FINAL DETERMINATION FOR CASE 073-V-22**

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

33  
34 **The Variance requested in Case 073-V-22 is hereby GRANTED to the petitioner, Eastern Illinois  
35 Electric Co-op, via agent Paul Crutcher, to authorize the following variance:**

36  
37 **Authorize the following variance in the I-1 Light Industry Zoning District:**

38 **Authorize a variance for an existing structure with a front yard of 18 feet and a setback from  
39 the centerline of CR 700N of 38 feet in lieu of the minimum required 25 feet front yard and  
40 55 feet setback, per Section 4.3.4 of the Zoning Ordinance.**

41  
42 Mr. Roberts asked Mr. Hall if he should vote or not because he is a EIEC member.

43  
44 Mr. Hall said that would still leave four votes and all the findings were affirmative, and in general he  
45 thinks abstentions would be well founded. He hadn't thought about that coming up tonight or he would  
46 have checked with the State's Attorney, but there is clearly a relationship there and he would be well  
47 founded to abstain, but if he feels strongly that he still wants to vote, then he would say go ahead and vote,  
48 and they can deal with any questions that come up later.

1 Mr. Elwell said he was not an EIEC member.  
2  
3 Mr. Hall said good, we have at least one person who can vote.  
4  
5 Mr. Randol asked Mr. Anderson if he was a EIEC member.  
6  
7 Mr. Anderson said no.  
8  
9 Mr. Randol said that is four of us then.  
10  
11 Mr. Herbert said he was a member.  
12  
13 Mr. Randol referred to Mr. Herbert and some of the other Board members being EIEC members.  
14  
15 Mr. Randol said he doesn't have a problem with the Board members voting if they feel that they have  
16 clear judgement, and it is not a conflict.  
17  
18 Mr. Hall said he doesn't either, so he would leave that up to each Board member.  
19  
20 Mr. Elwell said he concurs as well.  
21  
22 Mr. Randol said the Board members can abstain whenever their name is called or vote.  
23  
24 Mr. Hall said they do need four affirmative votes for an approval though.  
25  
26 Mr. Roberts said he would go ahead and vote yes now, because he doesn't see any big problem with it.  
27 He said he had been to the site and looked at the control building and has no qualms with it.  
28  
29 Mr. Elwell said he does appreciate the honesty.  
30  
31 Mr. Roberts said he had thought about it immediately when this came up, and he thought maybe he  
32 shouldn't do it, but he thought he would just bring it up and see where it goes.  
33  
34 Mr. Elwell requested a roll call vote.  
35  
36 The vote was called as follows:  
37                   **Randol- yes**                   **Roberts- yes**                   **Anderson- yes**                   **Herbert- yes**  
38                   **Elwell- yes**                   **Wood – yes**                   **Bates- yes**  
39  
40 **The motion carried.**  
41  
42 Mr. Elwell congratulated Mr. Crutcher for receiving all seven out of four affirmative votes needed. He  
43 said staff would be reaching out with some further communication.  
44  
45 Mr. Crutcher said okay and asked if could make one final statement.  
46 Mr. Elwell said absolutely.  
47  
48 Mr. Crutcher said he would like to thank the Board and staff on behalf of the EIEC for helping them  
49 through the process, approving their request, and saving their members some money.

1 Mr. Hall told the Board that Case 073-V-22 was prepared by Trevor Partin, who is a recent hire in P & Z.  
2 He said the Board wouldn't see Mr. Partin at every ZBA meeting, but staff are trying to cross train all of  
3 their planners. He said that Mr. Partin was hired to take on the MS4 planner primary responsibility, but  
4 again, they are trying to get all their planners cross trained, so that anybody could staff a ZBA meeting at  
5 any time. He thought he did a great job.

6  
7 Mr. Elwell said he concurs and welcomed Mr. Partin.

8  
9 **8. Staff Report – None**

10  
11 **9. Other Business**

12 **A. Review of Docket**

13  
14 Mr. Elwell asked if there were any absences coming up.

15  
16 Mr. Bates said he was not going to be there for the meeting on December 29, 2022.

17  
18 Mr. Elwell said his extension as Chairman of the ZBA has been extended for another term.

19  
20 Mr. Randol asked if they needed to approve the draft of the 2023 Champaign County Planning and  
21 Zoning Calendar.

22  
23 Mr. Hall asked Ms. Burgstrom if the County Board has not adopted the 2023 Calendar yet.

24  
25 Mr. Burgstrom said it was her understanding that the County Board would do that in December.

26  
27 Mr. Hall said okay, then the calendar draft was just an FYI, and they will have to bring it back. He  
28 apologized.

29  
30 Mr. Elwell confirmed that Mr. Bates will be absent for the 29<sup>th</sup> and asked if there were any more  
31 absences coming up.

32  
33 Mr. Hall asked Mr. Elwell if the Board would like to act on the by-laws amendment.

34  
35 Mr. Elwell said yes, and asked Mr. Hall if that was run the same way as a text amendment.

36  
37 Mr. Hall said it has been advertised and was at the previous ZBA meeting so the Board can act on this  
38 now, these things separately, or the Board could do it as one omnibus amendment but there are two  
39 proposed changes to the by-laws: 1. adding the pledge of allegiance to the standard meeting format,  
40 he said they added a note there saying it was voluntary for those who choose to participate, and 2. to  
41 allow the public to testify remotely rather than in person. He said they could also put it off to the next  
42 meeting if they were not ready to vote on it just yet.

43  
44 Mr. Wood asked who made the requests.

45  
46 Mr. Hall said a member of the public requested the remote testimony and he assumed that request was  
47 probably made in anticipation of the upcoming wind farm text amendment coming up in January. He  
48 said the Pledge of Allegiance addition was recommended by the Chair.

49

1 Mr. Elwell said it was recommended by him.  
2  
3 Mr. Randol said they should start with the testify remotely one first. He asked if that meant they would  
4 all have to zoom for this individual to testify remotely.  
5  
6 Mr. Elwell asked Mr. Hall if the Boardroom had an Owl.  
7  
8 Mr. Hall said he did not know what Mr. Elwell was referring to.  
9  
10 Mr. Elwell said they may not, but an Owl is a device that sits in the middle of the room and picks up  
11 the person speaking during an online Zoom call. He said his real estate office uses an Owl for their  
12 remote needs. He said that has been the only technology that he has seen to make remote testimonies  
13 work fluidly. He said he felt that this was an only works if you have the technology kind of thing.  
14  
15 Mr. Randol said the County Board does not have anything like that for their meetings so it was his  
16 option that whenever the County Board establishes a way to conduct remote meetings with remote  
17 participation then the ZBA will follow suit.  
18  
19 Mr. Hall said he understood the County Board was expected to do that in 2023 but did not know how  
20 soon. He was told they are planning to do that.  
21  
22 Mr. Randol said so then whenever they do it, then the ZBA will have the capabilities to do that as well.  
23  
24 Mr. Herbert asked if the Zoom could be projected to the boardroom up in the front.  
25  
26 Mr. Randol said they used computers to Zoom during the pandemic and those of the public who wanted  
27 to speak and did not have access to a computer like the Board members had to speak through the  
28 phone. He said it was a hassle.  
29  
30 Mr. Elwell said it was a pain. He said the mics would pick up interference and there were all kinds of  
31 technical issues. He said if that was the only way going forward, then at this point he would rather wait  
32 for what format the County Board decides to go with.  
33  
34 Mr. Hall said he really does not know how the County Board would anticipate doing that and he  
35 realizes now that Staff needs to be able to explain this better.  
36  
37 Mr. Elwell said it was an important point to get everyone possible the ability to speak but right now  
38 they did not have the ability to do it efficiently. He said if they had to do it the way they did it in the  
39 past then his answer would be no.  
40  
41 Mr. Bates said the technology does exist, but they did not have it there. He said they do it on a regular  
42 basis at work for training, but they could not do the same here. He said it would take an investment to  
43 make it work.  
44  
45 Mr. Elwell asked if they could revisit this when the County Board has set forth their plan.  
46  
47 Mr. Hall said they would investigate and report back on any plan that they have, and we will keep  
48 tracking it so as soon as they know what they are going to do then the Staff will let the ZBA know.  
49

1 Mr. Bates said he agreed with Mr. Randol that the ZBA should be consistent with whatever the County  
2 Board decides to do.  
3

4 Mr. Hall said he would comment though that this was just something he heard informally that the  
5 County Board is interested in doing. He said it is not like there has been a proposal yet, but with the  
6 new Board now being seated he knew that was one thing they wanted to do.  
7

8 Mr. Wood said he would let them do it first and let the County Board work out all the bugs. He said  
9 this could be a nightmare to try and manage and the Staff will be the one who must manage that.  
10

11 Mr. Randol said he agreed, the County Board should work out the bugs first.  
12

13 Mr. Elwell said there definitely needs to be a process put into place and did not believe the ZBA was  
14 the best venue to work out that process.  
15

16 Mr. Hall asked if the Board wanted to vote on the other proposed change to the by-laws. He said that  
17 was a vote he thinks they heard before.  
18

19 Mr. Bates said he would like to move forward and vote on it to see where the Board all stands since it  
20 was on there without continuing it.  
21

22 Mr. Elwell said okay.  
23

24 Mr. Randol asked if that was a motion.  
25

26 **Mr. Bates moved, seconded by Mr. Randol, to vote on the proposed by-law amendment to say**  
27 **the Pledge of Allegiance voluntarily prior to each ZBA meeting.**  
28

29 Mr. Roberts asked if there was going to be any discussion.  
30

31 Mr. Roberts said he was a strong proponent of the separation of church and state. He said back in the  
32 1950's whenever he was a freshman, a Senator from Wisconsin came up with this idea that the government  
33 was infiltrated with Communists, and he did a terrible thing to our country. He said he ruined lots of  
34 people's lives and one of the things that came of this was someone thought it would be a good idea to put  
35 "under God" into the Pledge of Allegiance and print it on our paper money. He said he taught school for  
36 33 years and sometimes it was required they do the Pledge of Allegiance. He said he never did because of  
37 that one thing. He said your god may not be the same as my god and so he thinks they should not do that.  
38 He said it would force them into a sticky situation. He said he does not say it and would not say it because  
39 of that. He said it was something that should be seriously thought about, keeping the separation of church  
40 and state. He said he knew a lot of public bodies do say the pledge. He said he belongs to an organization  
41 that he does not attend their meetings because they start off with the pledge. He said he guessed that most  
42 people were comfortable with it, but he was not, and there are probably other people with a similar  
43 persuasion that are too embarrassed to talk about it. He said he was not and that was his position.  
44

45 Mr. Woods said he would go second, and his vote would be no for similar reasons. He said there was a  
46 diversified base out there, some secular and some non-secular, out in the county. He said if they want to  
47 get secular people involved in this then they probably should not do that. He feels that this could turn into  
48 a problem particularly in a public setting where people could be harassed for not saying it. He said the  
49 ZBA was not a political organization. He said the County Board can do it because they are elected and

1 they take an oath; it is fine, but the ZBA was there to do business relating to the Zoning Ordinance only.  
2 He said they were not there to politicize this organization. He said he would have to leave if that happened.

3  
4 Mr. Elwell asked Mr. Wood to help him understand how it was political.

5  
6 Mr. Wood said you would be putting people under pressure who were on the Board who do not follow  
7 that. He said again, the country was formed based on the principle of freedom of religion. He said the  
8 “under God” moves it in the direction of just one religion. He said that does not allow for diversity and he  
9 agreed with Mr. Roberts here. He said he thinks they need to keep the separation of church and state and  
10 stay out of it, and he thinks they need to keep it out of a non-political organization like the ZBA. He said  
11 they need to just come and do their job with respect to zoning issues and maintaining their community.  
12 He said he came there as a service to the community and did not want to be put into the position where he  
13 had to do something he was not comfortable with. He said it was not like he was unpatriotic or something  
14 like that with respect to the flag, but there is this part to it that represents something that he does not agree  
15 with, the “under God” part. He said he could not go down that road because there are too many other  
16 religions that do not accept that. He said they must keep it more generic if they want to be inclusive.

17  
18 Mr. Elwell asked Mr. Wood to help him understand because it was voluntary.

19  
20 Mr. Roberts said it was like telling kids in his classroom, we’re going to say the pledge now, but you do  
21 not have to or we’re going to show this film on this subject, and you don’t have to watch it because your  
22 parents do not want you to so you can stand in the hall. He said that was a lot of peer pressure for a kid  
23 and people do not grow out of that. He said he could go along and say, well everyone else wants to do it  
24 so fine, but it hurts him inside. He said he has gone through two religions in his lifetime that he has joined  
25 and decided that this was not the right thing. He told a story about a conference with a student’s parents  
26 where he was told, “wow, I have never met an Atheist before” so there are all kinds of people out there.  
27 He said it was something private for people and not something you take out to a public setting and just  
28 flaunt it. He said it was not right and those were his feelings and he felt very strongly about it.

29  
30 Mr. Elwell asked if there was any more discussion. He said he did have a religious background, but he did  
31 not see his god in the Pledge of Allegiance. He was raised in the generation where they started school with  
32 the pledge and continued it through his first job as an EMT. He said it was also continued with the  
33 Champaign County Association of Realtors. He said he did know that not everyone believes the same and  
34 was thankful for that but saying his god was being glorified through the pledge was inaccurate to him.

35  
36 Mr. Roberts said that was the reason those words were put in and that was how he felt.

37  
38 Mr. Elwell said there was no ill-will whatsoever, but he felt like he was on the complete opposite side of  
39 that. He said there was not a problem with him and god and he spends the dollar bill like any other thing.  
40 He does not see his god being glorified through the dollar bill, and he hoped that he was not. He said he  
41 does not see his god being glorified through the Pledge of Allegiance, and hopes that he is not, because  
42 he knows there are people who do not believe the same. He does believe that his god should not be glorified  
43 individually.

44  
45 Mr. Roberts said but it is, and that was why it was put there so it would separate the believers from the  
46 non-believers. He said this happened because of Joseph McCarthy, the Senator from Wisconsin.

47 Mr. Elwell asked if there was any other discussion. Seeing none, he asked if they should do a voice vote  
48 or a roll call vote.

49



1 Mr. Randol said he would like to add by saying he was a proponent of the Pledge of Allegiance for all  
2 kinds of reasons, but he never thought about the issue of because it was his belief affecting someone else's  
3 belief. He does not feel that as small a group as the ZBA was to do something that would offend one of  
4 the other members here. Mr. Randol said believing in the Pledge of Allegiance like he does, he would still  
5 have to vote no because of that very reason.

6  
7 Mr. Elwell said but what if he said he was offended that they did not.

8  
9 Mr. Wood said you see now what I mean about politicizing the whole thing. He said that was exactly what  
10 was happening.

11  
12 Mr. Elwell said it was not political.

13  
14 Mr. Randol said if it comes down to an issue that they are voting on, then it is political.

15  
16 Mr. Elwell said it was his personal feeling that this was the right thing to do.

17  
18 Mr. Randol said he felt it was the right thing to do but his conscience does not want to let him do something  
19 that was going to offend somebody else.

20  
21 Mr. Herbert said he agreed with Mr. Randol. He said he would be supportive of it but was a little hard  
22 pressed now after hearing what a couple members of the Board feel about it the situation. He said if they  
23 want to come down to a vote than there are two against it and one for it. He said not everyone is in an  
24 awkward situation no matter how they feel.

25  
26 Mr. Elwell said he did not have the opportunity to not do it. He said the other side does have that  
27 opportunity.

28  
29 Mr. Wood said yes. He said he can say with assurance that doing it or not doing it is not going to improve  
30 their performance and the job that they do. He said he did not feel the need to profess his allegiance to the  
31 flag for any reason, he just does not. He said he was patriotic to the country and would fight to protect  
32 anyone's religious rights. Mr. Wood asked Mr. Elwell if he would do the same for him.

33  
34 Mr. Elwell said absolutely.

35  
36 Mr. Wood said great, that was all they needed to agree on.

37  
38 Mr. Elwell requested a roll call vote.

39  
40 The vote was called as follows:  
41 **Randol- No**                      **Roberts- No**                      **Anderson- No**                      **Herbert- No**  
42 **Elwell- Yes**                      **Wood – No**                      **Bates- Abstain**

43  
44 The motion fails.

45  
46 Mr. Herbert asked if abstaining was a no vote. He said he did not know that was an option. He said he  
47 would have abstained too then.

48  
49 Mr. Elwell said his yes vote to the fact that he thinks this is what they should do. He said he does not

1 have any ill-will on his end whatsoever, but his answer was yes.

2

3 **10. Adjournment**

4

5 Mr. Elwell entertained a motion to adjourn.

6

7 **Mr. Bates moved, seconded by Mr. Roberts, to adjourn.**

8

9 The vote was called as follows:

10	<b>Randol- Yes</b>	<b>Roberts- Yes</b>	<b>Anderson- Yes</b>	<b>Herbert- Yes</b>
11	<b>Elwell- No</b>	<b>Wood – Yes</b>	<b>Bates- Yes</b>	

12

13 The motion passed by roll call vote.

14

15 The meeting adjourned at 9:38 PM

16

17 Respectfully Submitted

18

19

20 Secretary of the Zoning Board of Appeals