

1 **MINUTES OF REGULAR MEETING**

2 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

3 **1776 E. Washington Street**

4 **Urbana, IL 61802**

5 **DATE: September 17, 2020**

6 **PLACE: ZOOM Meeting**

7 ~~**Lyle Shields Meeting Room**~~

8 ~~**1776 East Washington Street**~~

9 ~~**Urbana, IL 61802**~~

10 **TIME: 6:30 p.m.**

11 **MEMBERS PRESENT:** *Using Zoom in Lyle Shields:* Ryan Elwell, Jim Randol, Larry Wood

12 *Remotely via Zoom:* Tom Anderson, Marilyn Lee, Lee Roberts

13 **MEMBERS ABSENT:** None

14 **STAFF PRESENT:** *Using Zoom in Lyle Shields:* Lori Busboom, Susan Burgstrom, John Hall

15 **OTHERS PRESENT:** *Remotely via Zoom:* Jimmy Cobb, Rhonda Cobb

16 **1. Call to Order**

17 The meeting was called to order at 6:40 p.m.

18 **2. Roll Call and Declaration of Quorum**

19 The roll was called, and a quorum declared present.

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

21 **3. Correspondence - None**

22 **4. Approval of Minutes – None**

23 **5. Continued Public Hearings – None**

24 **6. New Public Hearings**

25 **Cases 974-S-20 and 983-V-20 Petitioner: James & Rhonda Cobb, d.b.a. Cobb Transport LLC**

26 **Case 974-S-20 Request: Authorize a Truck Terminal as a Special Use in the AG-2 Agriculture Zoning District, with the following waiver: Authorize a waiver for not installing a six-foot tall wire mesh fence that is a Standard Condition for a Truck Terminal, per Section 6.1.3 of the Zoning Ordinance.**

27 **Case 983-V-20 Request: Authorize the following variance on the Special Use Permit requested in related Zoning Case 974-S-20: Part A: Authorize a variance for an existing building with 25 feet of separation from the Interstate 57 right-of-way in lieu of the minimum required 35 feet, per Section 4.3.2 of the Zoning Ordinance. Part B: Authorize a variance for no loading berth in lieu of the minimum one loading berth required for commercial facilities with up to 9,999 square feet in floor**

1 **area, per Section 7.4.2 C.5. of the Zoning Ordinance. Part C: Authorize a variance to allow parking**
2 **within 10 feet of the property line abutting the Interstate 57 right-of-way, within 10 feet of the front**
3 **property line along East Leverett Road, and within 5 feet of the north property line, in lieu of not**
4 **allowing parking in those areas, per Section 7.4.1 A. of the Zoning Ordinance.**

5 **Location: A 2.61-acre tract in the Northeast Quarter of the Northeast Quarter of Section 24,**
6 **Township 20 North, Range 8 East of the Third Principal Meridian in Hensley Township, and**
7 **commonly known as the Cobb residence and Cobb Transport with an address of 154 East Leverett**
8 **Road, Champaign.**

9
10 Mr. Elwell informed the audience that these Cases are Administrative Cases and as such, the County
11 allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask
12 for a show of hands for those who would like to cross-examine, and each person will be called upon. He
13 requested that anyone called to cross-examine to clearly state their name before asking any questions. He
14 noted that no new testimony is to be given during the cross-examination. He said that attorneys who have
15 complied with Article 7.6 of the ZBA By-Laws are exempt from cross-examination.

16
17 Mr. Elwell asked the petitioners to outline the nature of their request.

18
19 Mr. Jimmy Cobb, 866 Peachtree St, Urbana, stated that they cannot really have a fence on the property,
20 and that CIT Trucks next door does not have a fence. He said that their drivers would need their own
21 special key to open a gate. He said that the P&Z Department has classified their business as a Truck
22 Terminal, but really they just park trucks there. He said that the shop is used for maintaining their own
23 vehicles, no outside stuff.

24
25 Mr. Elwell if there were any questions from the Board.

26
27 Mr. Randol asked if there were ever any trailers.

28
29 Mr. Cobb replied there are trailers every now and then, but they are gone within an hour.

30
31 Mr. Randol said they are not parked there, they are just checking in.

32
33 Mr. Cobb said right. He said that a trucker will come in if he needs an oil change or something, and then
34 leaves.

35
36 Mr. Elwell asked how long they have operated in this area.

37
38 Mr. Cobb replied six years.

39
40 Mr. Anderson asked Mr. Cobb who lives in the residence on the subject property if he does not.

41
42 Mr. Cobb said that his mother and father own it, but they are retired now, and he is running the business
43 for them.

44
45 Mr. Wood asked if his parents were running the business in 2014.

46
47 Mr. Cobb replied no, that is when they moved out there. Jack McCain owned the property before them,
48 but he passed away.

1 Mr. Wood asked if the business is as big as McCain's was at the time.
2
3 Mr. Cobb said that Mr. McCain did not have as many trucks; he is not sure exactly what he had. He said
4 that they have added maybe five more trucks since 2014.
5
6 Mr. Elwell asked Mr. Hall what type of gate they would need for the gravel area.
7
8 Mr. Hall said that the Zoning Ordinance does not specify having a gate, and even though it makes sense
9 that if you are going to have a fence, you might have a gate, the ordinance doesn't really get that detailed.
10 He said that he would never require a gate just because the ordinance says a fence.
11
12 Mr. Elwell asked if that would pertain also to the house driveway.
13
14 Mr. Hall replied yes.
15
16 Mr. Wood asked why the waiver for the fence needs to be done again, since that waiver was authorized in
17 1975.
18
19 Mr. Hall said that it is a good idea any time there is a new Special Use Permit all to make sure you address
20 everything like that because every time there is an expansion, all of the standard requirements will apply
21 unless there is a waiver.
22
23 Mr. Cobb said that they really haven't expanded on the property in any way; they just added a couple of
24 trucks.
25
26 Mr. Hall said that in his mind, a couple of trucks is an expansion. He said that the original approval limited
27 the number of trucks.
28
29 Mr. Cobb said okay.
30
31 Mr. Wood asked what the original limit was.
32
33 Ms. Burgstrom said the limit was three trucks.
34
35 Mr. Randol asked Mr. Hall if the Board needed to approve additional trucks from what the previous owner
36 had.
37
38 Mr. Hall said that if the Board is comfortable, they could leave the number of trucks unlimited, which
39 would mean that given the size of the property and the physical limitations, the Board thinks that it would
40 not be possible for the number of trucks that could be accommodated could be a problem, you would not
41 need to have a limit. He said that on the other hand, the Board could decide that 20 years from now, maybe
42 the number of trucks could be a problem, then you might want to try and come up with a limit. He said he
43 did not really know for what basis the Board would limit it. He said that it is fair to say that back when
44 this original Special Use Permit was approved in 1975, the Zoning Ordinance was two years old. He said
45 that he would have expected a more cautious approach back then. He said that given how much the land
46 use and this interchange have changed over the years, he said that he does not know that he sees a reason
47 to limit the number of trucks.
48

1 Ms. Burgstrom said that in theory, you are going to run out of gravel if you add more trucks, and in that
2 case, the impervious area increase might prompt the need for storm water detention. She said that we do
3 not have anything in terms of a special condition about that. She said that the petitioners did state that they
4 improved the gravel, and the gravel area has grown by quite a bit over time; but it is still not enough to
5 trigger the storm water ordinance, but it is getting close.

6
7 Mr. Randol asked if they want to expand the gravel lot further, do they have to get a permit to do that.

8
9 Mr. Hall said that once they reach that threshold in the storm water ordinance for 2.6 acres, any expansion
10 beyond that would require storm water detention and they would have to do that as a matter of course.

11
12 Mr. Randol asked Mr. Cobb how many trucks they have.

13
14 Mr. Cobb stated they have 24. He said that 10 of them are gone all week, and are only home Saturday and
15 half of the day Sunday.

16
17 Mr. Randol asked if those trucks that have served JM Jones or Supervalu parked on the subject property
18 on the weekends.

19
20 Mr. Cobb said that the daily trucks are in and out all the time.

21
22 Mr. Randol asked Mr. Cobb if there were 24 trucks onsite at a given time on a regular basis.

23
24 Mr. Cobb responded no.

25
26 Mr. Randol said that for his part, he is happy with the way that is; it answers the questions he had.

27
28 Mr. Anderson said that he thinks a fence around the property would look strange, like they were hiding
29 something. He said that they fit in right now with the adjacent terminals to the north and south. He said
30 with fencing, they would stand out.

31
32 Mr. Wood asked if the IDOT facility has a fence.

33
34 Ms. Burgstrom replied that IDOT only has a fence along the interstate right-of-way.

35
36 Mr. Wood referred to the letter written by Mrs. Cobb. He said that the letter states that if more trucks are
37 parked onsite, it is recommended but not required to contact the P&Z Department. He asked Mr. Hall if
38 that is an accurate statement. He said that if the Special Use Permit was authorized for three trucks, should
39 that not be what it says.

40
41 Ms. Burgstrom stated that the letter is Attachment C of the packet.

42
43 Mr. Randol said that the original number of trucks was for the previous property owners. He said that
44 since we are updating the Special Use Permit, the three-truck limit should be null and void and we have
45 to adjust that.

46
47 Mr. Hall said that there is no limit proposed on the number of trucks. He said that any previous conditions
48 imposed would no longer apply unless they are brought forward as part of the current case.

1 Mr. Randol said that in Case 983-V-20 regarding the loading berth, since the petitioner has stated there
2 are no trailers or freight, then he thinks that not having a loading berth would be acceptable.
3
4 Mr. Elwell asked if there is room for the loading berth.
5
6 Mr. Randol said that the way he read it, a loading berth would take away parking spaces that would be
7 needed otherwise.
8
9 Ms. Burgstrom said that the property is clearly divided between residential and commercial. She said that
10 in her opinion, you would be taking away parking if you were to put a loading berth in.
11
12 Mr. Elwell asked Ms. Burgstrom where she would put a loading berth in.
13
14 Ms. Burgstrom said it would almost have to be in front of the building, which is right where the parking
15 lot is, so you would lose parking spaces by putting in the loading berth.
16
17 Mr. Randol said that if you are not transferring freight, there is no need for a loading berth.
18
19 Mr. Elwell referred to Attachment D and asked for clarification about whether the fencing would go past
20 the property line.
21
22 Ms. Burgstrom said that the property line is outside the orange hashed area.
23
24 Mr. Elwell said that there is parking outside of the property line on Attachment D.
25
26 Ms. Burgstrom said that there is parking occurring, but it is not really supposed to be there.
27
28 Ms. Burgstrom said that the Special Use Permit requires all off-street parking be on the property, not in
29 the street right-of- way. She said that they have extended into the Leverett Road street right-of-way by a
30 bit.
31
32 Mr. Elwell clarified that he was referring to parking extending beyond the north property line rather than
33 the east street right-of-way.
34
35 Ms. Burgstrom said in that case, it could be the aerial is a little bit skewed from where the property line
36 is, but what we are probably seeing is the height of the aerial photo differing from the parcel line drawn
37 on the ground. She said that she does not think there is an issue with parking past the north property line,
38 but we included it as part of the variance because we want to make sure that we captured the full parking
39 area just in case.
40
41 Mr. Hall stated that we advertised these cases as being Rhonda and Jim Cobb doing business as Cobb
42 Transport, and asked Mr. Cobb if it was still the case he is the manager.
43
44 Mr. James Cobb Jr. and his mother, Mrs. Rhonda Cobb, both answered in the affirmative.
45
46 Mr. Elwell referred to variance Part A for a separation of 25 feet instead of 35 feet between the west side
47 of the shop and the west property line, and asked if that was because the shop was unauthorized.
48

1 Ms Burgstrom stated that the shop building was constructed in 1977 by a previous owner without a permit
2 25 feet from the west property line. The west property line has frontage on an Interstate, which increases
3 the front yard requirement to 35 feet.

4
5 Mr. Elwell asked why CIT Trucks does not have a fence.

6
7 Ms. Burgstrom said that CIT Trucks is zoned B-4, and fencing is not required for the by-right use.

8
9 Mr. Elwell asked if there were any more questions from the Board. Seeing none, he asked if there were
10 any more questions from staff. Seeing none, he asked if anyone would like to cross-examine Mr. Cobb,
11 and there was no one. There were no other witnesses, so he closed the Witness Register.

12
13 Ms. Burgstrom said that she sent notice to the Hensley Township Plan Commission, and someone from
14 that board asked for a case packet. She said that she sent the packet last week, and had received no
15 comments.

16
17 **Mr. Randol, seconded by Mr. Roberts, made a motion to accept the Summary of Evidence and**
18 **Documents of Record, and to proceed to the Findings of Fact for Case 974-S-20.**

19
20 The vote was called as follows:

| | | | |
|----|-----------------------|---------------------|---------------------|
| 21 | Anderson – yes | Elwell - yes | Randol – yes |
| 22 | Roberts – yes | Wood - yes | Lee - yes |

23
24 The motion passed.

25
26 **FINDINGS OF FACT FOR CASE 974-S-20:**

27
28 **From the documents of record and the testimony and exhibits received at the public hearing for**
29 **zoning case 974-S-20 held on September 17, 2020, the Zoning Board of Appeals of Champaign**
30 **County finds that:**

31
32 **1. The requested Special Use Permit IS necessary for the public convenience at this location.**

33
34 Mr. Wood stated that the requested Special Use Permit IS necessary for the public convenience at this
35 location because the circumstances really haven't changed since the original Special Use Permit, and the
36 public does not need a fence in that area because it is still in an agricultural setting and still a low-density
37 area.

38
39 **2. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
40 **IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL**
41 **NOT be injurious to the district in which it shall be located or otherwise detrimental to the**
42 **public health, safety, and welfare because:**

43 **a. The street has ADEQUATE traffic capacity and the entrance location has**
44 **ADEQUATE visibility.**

45
46 Mr. Randol stated that the street has ADEQUATE traffic capacity and the entrance location has
47 ADEQUATE visibility because: this is an extension of the actual Leverett Rd, and there are only three
48 businesses on that street.

1 **b. Emergency services availability is ADEQUATE.**

2
3 Mr. Wood stated that emergency services availability is ADEQUATE because: the subject property is
4 within 6.5 miles of the Thomasboro fire station.

5
6 Mr. Randol stated that the Fire Protection District displayed no objections.
7

8 **c. The Special Use WILL be compatible with adjacent uses.**

9
10 Mr. Wood stated that the Special Use WILL be compatible with adjacent uses because: the adjacent uses
11 are very similar being truck terminals of similar nature to this particular business.
12

13 **d. Surface and subsurface drainage will be ADEQUATE.**

14
15 Mr. Randol stated that surface and subsurface drainage will be ADEQUATE because: in the handouts,
16 water drains to the west and the east, and the area is not large enough to have to comply with the SWMEC
17 Ordinance.
18

19 Mr. Anderson stated that the subject property is not in the floodplain.
20

21 **e. Public safety will be ADEQUATE.**

22
23 Mr. Wood stated that public safety will be ADEQUATE.
24

25 **f. The provisions for parking will be ADEQUATE.**

26
27 Mr. Randol stated that the provisions for parking will be ADEQUATE.
28

29 **g. The property IS WELL SUITED OVERALL for the proposed improvements.**

30
31 Mr. Wood stated that the property IS WELL SUITED OVERALL for the proposed improvements
32 because: the property has had this land use for the last 45 years.
33

34 **h. Existing public services ARE available to support the proposed SPECIAL USE**
35 **without undue public expense.**

36
37 Mr. Randol stated that existing public services ARE available to support the proposed SPECIAL USE
38 without undue public expense.
39

40 **i. Existing public infrastructure together with the proposed development IS adequate**
41 **to support the proposed development effectively and safely without undue public**
42 **expense.**

43
44 Mr. Wood stated that existing public infrastructure together with the proposed development IS adequate
45 to support the proposed development effectively and safely without undue public expense because: no
46 infrastructure improvements are proposed.
47
48

1 Mr. Wood stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
2 IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be
3 injurious to the district in which it shall be located or otherwise detrimental to the public health, safety,
4 and welfare.

5
6 **3a. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
7 **IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the**
8 **DISTRICT in which it is located.**

9
10 Mr. Randol stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
11 IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the DISTRICT in
12 which it is located.

13
14 **3b. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
15 **IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is**
16 **located because:**

17 **a. The Special Use will be designed to CONFORM to all relevant County ordinances**
18 **and codes.**

19
20 Mr. Wood stated that the Special Use will be designed to CONFORM to all relevant County ordinances
21 and codes.

22
23 **b. The Special Use WILL be compatible with adjacent uses.**

24
25 Mr. Wood stated that the Special Use WILL be compatible with adjacent uses.

26
27 **c. Public safety will be ADEQUATE.**

28
29 Mr. Wood stated that public safety will be ADEQUATE.

30
31 Mr. Wood stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
32 IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

33
34 **4. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**

35 **HEREIN, IS in harmony with the general purpose and intent of the Ordinance because:**

36 **a. The Special Use is authorized in the District.**

37
38 Mr. Randol stated that the Special Use is authorized in the District.

39
40 **b. The requested Special Use Permit IS necessary for the public convenience at this**
41 **location.**

42
43 Mr. Randol stated that the requested Special Use Permit IS necessary for the public convenience at this
44 location.

45
46 **c. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
47 **IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it**

1 **WILL NOT be injurious to the district in which it shall be located or otherwise**
2 **detrimental to the public health, safety, and welfare.**

3
4 Mr. Randol stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
5 IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be
6 injurious to the district in which it shall be located or otherwise detrimental to the public health, safety,
7 and welfare.

8
9 **d. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
10 **IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in**
11 **which it is located.**

12
13 Mr. Randol stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
14 IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

15
16 Mr. Randol stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
17 IMPOSED HEREIN, IS in harmony with the general purpose and intent of the Ordinance.

18
19 **5. The requested Special Use IS NOT an existing nonconforming use.**

20
21 **6. SUBJECT TO THE FOLLOWING WAIVER OF STANDARD CONDITIONS:**

22 **A. Regarding the waiver of the standard condition in Section 6.1.3 of the Zoning**
23 **Ordinance: that requires a six-foot tall wire mesh fence for a Truck Terminal:**

24 **(1) The waiver IS in accordance with the general purpose and intent of the Zoning**
25 **Ordinance and WILL NOT be injurious to the neighborhood or to the public**
26 **health, safety, and welfare.**

27
28 Mr. Randol stated that the waiver IS in accordance with the general purpose and intent of the Zoning
29 Ordinance and WILL NOT be injurious to the neighborhood or to the public health, safety, and welfare
30 because: other existing structures and properties in the area do not have fencing.

31
32 **(2) Special conditions and circumstances DO exist which are peculiar to the land**
33 **or structure involved, which are not applicable to other similarly situated land**
34 **and structures elsewhere in the same district.**

35
36 Mr. Randol stated that special conditions and circumstances DO exist which are peculiar to the land or
37 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
38 the same district.

39
40 **(3) Practical difficulties or hardships created by carrying out the strict letter of**
41 **the regulations sought to be varied WILL prevent reasonable or otherwise**
42 **permitted use of the land or structure or construction.**

43
44 Mr. Wood stated that practical difficulties or hardships created by carrying out the strict letter of the
45 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
46 structure or construction because: complying with the fencing would reduce their ability to have the
47 capacity for the trucks they have now and would reduce their parking.

1 (4) The special conditions, circumstances, hardships, or practical difficulties DO
2 NOT result from actions of the applicant.
3

4 Mr. Wood stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT
5 result from actions of the applicant because: its current use was established by a previous owner.
6

7 (5) The requested waiver IS the minimum variation that will make possible the
8 reasonable use of the land/structure.
9

10 Mr. Randol stated that the requested waiver IS the minimum variation that will make possible the
11 reasonable use of the land/structure because: the State already has fencing to determine property lines
12 along their right-of-way.
13

14 7. THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE
15 COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE
16 PARTICULAR PURPOSES DESCRIBED BELOW:
17

18 Mr. Elwell reviewed the Special Conditions and asked if the petitioners agreed with them.
19

20 A. A Change of Use Permit shall be applied for within 30 days of the approval of Case
21 974-S-20 by the Zoning Board of Appeals.
22

23 The special condition stated above is required to ensure the following:

24 The establishment of the proposed use shall be properly documented as
25 required by the Zoning Ordinance.
26

27 Mr. Elwell asked Mr. Cobb if he agreed with special condition A.
28

29 Mr. Cobb said yes.
30

31 B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until
32 the petitioner has demonstrated that any new or proposed exterior lighting on the
33 subject property will comply with the lighting requirements of Section 6.1.2.

34 The special condition stated above is required to ensure the following:

35 That the proposed use is in compliance with the Zoning Ordinance.
36

37 Mr. Elwell asked Mr. Cobb if he agreed with special condition B.
38

39 Mr. Cobb said yes.
40

41 C. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the
42 proposed Special Use until the petitioner has demonstrated that the proposed Special
43 Use complies with the Illinois Accessibility Code.
44

45 The special condition stated above is required to ensure the following:

46 That the proposed Special Use meets applicable State requirements for
47 accessibility.

1 Mr. Elwell asked Mr. Cobb if he agreed with special condition C.

2

3 Mr. Cobb said yes.

4

5 **Mr. Roberts moved, seconded by Mr. Wood, to approve the special conditions.**

6

7 The vote was called as follows:

| | | | |
|---|-----------------------|---------------------|---------------------|
| 8 | Anderson – yes | Elwell - yes | Randol – yes |
| 9 | Roberts – yes | Wood - yes | Lee - yes |

10

11 **The motion carried.**

12

13 Mr. Elwell asked if there was a motion to approve the Summary of Evidence, Documents of Record and Findings of Fact as amended for Case 974-S-20.

14

15
16 **Mr. Wood moved, seconded by Ms. Lee, to adopt the Summary of Evidence, Documents of Record, and Findings of Fact as amended for Case 974-S-20.**

17

18
19 The vote was called as follows:

| | | | |
|----|-----------------------|---------------------|---------------------|
| 20 | Anderson – yes | Elwell - yes | Randol – yes |
| 21 | Roberts – yes | Wood - yes | Lee - yes |

22

23 **The motion carried.**

24

25 **Mr. Randol moved, seconded by Mr. Wood, to proceed to the Findings of Fact for Case 983-V-20.**

26

27 The vote was called as follows:

| | | | |
|----|-----------------------|---------------------|---------------------|
| 28 | Anderson – yes | Elwell - yes | Randol – yes |
| 29 | Roberts – yes | Wood - yes | Lee - yes |

30

31 **The motion carried.**

32

33 **FINDINGS OF FACT FOR CASE 983-V-20:**

34 **From the documents of record and the testimony and exhibits received at the public hearing for zoning case 983-V-20 held on September 17, 2020, the Zoning Board of Appeals of Champaign County finds that:**

35

- 36 **1. Special conditions and circumstances DO exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.**

37

38 Mr. Randol stated that special conditions and circumstances DO exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because: the structures were built by previous owners, and it would be undue expense for current owners to tear down building and relocate it.

39

- 40 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or**

41

42

43

44

45

structure or construction.

Mr. Randol stated that practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or construction because: it would be undue expense for current owners to tear down the building and relocate it.

3. The special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant.

Mr. Wood stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant because: the particular circumstances are the result of activity by the prior owner.

4. The requested variance IS in harmony with the general purpose and intent of the Ordinance.

Mr. Randol stated that the requested variance IS in harmony with the general purpose and intent of the Ordinance because: the other businesses in the area are all similar type - truck repair and IDOT storage and maintenance.

5. The requested variance WILL NOT be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare.

Mr. Wood stated that the requested variance WILL NOT be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because: it is basically located where similar businesses are located adjacent to it.

6. The requested variance IS the minimum variation that will make possible the reasonable use of the land/structure.

Mr. Wood stated that the requested variance IS the minimum variation that will make possible the reasonable use of the land/structure because: to meet the actual requirements, the business would not be able to continue as it is.

Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings of Fact as amended for Case 983-V-20.

Mr. Wood moved, seconded by Ms. Lee, to adopt the Summary of Evidence, Documents of Record, and Findings of Fact, as amended.

The vote was called as follows:

| | | |
|-----------------------|---------------------|---------------------|
| Anderson – yes | Elwell - yes | Randol – yes |
| Roberts – yes | Wood - yes | Lee - yes |

The motion carried.

Mr. Wood, seconded by Mr. Randol, moved to proceed to the Final Determination for Case 974-S-20.

1 The vote was called as follows:

| | | | |
|---|-----------------------|---------------------|---------------------|
| 2 | Anderson – yes | Elwell - yes | Randol – yes |
| 3 | Roberts – yes | Wood - yes | Lee - yes |

4
5 **The motion carried.**

6
7 **FINAL DETERMINATION FOR CASE 974-S-20:**

8
9 **Mr. Randol moved, seconded by Ms. Lee, that the Champaign County Zoning Board of Appeals**
10 **finds that, based upon the application, testimony, and other evidence received in this case, the**
11 **requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority**
12 **granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:**

13
14 **The Special Use requested in Case 974-S-20 is hereby GRANTED WITH SPECIAL**
15 **CONDITIONS to the applicants, James & Rhonda Cobb, d.b.a. Cobb Transport LLC, to**
16 **authorize the following Authorize a Truck Terminal as a Special Use in the AG-2 Agriculture**
17 **Zoning District, with the following waiver:**

18
19 **A waiver for not installing a six-foot tall wire mesh fence that is a Standard Condition**
20 **for a Truck Terminal, per Section 6.1.3 of the Zoning Ordinance.**

21
22 **SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:**

- 23 **A. A Change of Use Permit shall be applied for within 30 days of the approval of Case**
24 **974-S-20 by the Zoning Board of Appeals.**
- 25
26 **B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate**
27 **until the petitioner has demonstrated that any new or proposed exterior lighting on**
28 **the subject property will comply with the lighting requirements of Section 6.1.2.**
- 29 **C. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the**
30 **proposed Special Use until the petitioner has demonstrated that the proposed**
31 **Special Use complies with the Illinois Accessibility Code.**

32
33 The vote was called as follows:

| | | | |
|----|-----------------------|---------------------|---------------------|
| 34 | Anderson – yes | Elwell - yes | Randol – yes |
| 35 | Roberts – yes | Wood - yes | Lee - yes |

36
37 **The motion carried.**

38
39 **Mr. Elwell told the Cobbs that Case 974-S-20 was approved.**

40
41 **Ms. Lee moved, seconded by Mr. Wood, to move to the Final Determination for Case 983-V-20.**

42
43 The vote was called as follows:

| | | | |
|----|-----------------------|--------------------|---------------------|
| 44 | Anderson – yes | Elwell - no | Randol – yes |
| 45 | Roberts – yes | Wood - yes | Lee - yes |

46
47 **The motion carried.**

FINAL DETERMINATION FOR CASE 983-V-20:

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

The Variance requested in Case 983-V-20 is hereby GRANTED to the petitioners, James & Rhonda Cobb, d.b.a. Cobb Transport LLC, to authorize the following:

Authorize the following variance on the Special Use Permit requested in related Zoning Case 974-S-20 in the AG-2 Agriculture Zoning District:

Part A: Authorize a variance for an existing building with 25 feet of separation from the Interstate 57 right-of-way in lieu of the minimum required 35 feet, per Section 4.3.2 of the Zoning Ordinance.

Part B: Authorize a variance for no loading berth in lieu of the minimum one loading berth required for commercial facilities with up to 9,999 square feet in floor area, per Section 7.4.2 C.5. of the Zoning Ordinance.

Part C: Authorize a variance to allow parking within 10 feet of the property line abutting the Interstate 57 right-of-way, within 10 feet of the front property line along East Leverett Road, and within 5 feet of the north property line, in lieu of not allowing parking in those areas, per Section 7.4.1 A. of the Zoning Ordinance.

Mr. Elwell requested a roll call vote.

The vote was called as follows:

| | | |
|-----------------------|---------------------|---------------------|
| Anderson – yes | Elwell - yes | Randol – yes |
| Roberts – yes | Wood - yes | Lee - yes |

The motion carried.

Mr. Elwell told the Cobbs that Case 983-V-20 has been approved.

The Cobbs thanked the Board.

7. **Staff Report** - none

8. **Other Business**
A. **Review of Docket**

Mr. Randol said that he would probably not attend the November 12th meeting.

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

None

1 **10. Adjournment**

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Mr. Elwell entertained a motion to adjourn the meeting.

Mr. Randol, seconded by Mr. Roberts, to adjourn the meeting.

Mr. Elwell requested a roll call vote.

The vote was called as follows:

Anderson – yes

Elwell - no

Randol – yes

Roberts – yes

Wood - yes

Lee - yes

The motion carried.

The meeting adjourned at 7:44 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals