

**MINUTES OF REGULAR MEETING**

**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

**1776 E. Washington Street  
Urbana, IL 61801**

**DATE: September 16, 2021 PLACE: Shields-Carter Meeting Room  
1776 East Washington Street  
Urbana, IL 61802**

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

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

**OTHERS PRESENT:** Randy Mitsdarffer, Robert Jacobson

**1. Call to Order**

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

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

The roll was called, and a quorum declared present.

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

**3. Correspondence - None**

**4. Approval of Minutes - None**

**5. Continued Public Hearings - None**

**6. New Public Hearings**

**Case 019-V-21**

**Petitioners: Todd Cox**

**Request: Authorize a variance in the AG-2 Agriculture Zoning District for an existing detached shed with a side yard of 6.5 feet and a rear yard of 3 feet, in lieu of the minimum required 10 feet side and rear yards, per Section 7.2.1 of the Champaign County Zoning Ordinance.**

**Location: Lot 3 of Timberview West Subdivision in Section 16, Township 20 North, Range 7 East of the Third Principal Meridian in Mahomet Township, with an address of 109 Sharon Drive, Mahomet.**

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

Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County allows

1 anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a  
2 show of hands or a verbal indication from those who would like to cross-examine, and each person will  
3 be called upon. He said that those who desire to cross-examine will be asked to clearly state their name  
4 before asking any questions. He noted that no new testimony is to be given during the cross-examination.  
5 He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross-  
6 examination. He asked if the petitioner would like to outline the nature of their request prior to introducing  
7 evidence.

8  
9 Mr. Robert Jacobson, 115 North Broadway, Urbana, stated that he was representing Mr. Todd Cox as his  
10 attorney and was present on his behalf. He said that Mr. Cox owns a single-family residence outside of  
11 Mahomet, but it is within the one-and-one-half mile radius of the municipality. He said that Mr. Cox has  
12 lived at his residence since 2009, and he was in the process of applying for a permit to have a 40 feet by  
13 40 feet garage built on his property. He said that his property is zoned in the AG-2 District, and in the  
14 process of applying for the permit, it was discovered that the existing shed that has been on the property  
15 for many years and before he even owned the property didn't meet the required setbacks. He said the  
16 existing shed where they put their lawn mower and garden implements in is not ten feet away from the  
17 edge of the property; in fact, it's only six-and-half feet on the side yard and three feet on the rear yard. He  
18 said that before Mr. Cox can move forward with seeking approval of the 40 feet by 40 feet detached garage  
19 permit, he needs to request this variance related to this small existing shed, which is the purpose of this  
20 variance case.

21  
22 Mr. Elwell asked if there were any questions from the Board.

23  
24 Mr. Anderson said that it looks like Mr. Cox and his neighbor have a chicken business together, because  
25 there is a chicken coop over his property line that is connected to this existing shed.

26  
27 Ms. Burgstrom said that she can verify that, because when she was out there for a site visit, she noticed  
28 the chicken coop and she really couldn't tell whose property it was on or if it was on both their properties.  
29 She said that based on the site visit, when she came back to the office she talked with Mr. Hall about it.  
30 She said that he determined that chickens were agriculture, and since the property is zoned AG-2, the  
31 chicken coop is exempt and doesn't need to follow the yards or anything. She said that the existing shed  
32 attached to the chicken coop is all that the Board needs to be worried about, and the neighbors love to get  
33 the eggs.

34  
35 Mr. Elwell asked Mr. Jacobson where Mr. Cox plans to put a 40 feet by 40 feet shed on this lot.

36  
37 Mr. Jacobson said that honestly he doesn't know, but maybe Ms. Burgstrom can answer that, because he  
38 is present just for this particular requested variance.

39  
40 Ms. Burgstrom said that Attachment B gives the Board somewhat of an idea. She explained that North  
41 Sharon Drive is on the east side of the corner lot, and Sharon Court is on the south side of lot. She said  
42 that Mr. Cox is proposing to put the 40 feet by 40 feet shed on the north side of the lot to the east of the  
43 existing shed. She said that the proposed shed will block a lot, so it will be a big addition.

44  
45 Mr. Elwell asked if it was north of the garage then.

46  
47 Ms. Burgstrom said yes.

48  
49 Mr. Elwell asked if there were any other questions from the Board or Staff. Seeing none, he asked the

1 Board how they would like to proceed.  
2

3 **Mr. Wood moved, seconded by Mr. Roberts, to accept the Preliminary Draft, Documents of Record,**  
4 **and move to the Findings of Fact for Case 019-V-21. The motion carried by voice vote.**  
5

6 Mr. Elwell said that he would be reading the Findings of Fact for Case 019-V-21 from Attachment D,  
7 page 9 of 10, in the Preliminary Draft, as follows:  
8

9 **FINDINGS OF FACT FOR CASE 019-V-21**

10 From the documents of record and the testimony and exhibits received at the public hearing for zoning  
11 Case **019-V-21** held on **September 16, 2021**, the Zoning Board of Appeals of Champaign County finds  
12 that:  
13

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

18 Mr. Wood said the special conditions and circumstances DO exist which are peculiar to the land or  
19 structure involved, which are not applicable to other similarly situated land and structures elsewhere in  
20 the same district because: the shed was placed without a permit by a prior owner sometime between 1993  
21 and 1998, making the shed at least 23 years old. He said that there have been no complaints from any of  
22 the neighbors about the location of the shed.  
23

24 Mr. Randol added that the petitioner was unaware of the ordinance for the shed, even though the shed  
25 already existed there when they moved to the property.  
26

27 Mr. Elwell asked Ms. Burgstrom if in the past they have noted that there would be a burden on expenses  
28 from moving an older shed.  
29

30 Ms. Burgstrom said yes, that would go under item two, because of the practical difficulties. She asked  
31 him if that was what his question was.  
32

33 Mr. Elwell said yes.  
34

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

39 Mr. Randol said the practical difficulties or hardships created by carrying out the strict letter of the  
40 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or  
41 structure or construction because: without the proposed variance, the existing detached shed would have  
42 to be demolished, because moving the shed would destroy it.  
43

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

47 Mr. Wood said the special conditions, circumstances, hardships, or practical difficulties DO NOT result  
48 from actions of the applicant because: the detached shed was constructed sometime between 1993 and  
49 1998 without a permit and prior to the current petitioner having ownership of that property.

1 4. The requested variance *{IS / IS NOT}* in harmony with the general purpose and intent of  
2 the Ordinance because:  
3

4 Mr. Wood said the requested variance IS in harmony with the general purpose and intent of the Ordinance  
5 because: there is adequate light and air around the shed. He said the nearest structure to the shed is on an  
6 adjacent property, which is a residence to the north that is approximately 20 feet away. He said there have  
7 been no complaints about the shed.  
8

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

12 Mr. Randol said the requested variance WILL NOT be injurious to the neighborhood or otherwise  
13 detrimental to the public health, safety, or welfare because: relevant jurisdictions have been notified of  
14 this variance, and no comments have been received from the fire department, highway department, or the  
15 Village of the Mahomet.  
16

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

20 Mr. Wood said the requested variance IS the minimum variation that will make possible the reasonable  
21 use of the land/structure because: otherwise, the shed would have to be removed or destroyed.  
22

23 7. NO SPECIAL CONDITIONS ARE HEREBY IMPOSED.  
24

25 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings  
26 of Fact for Case 019-V-21, as amended.  
27

28 **Mr. Roberts moved, seconded by Ms. Lee, to adopt the Summary of Evidence, Documents of**  
29 **Record, and Findings of Fact for Case 019-V-21, as amended. The motion carried by voice vote.**  
30

31 Mr. Elwell entertained a motion to move to the Final Determination for Case 019-V-21.  
32

33 **Ms. Lee moved, seconded by Mr. Roberts, to move to the Final Determination for Case 019-V-21.**  
34 **The motion carried by voice vote.**  
35

36 Mr. Elwell said that he would be reading the Final Determination for Case 019-V-21 from Attachment D,  
37 page 10 of 10, in the Preliminary Draft, as follows:  
38

39 **FINAL DETERMINATION FOR CASE 019-V-21**

40 **Mr. Randol moved, seconded by Ms. Lee, that the Champaign County Zoning Board of Appeals**  
41 **finds that, based upon the application, testimony, and other evidence received in this case, that the**  
42 **requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority**  
43 **granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of**  
44 **Appeals of Champaign County determines that:**  
45

46 **The Variance requested in Case 019-V-21 is hereby GRANTED to the petitioner, Todd Cox, to**  
47 **authorize the following:**

1 **Authorize a variance in the AG-2 Agriculture Zoning District for an existing detached shed**  
2 **with a side yard of 6.5 feet and a rear yard 3 feet, in lieu of the minimum required 10 feet**  
3 **side and rear yards, per Section 7.2.1 of the Champaign County Zoning Ordinance.**

4  
5 Mr. Elwell requested a roll call vote.

6  
7 The vote was called as follows:

8	<b>Lee- yes</b>	<b>Randol- yes</b>	<b>Roberts- yes</b>
9	<b>Anderson- yes</b>	<b>Elwell- yes</b>	<b>Wood - yes</b>

10  
11 **The motion carried.**

12  
13 Mr. Elwell told Mr. Jacobson that he and his client, Mr. Cox, had the four affirmative votes needed to  
14 approve his case. He said that if there are any further communications, Ms. Burgstrom would be reaching  
15 out to them.

16  
17 Mr. Jacobson said thank you very much and to have a good evening.

18  
19 **Case 020-V-21**

20 Petitioners: **Randy Mitsdarffer**

21 Request: **Authorize the following variance in the AG-1 Agriculture Zoning District on the subject**  
22 **property described below:**

23 **Part A: Authorize a variance for an existing lot with a lot area of 1.08 acre with a net**  
24 **lot area of 0.92 acre (excluding road right-of-way) in lieu of the minimum**  
25 **required 1 acre, and an average lot width of 167.5 feet in lieu of the minimum**  
26 **required 200 feet in the AG-1 Agriculture Zoning District, per Section 5.3 of**  
27 **the Zoning Ordinance.**

28  
29 **Part B: Authorize a variance for the use of an existing detached shed with a side yard**  
30 **of 2 feet and a rear yard of 1 foot in lieu of the minimum required 10 feet side**  
31 **and rear yards for detached structures in the AG-1 Agriculture Zoning**  
32 **District, per Section 7.2.1 of the Zoning Ordinance.**

33  
34 Location: **A 1.08-acre lot in the Northwest Quarter of the Northeast Quarter of Section 15,**  
35 **Township 18 North, Range 7 East of the Third Principal Meridian in Colfax Township,**  
36 **with an address of 369 CR 1000N, Ivesdale.**

37  
38 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign  
39 the witness register for that public hearing. He reminded the audience that when they sign the witness  
40 register, they are signing an oath.

41  
42 Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County allows  
43 anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a  
44 show of hands or a verbal indication from those who would like to cross-examine, and each person will  
45 be called upon. He said that those who desire to cross-examine will be asked to clearly state their name  
46 before asking any questions. He noted that no new testimony is to be given during the cross-examination.  
47 He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross-  
48 examination. He asked if the petitioner would like to outline the nature of their request prior to introducing  
49 evidence.

1 Mr. Randy Mitsdarffer stated that he lives at 369 County Road 1000 North in Ivesdale, Illinois. He said  
2 that in the process of applying for a permit to add on to his existing garage, it was discovered that the  
3 existing shed they have on their property wasn't within the setbacks and is in need of a variance to keep  
4 the existing shed where it is currently located.

5  
6 Mr. Elwell asked if there were any questions from the Board.

7  
8 Ms. Burgstrom said that Mr. Wood had emailed her earlier today, but she didn't catch it until late in the  
9 afternoon, and he had asked about whether the swimming pool had any relation to the variance. She said  
10 that there is an existing swimming pool that was not permitted. She said it has nothing to do with the  
11 variance; it was something that they just added to the permit fee with his proposed garage addition to make  
12 sure it was compliant. She said that she received a phone call from the owner of the farm ground that  
13 surrounds Mr. Mitsdarffer's lot, and the owner said that he had no issues with any part of the variance for  
14 the existing shed.

15  
16 Mr. Elwell asked if there were any questions from the Board.

17  
18 Mr. Anderson asked what the neighboring farmer said.

19  
20 Ms. Burgstrom said that the owner of the farmland - she doesn't know if he is the farmer of the farmland  
21 - said that he has no issue with the variance request.

22  
23 Mr. Wood asked Mr. Mitsdarffer if he had been the owner ever since this lot was created.

24  
25 Mr. Mitsdarffer said no, they moved there in 2008.

26  
27 Mr. Wood said okay, so all this stuff was in place prior to his ownership.

28  
29 Mr. Anderson asked Mr. Mitsdarffer if he knew the farmer.

30  
31 Mr. Mitsdarffer said that Mr. Joe Schumacher farms the property around him.

32  
33 Mr. Anderson asked what kind of relationship he had with the farmer.

34  
35 Mr. Mitsdarffer said that he talks to him occasionally when he is working the ground, and he uses the front  
36 of their little driveway to enter and exit his farm. He said that they had three trees that were damaged by  
37 high winds a while back, and he had called him and asked him if they could drag them out into the field  
38 to burn them on his property. He said that they talk occasionally and try to maintain good relations being  
39 neighborly like that.

40  
41 Mr. Anderson said that it sounds like they have a pretty good relationship, and he will need one when he  
42 goes to do maintenance on the existing shed, because he will stomp on the farmer's crops.

43  
44 Mr. Mitsdarffer said that he maintains the fence around the farmer's property for him, so he doesn't have  
45 to do any of the weed eating or spraying, because it is easier for him to do it. He said that he keeps a  
46 distance away so the farmer doesn't have to get his machinery too close to the fence or anything and they  
47 work together on that.

48  
49 Mr. Anderson asked him to please repeat himself.

1 Mr. Mitsdarffer said that the farmer doesn't have to go around his property to spray for weeds around the  
2 right-of-way, because he does it for the farmer.  
3  
4 Mr. Roberts asked him which Schumacher this was.  
5  
6 Mr. Mitsdarffer said that his name is Joe.  
7  
8 Mr. Roberts asked him where he lives.  
9  
10 Mr. Mitsdarffer said that he lives in town, but his brother lives down the road off Monticello Road, because  
11 that is where their farm and machine shed is.  
12  
13 Mr. Roberts said it was a mile north and back west.  
14  
15 Mr. Mitsdarffer said that they are around two miles west and maybe a half-mile north. He said that he  
16 thinks that is where his brother lives.  
17  
18 Mr. Roberts said that is where the family lived whenever he was out there.  
19  
20 Mr. Mitsdarffer said that he thought Mr. Schumacher's dad had passed away.  
21  
22 Mr. Roberts said his name was Don.  
23  
24 Mr. Mitsdarffer said yes.  
25  
26 Mr. Elwell asked Mr. Hall if the right-of-way has always been there, and could he give a little bit of a  
27 background on why this easement is here.  
28  
29 Mr. Hall said that it is not an easement, because Mr. Mitsdarffer owns to the middle of the road. He said  
30 that this is a right-of-way that has been established over time, but he can't remember the technical term  
31 for it. He said that this is a County Highway, so he is surprised, but it looks like he owns to the middle of  
32 the road. He asked Ms. Burgstrom if that was right.  
33  
34 Ms. Burgstrom said that she believes the term is called prescriptive right-of-way.  
35  
36 Mr. Hall said that he thought the County owned all the rights-of-way, so he is surprised to see that.  
37  
38 Ms. Burgstrom said that the County owns the maintenance of the rights-of-way at least, but they have seen  
39 property lines going to the middle of the road or just to the rights-of-way.  
40  
41 Mr. Hall said that the Zoning Ordinance is clear about what they calculate as a lot area, and it is the portion  
42 outside of the rights-of-way.  
43  
44 Mr. Elwell said that Mr. Mitsdarffer owns it but doesn't. He said that it doesn't fit in the description of  
45 the Ordinance.  
46  
47 Mr. Hall said that is right; in fact, he can't use it or do anything he wants to out there. He said that whatever  
48 happens in that right-of-way has to be with the approval of the highway jurisdiction, in this case, the  
49 County Engineer.

1 Ms. Lee said that sometimes the Highway Department has a grant for the highway rights-of-way, but in  
2 other cases, they don't have any formal wording in there, so that is where the prescriptive easement comes  
3 in. She said they presume they own the property to the center of the road, but there is no documentation  
4 per se that is in a document of record that is recorded in the Recorder of Deeds office.

5  
6 Mr. Elwell asked if there were any other questions from the Board or Staff.

7  
8 Mr. Anderson said that Mr. Mitsdarffer's house, sheds, and garages were out in the middle of nowhere,  
9 but irrespective of what this looks like, he has no problems with it.

10  
11 Mr. Elwell asked if there was any audience participation for cross-examining this witness. Seeing none,  
12 he asked if anyone else would like to testify in this case. Seeing no one, he asked Ms. Burgstrom if they  
13 needed to add any Documents of Record, because she had mentioned an email.

14  
15 Ms. Burgstrom said that she received the information from the adjacent landowner by phone.

16  
17 Mr. Elwell said that they won't need to add it to the Documents of Record then.

18  
19 Ms. Burgstrom said no.

20  
21 Mr. Elwell said okay. He asked the Board how they would like to proceed.

22  
23 **Mr. Randol moved, seconded by Ms. Lee, to accept the Summary of Evidence, Documents of**  
24 **Record, and move to the Findings of Fact for Case 020-V-21. The motion carried by voice vote.**

25  
26 Mr. Elwell said that he would be reading the Findings of Fact for Case 020-V-21 from Attachment D,  
27 page 10 of 12, in the Preliminary Draft, as follows:

28  
29 **FINDINGS OF FACT FOR CASE 020-V-21**

30 From the documents of record and the testimony and exhibits received at the public hearing for zoning  
31 case **020-V-21** held on **September 16, 2021**, the Zoning Board of Appeals of Champaign County finds  
32 that:

- 33  
34 **1. Special conditions and circumstances {DO / DO NOT} exist which are peculiar to the land**  
35 **or structure involved, which are not applicable to other similarly situated land and**  
36 **structures elsewhere in the same district because:**

37  
38 Mr. Randol said the special conditions and circumstances DO exist which are peculiar to the land or  
39 structure involved, which are not applicable to other similarly situated land and structures elsewhere in  
40 the same district because: the petitioner was unaware of the Ordinance pertaining to rear and side yards,  
41 and the septic tank would be a problem if they would have to relocate anything. He said that the petitioner  
42 would not like to destroy any of the fruit trees that are already established on the property if they had to  
43 move the existing shed. He said the property is surrounded by farmland, which is not a problem with the  
44 farmer.

45  
46 Mr. Wood said he would like to add that the petitioner was not responsible for placement of the existing  
47 shed, since everything was there prior to his ownership.

48  
49 Mr. Hall asked Ms. Burgstrom if that was true.



1 Ms. Burgstrom said that the shed was there prior.

2

3 Mr. Hall said prior to Mr. Mitsdarffer buying the property.

4

5 Mr. Elwell said that he thought he heard that the existing shed was placed there prior to Mr. Mitsdarffer  
6 buying the property in 2008.

7

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

11

12 Mr. Randol said the practical difficulties or hardships created by carrying out the strict letter of the  
13 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or  
14 structure or construction because: without proposed variance Part A, the petitioner would have purchase  
15 land from the adjacent landowner, which is not really an option. He said that without proposed variance  
16 Part B for the side and rear yards, the petitioner would have to move the shed, and as mentioned in item  
17 number one, that would be a difficult task to undertake as well as financially.

18

19 Mr. Elwell asked if item number two would be a good place to put that there is adequate light and air.

20

21 Mr. Lee said that they have that in item number four.

22

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

25

26 Mr. Wood said the special conditions, circumstances, hardships, or practical difficulties DO NOT result  
27 from actions of the applicant because: the Tax Maps indicate that the lot was created sometime between  
28 1976 and 1979, shortly after the zoning regulations went into effect. He said the petitioner purchased the  
29 property in 2008 and he was not aware of the zoning requirements for the shed, and had been misinformed  
30 by the shed manufacturer and farmers he had spoken with in the area.

31

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

34

35 Mr. Wood said the requested variance IS in harmony with the general purpose and intent of the Ordinance  
36 because: the variance for the lot in itself is only a variance of about 8% from what is required by the zoning  
37 regulations. He said the variance for the lot width is a variance of 16.2%, but for the building it is a little  
38 bit larger than that, because it is a variance of 80%. He said there isn't really any reasonable place to  
39 relocate the existing shed, and he is not sure that the existing shed could be relocated. He said that there  
40 is adequate light and air around the existing shed and the nearest residence is approximately 780 feet away.

41

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

44

45 Mr. Roberts said the requested variance WILL NOT be injurious to the neighborhood or otherwise  
46 detrimental to the public health, safety, or welfare because: the relevant jurisdictions have been notified  
47 of this variance, and no comments have been received. He said that no complaints have been received  
48 from the farmer or owner of the surrounding farmland.

49

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

Mr. Randol said the requested variance IS the minimum variation that will make possible the reasonable use of the land/structure because: there really are no other options without it being a financial burden or destroying the existing shed in order to relocate it.

7. NO SPECIAL CONDITIONS ARE HEREBY IMPOSED.

Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings of Facts for Case 020-V-21, as amended.

Mr. Roberts moved, seconded by Ms. Lee, to adopt the Summary of Evidence, Documents of Record, and Findings of Facts for Case 020-V-21, as amended. The motion carried by voice vote.

Mr. Elwell entertained a motion to move to the Final Determination for Case 020-V-21.

Mr. Randol moved, seconded by Ms. Lee, to move to the Final Determination for Case 020-V-21. The motion carried by voice vote.

Mr. Elwell said that he would be reading the Final Determination for Case 020-V-21 from Attachment D, page 12 of 12, in the Preliminary Draft, as follows:

**FINAL DETERMINATION FOR CASE 020-V-21**

Mr. Wood 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 020-V-21 is hereby GRANTED to the petitioner, Randy Mitsdarffer, to authorize the following variance in the AG-1 Agriculture Zoning District:

Part A: Authorize a variance for an existing lot with a lot area of 1.08 acre with a net lot area of 0.92 acre (excluding road right-of-way) in lieu of the minimum required 1 acre, and an average lot width of 167.5 feet in lieu of the minimum required 200 feet in the AG-1 Agriculture Zoning District, per Section 5.3 of the Zoning Ordinance.

Part B: Authorize a variance for the use of an existing detached shed with a side yard of 2 feet and a rear yard of 1 feet in lieu of the minimum required 10 feet side and rear yards for detached structures in the AG-1 Agriculture Zoning District, per Section 7.2.1 of the Zoning Ordinance.

Mr. Elwell requested a roll call vote.

The vote was called as follows:

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

1 **The motion carried.**  
2

3 Mr. Elwell informed Mr. Mitsdarffer that he did receive his four affirmative votes that were needed to  
4 approve his case. He said that if there was any further communication, they would be hearing from Ms.  
5 Burgstrom.  
6

7 **7. Staff Report - None**  
8

9 **8. Other Business**  
10

11 Mr. Elwell asked Mr. Hall about Mr. Jacobson in regard to a statement he mentioned earlier in the meeting,  
12 and he assumed that he meant Section 6.5 of the ZBA By-Laws.  
13

14 Mr. Hall said yes.  
15

16 Mr. Elwell said okay, so he was correct about that.  
17

18 Mr. Randol said that on item four of the Findings of Fact for Case 020-V-21, he asked where all the  
19 percentages come from.  
20

21 Mr. Hall said that the percentages were all carefully calculated by P & Z's Senior Planner, Ms. Burgstrom.  
22

23 Mr. Randol asked Ms. Burgstrom how the percentages are determined; is that in the Ordinance somewhere  
24 that the Staff has to put percentages. He said that he doesn't ever recall in his terms on the ZBA of having  
25 that issue in a Summary of Evidence, and it kind of puzzled him.  
26

27 Mr. Hall said that the Staff always report the percentages, and they provide that for background; it doesn't  
28 mean anything.  
29

30 Ms. Burgstrom said that the percentages have always been in the Summary of Evidence, it's not always  
31 put into that much detail in the Findings, but it has been there in the time she has worked in the P & Z  
32 Department, and in the Findings that she saw prior to her working in the department. She said that it stood  
33 out a lot more because there were so many percentages in this case.  
34

35 Mr. Randol said that there were just so many percentages there, that it just really stood out and he did not  
36 recall seeing any like that in the past at any time.  
37

38 Ms. Burgstrom said that it is usually not that obvious.  
39

40 Mr. Randol said that it has probably been during meetings that he has been absent at.  
41

42 **A. Review of Docket**  
43

44 Mr. Elwell said that reviewing the docket it looks like the October 14, 2021 meeting will be the next  
45 meeting, correct.  
46

47 Mr. Hall said yes, if they get out of the meeting early tonight, then maybe they could use some of that  
48 leftover time at the October 14, 2021 meeting, because there is going to be a lot to go through. He said  
49 that he just wants to point out that this is a year that November will not have any dates for a ZBA meeting

1 unless the Board wants to see if the John Dimit Conference Room is available. He said that at this point,  
2 they do not have a big backlog of cases, but he is concerned about Case 014-AT-21, the text amendment,  
3 if for some reason that can't be wrapped on up October 14, 2021. He said that he does not see any reason  
4 right now, but he tends to be a worrywart about things like that, and the next opportunity to take that case  
5 up again would be December 2, 2021. He said again, that is not a particular problem; the Board can take  
6 as long as it needs on that case, but he just wanted to bring that to the Board's attention.

7  
8 Mr. Anderson asked why there was no room for the month of November 2021 meetings.

9  
10 Mr. Hall said that in the month of November 2021, the first Thursday is a ELUC meeting in the Shields-  
11 Carter Meeting Room and the second Thursday is a national holiday. He said there are actually no rules  
12 against the Board having meetings on a national holiday, but it usually isn't done. He said that the third  
13 Thursday is a County Board meeting and that is in the Shields-Carter Meeting Room, and the fourth  
14 Thursday is Thanksgiving, and he is trusting the Board doesn't want to have a meeting on Thanksgiving,  
15 but it is the Board's call as far as he knows. He said that it is just an unusual month the way all the  
16 Thursdays are occupied, and that is why if the Board felt the need to have a meeting, they could have it  
17 on November 18, 2021, but it could not be in the Shields-Carter Meeting Room.

18  
19 **9. Audience participation with respect to matters other than cases pending before the Board**

20  
21 None

22  
23 **10. Adjournment**

24  
25 Mr. Elwell entertained a motion to adjourn the meeting.

26  
27 **Ms. Lee moved, seconded by Mr. Roberts, to adjourn the meeting.**

28  
29 Mr. Elwell requested a roll call vote.

30  
31 The vote was called as follows:

<b>Lee- yes</b>	<b>Randol- yes</b>	<b>Roberts- yes</b>
<b>Anderson- yes</b>	<b>Elwell- abstain</b>	<b>Wood - yes</b>

32  
33  
34  
35 The meeting adjourned at 7:21 p.m.

36  
37 Respectfully submitted,

38  
39 Secretary of Zoning Board of Appeals