

MINUTES OF SPECIAL MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

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

DATE:	July 27, 2023	PLACE:	Shields-Carter Meeting Room
			1776 East Washington Street
TIME:	6:30 p.m.		Urbana, IL 61802

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

MEMBERS ABSENT: Thaddeus Bates

STAFF PRESENT: John Hall, Susan Burgstrom, Stephanie Berry

OTHERS PRESENT: Scott White, Tara Swearingen, Robert Wickesberg, Gwen Rudy, John Trefzger

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 – July 6, 2023

Mr. Roberts moved, seconded by Mr. Wood, to approve the July 6, 2023 minutes. The motion carried by voice vote.

5. Audience participation with respect to matters other than cases pending before the Board - None

6. Continued Public Hearings - None

7. New Public Hearings

Case 101-V-23

Petitioner: Randy Graham

Request: Authorize a variance for a proposed garage addition with a setback from the street centerline of Duncan Road of 46 feet in lieu of the minimum required 75 feet and a front yard of 26 feet in lieu of the minimum required 30 feet in the AG-2 Agriculture

Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.

Location: **A 1.1-acre parcel in the Northwest Quarter of the Southwest Quarter of the Northwest Quarter of Section 34, Township 19 North, Range 8 East of the Third Principal Meridian in Champaign Township, with an address of 3812 S Duncan Rd, Champaign.**

Staff noted that the petitioner was not present.

Mr. Elwell entertained a motion to move Case 103-V-23 up on the agenda.

Mr. Wood, seconded by Mr. Roberts, moved to advance case 103-V-23 to first on the agenda. The motion carried by voice vote.

Case 103-V-23

Petitioner: **Urbana Golf & Country Club, via agent Scott White**

Request: **Authorize a Variance in the R-1 Single Family Residence Zoning District for a fence along East Country Club Road that is 8 feet in height in lieu of the maximum allowed 6 feet in height, per Section 4.3.3 G. of the Zoning Ordinance.**

Location: **Multiple tracts totaling 126 acres in the South Half of Section 5, Township 19 North, Range 9 East of the Third Principal Meridian in Urbana Township, and commonly known as the Urbana Golf and Country Club, 100 E Country Club Rd, Urbana.**

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

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

Mr. Scott White, 1114 Reserve Ct, Mahomet, said he is the golf course superintendent at the Country Club, and has been there for eight years. He said the club is finalizing plans to do an \$8- \$10 million golf course renovation next year to the entire golf course that will include new greens, new tees, bunkers, cart paths, and a \$3 million irrigation system. He said in addition to that they have engaged Farnsworth Group to do some preliminary studies to possibly move the entrance road to a different location within the club that would be off of Country Club Road in a portion of where this fence would go. He said if you've been along Country Club Road, you've noticed that the bushes are long past their life; they're growing up into the electrical lines, the ditch needs a little work too, they have a couple of smaller trees they need to remove. He said it's time to kind of freshen it up and they thought it would be a great time. He said they have security on the property to not only protect the family but the members of the country club. He said every year they have multiple situations of people coming on the property, you name it, it can happen. He said in his eight years there, there have been five cars go through the bushes; when they go through the

1 bushes it is hard to replace the bushes to help secure the property. He said they are not trying to secure the
2 property to the point where you can't see in the property; it is more or less to kind of beautify and to
3 control the access points into the country club. He said if they were to move the entrance road to the new
4 location granted through all the government entities, they'll have to go through the permitting, it would
5 help provide a focal point for cars to get into the country club. He said the idea is to potentially have a
6 guard house at that entrance. He said they have people walking through the country club on a daily basis.
7 He said he has seen everything from someone roll down a window and shoot a deer on the golf course
8 with a crossbow out of their Suburban, they've evicted three homeless people that have sheltered up in
9 some wooded areas on the golf course, so it's to provide a little more security and aid their security team
10 in controlling the access points and protecting the \$10 million golf course that's coming into play. He said
11 when you put new parking lots and a possible entry road and maintenance facility, there's still another
12 \$10 million on top of that they're hoping to invest into the country club, which is good. He said he's
13 getting up there in age, but he could still hop the six-foot fence. He said the security team that he reports
14 to and works with has requested an eight-foot fence; it's much harder to climb, and the fence will provide
15 them with something that if a car does go through it, hopefully stops it from potentially going further onto
16 the property and injuring someone. He said they felt like it was the best solution for that side of the
17 property.

18
19 Mr. Elwell thanked Mr. White and asked if there were any questions from the Board.

20
21 Mr. Wood asked if the proposed fence would replace the six-foot fence along the interstate.

22
23 Mr. White said the proposed fence is just for Country Club Road. He said it is a six-foot fence along the
24 interstate and they see people hop it all the time. He said that's one reason they wanted a slightly taller
25 fence. He said on Country Club Road there's nothing but a bunch of overgrown, ratty-looking bushes and
26 a couple of temporary pieces of fence along there as cars went through there to kind of secure it in the
27 short term. He said they have several owners on the golf course, and this is a fence to secure the perimeter;
28 they have no desire to put a fence behind anyone's home just in case anyone was wondering. He said
29 that's probably the number one question he has been asked over the last couple of weeks since letters went
30 out. He said whether they're a member or not, they want to make sure that they have a neighborhood that
31 doesn't feel like they're cut off from the views of the country club.

32
33 Mr. Roberts asked if it was just going to run along Country Club Road and then along the Saline drainage
34 ditch and is it going to go any farther to the west.

35
36 Mr. White said the plan right now is to run it along Country Club Road, stop it at the Saline drainageway;
37 that is a good natural barrier, and no one is going through that without a pretty good effort. He said they
38 have plans to put a fence along the cemetery to help secure the western side of the property as well. He
39 said there is a small section of what is their fourth hole near the fourth green at the current entrance; they
40 are going to plan to work with the architect to see if they can do a natural barrier there, something that
41 won't require a fence. He said that is kind of a dangerous corner especially in wintertime; it's amazing
42 how many people will come off that so they just know that will naturally be a problem. He said several
43 years ago, they hauled in a bunch of dirt that they had and bermed it up so as cars went through there, they
44 actually kind of turned back onto the road. He said he foresees something similar to that; there's been
45 some discussion of maybe asking for a guardrail. He said at this point in time he doesn't think anyone
46 wants to fence that small little section. He said ultimately when you get out toward the Rodeway Inn, they
47 own seven acres of property adjacent to the golf course and the cemetery; the plan is to move their
48 maintenance facility out there, create a new \$3 million maintenance facility and put a fence around that to
49 secure the investment not only of that facility but the equipment inside of it and then take it along and tie

1 it into the fence along the interstate that Mr. Wood was asking about. He said they want to secure that so
2 there are very limited control points that they have to worry about.

3
4 Mr. Elwell asked if there were any other questions from the Board or Staff. Seeing none, he asked if
5 anyone would like to cross-examine Mr. White. Seeing no one, he asked if anyone would like to testify in
6 this case. Seeing no one, he entertained a motion to close the Witness Register.

7
8 **Mr. Herbert moved, seconded by Mr. Roberts, to close the Witness Register for Case 103-V-23. The**
9 **motion carried by voice vote.**

10
11 Mr. Elwell entertained a motion to move to the Findings of Fact for Case 103-V-23.

12
13 **Mr. Herbert moved, seconded by Mr. Roberts, to move to the Findings of Fact for Case 103-V-23.**
14 **The motion carried by voice vote.**

15
16 Mr. Elwell told Mr. White that he would be reading from Attachment F, page 9 of 10.

17
18 **FINDINGS OF FACT FOR CASE 103-V-23**

19 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
20 **103-V-23** held on **July 27, 2023**, the Zoning Board of Appeals of Champaign County finds that:

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

24
25 Mr. Herbert said special conditions and circumstances DO exist which are peculiar to the land or structure
26 involved, which are not applicable to other similarly situated land and structures elsewhere in the same
27 district because: investment in renovating the country club has triggered the need for increased security.
28 The subject property is bordered on the north, east, and south sides by residential areas, and by a cemetery
29 on the west side. The Zoning Ordinance allows 8-foot fencing for side and rear yards in residential zoning
30 districts.

31
32 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**
33 **sought to be varied {WILL / WILL NOT} prevent reasonable or otherwise permitted use of**
34 **the land or structure or construction because:**

35
36 Mr. Randol said practical difficulties or hardships created by carrying out the strict letter of the regulations
37 sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or
38 construction because: without the proposed variance, security for the country club would be diminished.

39
40 **3. The special conditions, circumstances, hardships, or practical difficulties {DO / DO NOT}**
41 **result from actions of the applicant because:**

42
43 Mr. Wood said the special conditions, circumstances, hardships, or practical difficulties DO NOT result
44 from actions of the applicant because: the petitioner was made aware of the fence height requirement when
45 they inquired about installing a fence. They applied for the variance permit and are waiting for the outcome
46 of the hearing to install the fence.

47
48 **4. The requested variance {IS / IS NOT} in harmony with the general purpose and intent of the**
49 **Ordinance because:**

1 Mr. Randol said the requested variance IS in harmony with the general purpose and intent of the Ordinance
2 because: the requested variance is 133% of the maximum allowed, for a variance of 33%, and the proposed
3 fence will be chain-link, so no light would be cut off to neighboring properties.

4
5 **5. The requested variance {WILL / WILL NOT} be injurious to the neighborhood or otherwise**
6 **detrimental to the public health, safety, or welfare because:**

7
8 Mr. Wood said the requested variance WILL NOT be injurious to the neighborhood or otherwise
9 detrimental to the public health, safety, or welfare because: relevant jurisdictions were notified of this
10 variance, and no comments have been received.

11
12 **6. The requested variance {IS / IS NOT} the minimum variation that will make possible the**
13 **reasonable use of the land/structure because:**

14
15 Mr. Wood said the requested variance IS the minimum variation that will make possible the reasonable
16 use of the land/structure.

17
18 **7. NO SPECIAL CONDITIONS ARE HEREBY IMPOSED.**

19
20 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings
21 of Fact as amended.

22
23 **Mr. Roberts moved, seconded by Mr. Herbert, to adopt the Summary of Evidence, Documents of**
24 **Record and Findings of Fact as amended. The motion carried by voice vote.**

25
26 Mr. Elwell told Mr. White that a full Board is not present tonight and he needs four affirmative votes to
27 have the case granted. He said Mr. White has the choice of either proceeding to the vote tonight or
28 continuing the case to another meeting when a full Board would be present. He said to take into account
29 that the Findings of Fact were all positive.

30
31 Mr. White asked for their recommendation on what to do.

32
33 Mr. Elwell said that all six Board members present said yes to the Findings of Fact.

34
35 Mr. White asked the Board to proceed with the vote.

36
37 Mr. Elwell entertained a motion to move to Final Determination.

38
39 **Mr. Randol moved, seconded by Mr. Wood, to move to Final Determination. The motion carried by**
40 **voice vote.**

41
42 **FINAL DETERMINATION FOR CASE 103-V-23**

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

48
49 **The Variance requested in Case 103-V-23 is hereby GRANTED to the petitioner, Urbana Golf &**

1 **Country Club, to authorize the following variance:**

2
3 **Authorize a Variance in the R-1 Single Family Residence Zoning District for a fence along**
4 **East Country Club Road that is 8 feet in height in lieu of the maximum allowed 6 feet in**
5 **height, per Section 4.3.3 G. of the Zoning Ordinance.**
6

7 Mr. Elwell requested a roll call vote.

8
9 The vote was called as follows:

10 **Randol - Yes Roberts - Yes Anderson - Yes Herbert - Yes**
11 **Elwell - Yes Wood - Yes Bates - absent**

12
13 **The motion carried by roll call vote.**

14
15 Mr. Elwell thanked the petitioner and said the Staff would be in touch.

16
17 Mr. Elwell entertained a motion to move Case 104-V-23 up on the agenda.

18
19 **Mr. Wood moved, seconded by Mr. Herbert, to move Case 104-V-23 up on the agenda. The motion**
20 **carried by voice vote.**

21
22 **Case 104-V-23**

23 **Petitioner: Julio Crispin and Joy Young**

24
25 **Request: Authorize a variance for an existing ground-mounted solar array with a side yard of**
26 **4 feet in lieu of the minimum required 10 feet in the AG-1 Agriculture Zoning District,**
27 **per Section 7.2.1 of the Champaign County Zoning Ordinance.**

28
29 **Location: A 9.46-acre tract in the Southeast corner of Section 6, Township 21 North, Range 8**
30 **East of the Third Principal Meridian in Condit Township, with an address of 2903**
31 **CR 700E, Fisher.**

32
33 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
34 the witness register for that public hearing. He reminded the audience that when they sign the witness
35 register, they are signing an oath.

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

44
45 Mr. John Trefzger, 105 Maple St, Mahomet, said his business, Radiant Solar, had installed a ground-
46 mount system on this property for Julio Crispin earlier this year. He said basically this was a giant
47 misunderstanding. He said he thought a permit had already been acquired, and when they had roped things
48 off to make a line based off of where his property line was, they had a line where the array was supposed
49 to start. He said unfortunately he was not on site when the construction began and the posts were driven

1 into the ground. He said when the workers started the array, they started on the south side of the line as
2 opposed to building it to the north side. He said he didn't think they were really aware of everything;
3 usually it doesn't matter if it's a couple of feet but in this case it was close to the line. He said the array
4 sits along the south side of Mr. Crispin's property with a corn field to the south of that. He said he knows
5 it comes into question whether or not the farmer, who doesn't seem to have any concern with it, as far as
6 his knowledge and what he's tried to get from him, there was some question as to whether or not the
7 farmer could turn around appropriately on that land and that's why there's a concern for the variance. He
8 said that the farmer plants the field parallel to the array, so it's not really a big concern for the farmer as
9 well. He said always, unless he is told otherwise, his company generally gets the permits and they have
10 those before they do any construction. He said in fact, they just got another county permit for a job they
11 plan to start on Monday. He said he thought the permit had already been acquired and unfortunately, he
12 was not around for the construction process on that day when they drove the posts into the ground. He
13 said that was basically the short and long of it. He said they subcontract out the post drivers to come out
14 onto the site and they have it roped off for here's where you begin, here's where you end and that they
15 know this is where the array goes and based upon a 30 degree angle, here's where the back and front are
16 and they thought that the line was the back and it was supposed to be the front. He said it was supposed
17 to come out to be about 12 feet north of the south property line and instead it's about four feet. He said he
18 doesn't think the farmer minds at all; he tried reaching out to him a couple of times and he never bothered
19 to call back. He said that Mr. Crispin asked him to talk on his behalf at the meeting since he's the one who
20 put it together for him.

21

22 Mr. Elwell thanked Mr. Trefzger and asked if there were any questions from the Board.

23

24 Mr. Wood asked if we know exactly where the property line is.

25

26 Ms. Burgstrom said Staff does not know where the property line is; she asked Mr. Trefzger if he had some
27 insight as to what led him to believe the property line was where it was.

28

29 Mr. Trefzger said he believed Mr. Crispin, since he recently purchased that property, had that recently
30 done because he knows he had called JULIE because they already had that flagged. He said there were
31 also some other things Mr. Crispin had done because he had started construction or wanted to start
32 construction, so he had marked things off to Mr. Trefzger's knowledge. He said he was basing it off of
33 where Mr. Crispin was saying. He said there was a definite area where the grass and scrub brush and
34 vegetation end and where the field begins. He said they went in several feet from there to add leeway.

35

36 Mr. Wood said so we still don't know. He said he doesn't know if we can go any further without knowing
37 whether or not it's actually on someone else's property. He said if he has a survey and can provide a
38 survey that's been done, that would help.

39

40 Mr. Trefzger said he did not have a survey and could not tell them where those pins are. He said he knows
41 Mr. Crispin had recently purchased that lot, so he would assume something like that had been done.

42

43 Mr. Randol said he agreed it's kind of hard to approve a variance when we don't know where the property
44 line is that we're going by.

45

46 Ms. Burgstrom said Staff has a proposed special condition that the Board can consider to see if they would
47 like to make a determination on this tonight, and she would put it up on the screen.

48

49 Mr. Herbert said the hard part on that is if the survey comes out and it's two feet, we just approved the

1 variance and we start back over if it's two feet because that's not acceptable. He said farming along a
2 hedgerow or scrub brush in areas he has farmed, he has had houses with planted trees that he has had to
3 move his crop over because he can't get his equipment by there and they don't know if that's what
4 happened here without a survey.

5
6 Mr. Elwell asked Mr. Hall if Mr. Crispin was supposed to get the permit.

7
8 Mr. Trefzger said before they started the construction, he mentioned that they would have to call JULIE,
9 get a permit, all that, and Mr. Crispin said that's already been taken care of, JULIE had already come out
10 there, they're good to go. He said he didn't know if Mr. Crispin didn't recognize that as being separate
11 processes, or where exactly the disconnect was, but Mr. Trefzger was under the impression that the permit
12 was already acquired because Mr. Crispin was like we already took care of it. He said when he came out
13 to the site where they were going to string everything off, there were flags in the ground from JULIE, so
14 he had no reason to not think everything had been taken care of. He said he has not laid eyes on the permit,
15 but he doesn't lay eyes on every permit; his office manager takes care of it or sometimes homeowners
16 take care of it.

17
18 Mr. Randol said JULIE doesn't do anything except mark utilities, so they wouldn't have been doing any
19 kind of marking for property lines. He asked Mr. Trefzger if he owned the property.

20
21 Mr. Trefzger said he does not own the property.

22
23 Mr. Randol said then shouldn't the property owner be the one that's asking for the variance.

24
25 Mr. Hall said the property owner did submit the application for the variance, he just can't be here tonight,
26 so he asked Mr. Trefzger to be here.

27
28 Mr. Wood asked Mr. Trefzger if the system was connected to anything at this point, a residence or
29 anything, is the inverter set up.

30
31 Mr. Trefzger said yes, it is connected to the meter; there's a meter panel out there that's all been connected.
32 He said Ameren is somewhat lethargic in doing grid integration. He said all of that has been submitted
33 through Ameren waiting for them to do witness testing on that.

34
35 Mr. Wood said he was just curious if it was EIEC because that system looks too large for what EIEC
36 would allow.

37
38 Mr. Trefzger said it's actually less than 25 kilowatts AC, so they would allow it – they allow up to 25. He
39 said he just did a 25-kilowatt system earlier this year.

40
41 Mr. Wood said they must have changed, because when he put his system in, they wouldn't let him put one
42 in greater than 10 kilowatts.

43
44 Mr. Trefzger said yes, he thinks they changed that somewhere around the middle of last year.

45
46 Mr. Elwell asked if Mr. Crispin has applied for a permit.

47
48 Mr. Trefzger said yes, he believes Mr. Crispin applied for the permit and paid \$200 for it. He said Mr.
49 Crispin told him that; he has not seen that.

1 Ms. Burgstrom said the permit has been applied for, just like the variance, so we have that on file.
2
3 Mr. Roberts said there is a motor home parked out there.
4
5 Mr. Wood said 25 kilowatts is overkill there if he's only putting up a residence.
6
7 Mr. Trefzger said the system is not 25 kilowatts, he doesn't remember what it is off hand.
8
9 Mr. Wood said he has sixty panels out there, he counted them.
10
11 Mr. Trefzger said yes, and they are 440-watt panels. He said he believes the string inverters they used on
12 there are two 9.6 inverters, so it should be close to 18 kilowatts.
13
14 Mr. Wood said he uses nine kilowatts, and it covers all of his electricity.
15
16 Mr. Trefzger said Mr. Crispin plans on having a substantial house there. He said he couldn't tell them all
17 of his plans, but he wants to do geothermal heating and cooling and that alone he's been told will take two
18 six-ton systems. He said he actually recommended a much smaller system to Mr. Crispin; he was not
19 trying to sell him on that. He said Mr. Crispin had gotten quotes from a different installer, a gentleman
20 over in Monticello who had a similar sized system, and that's what Mr. Crispin wanted him to match.
21
22 Mr. Wood said still the main concern is where the property line is and in his opinion what Mr. Herbert
23 pointed out – maybe the farmer hasn't really become aware of it yet or it hasn't caused him a problem but
24 probably will in the future. He said before it gets too much down the line you might just want to fix it.
25
26 Mr. Trefzger said they started this in early March, so he's definitely planted his crops and been out to the
27 fields at least a couple of times because the corn is practically six feet out there. He said when Mr. Crispin
28 gave him the farmer's information, he wasn't able to reach out to him.
29
30 Mr. Roberts asked if anyone knew who Wamble Mountain LLC is.
31
32 Mr. Wood said he thought it was Mr. Specchio, but he's changed it a couple of times – he keeps moving
33 his property through different LLCs, but he's pretty sure he's invested in it.
34
35 Mr. Herbert said he thought Mr. Gates was associated with it at one point. He asked if Wamble Mountain
36 owns the piece next to Mr. Crispin's property.
37
38 Mr. Wood said yes.
39
40 Mr. Hall said regarding that question about the permit, the owner has applied for a permit for the house,
41 and that was approved. He said the solar array was not approved on that permit because Staff knew it
42 needed a variance and he wasn't going to approve it until it got the variance. He said the solar array to
43 date is still unapproved. He said Staff came up with this condition anticipating that with this condition, if
44 the petitioner wanted to, he could move ahead, get a decision and then get it surveyed; not a Plat of Survey
45 but a Boundary Survey so that property line would be identified. He said a drawing from the surveyor
46 would document that it was either consistent with the variance that was approved or it wasn't, and if it
47 wasn't consistent with the variance, then either a new variance would need to be done or the system would
48 have to be relocated. He said perhaps a third option is to acquire some more land. He said this would let
49 the Board perhaps make a decision tonight, the petitioner could move ahead with getting a surveyor to do

1 the work. He said alternatively, the Board could continue the case tonight with a clear message to the
2 petitioner to provide some documentation on where the property line is.

3
4 Mr. Elwell asked Mr. Hall if the petitioner applied for the house prior to the install of the solar.

5
6 Mr. Hall said he thinks the solar had already been installed when Mr. Crispin applied for the house.

7
8 Ms. Berry concurred.

9
10 Mr. Herbert said so Mr. Crispin just flat didn't apply for a permit at all for the solar until it was already
11 built.

12
13 Ms. Berry said correct.

14
15 Mr. Herbert said so the solar was already up before he even bothered to apply for the permit. He said he
16 was under the understanding that Mr. Crispin applied for the permit but didn't wait for the process and
17 then moved forward. He said that's already two strikes, isn't it – they didn't bother finding the boundary
18 line and didn't bother applying for the permit until after the fact.

19
20 Mr. Herbert said the condition makes sense, but he's not sure he's comfortable with it being four feet from
21 the property line in general and not having a survey at all. He asked what it costs to move the system or
22 to put a secondary set of posts and move that system back.

23
24 Mr. Trefzger said that would be significant. He said they use a unirack system that is basically I-beams;
25 they're 15-foot-long I-beams hammered eight feet into the ground. He said that way there's no concrete
26 footings and that will handle wind from the north up to about 120 miles per hour. He said moving that is
27 no small feat; it would basically be the complete deconstruction and complete reconstruction all over again
28 and he would really prefer not to have to do that. He said he knows that sounds selfish in this situation,
29 but he would really prefer not to have to do that. He said he pays his employees really well by the panel
30 so that would be costly on his behalf in that situation. He said it's basically starting from scratch all over
31 again.

32
33 Mr. Herbert asked if Mr. Crispin was staking blame on Mr. Trefzger then.

34
35 Mr. Trefzger said yes. He said he is trying to be amicable in this situation and help Mr. Crispin out on
36 taking care of this because it's also his business. He said he's trying to see what he can do on this; if it is
37 something like getting a survey to see where this property line lies, that's a lot easier and substantially less
38 expensive for them to do than move forward with deconstructing the system, getting a backhoe or crane,
39 something strong enough to pull those things out of the ground, and then buy another dozen I-beams to
40 punch back into the ground. He said just for the guy to show up to put the beams in the ground is \$1,600
41 for him to appear and about \$100 per post, not to mention labor on deconstruction and reconstruction.

42
43 Mr. Randol said for his part he would feel a lot more comfortable approving a variance for what's there
44 whenever we know exactly where the boundaries are. He said maybe the system is only going to be two
45 foot off of the property line.

46
47 Mr. Herbert said but then what – is two foot acceptable. He said he guesses that's where he's standing is
48 it should have been ten feet from the property line to begin with, and we're making a pretty big guess that
49 it's four feet, and it may be eight feet, he's not sure. He said that's his question – what happens when that

1 comes back as two feet, then what.

2
3 Mr. Randol said he would not vote for approval if it came back as anything less than what it is now.

4
5 Mr. Herbert said what it is now is nothing more than a guess.

6
7 Mr. Randol said he understands that, but what he is saying is if it would come back after the survey and
8 it's less than the four feet that is being asked for, he just personally doesn't want to do anything until they
9 know where the boundary lines are, and he doesn't think he would be comfortable making any kind of
10 approval until we know where the boundary lines are. He said whenever we know where the boundary
11 lines are, we may not want to approve it at all.

12
13 Mr. Elwell asked if he is hearing that we can postpone this case to another meeting, and then maybe the
14 petitioner could be here as well.

15
16 Mr. Herbert asked if the Board is okay with four feet; there's no reason to move it down the road if the
17 Board isn't okay with four feet. He said that's what the special condition is basically stating; if it comes
18 back at four or five feet, the Board is okay with it, but that's the question at hand, are we okay with four
19 feet.

20
21 Mr. Wood said he thinks regardless of if it's four feet or not, even if he moves it back ten feet, we still
22 don't know where it is relative to the property line.

23
24 Mr. Herbert said he would agree that's a smart decision to have the boundary line surveyed regardless,
25 but he's not okay on the four feet. He said if we push this down the road, are we going to be with the same
26 dilemma.

27
28 Mr. Elwell said we may be, but we would at least have the information of whether we are at four feet or
29 eight feet.

30
31 Mr. Herbert asked if the Board could take a vote on whether it is okay with four feet, just on our own to
32 move forward, because if we're okay with four feet, he votes we go with this condition as opposed to
33 having another meeting for it.

34
35 Mr. Elwell asked for Mr. Herbert's motion one more time.

36
37 Mr. Hall asked if Mr. Herbert was just talking about a straw poll to test the waters.

38
39 Mr. Herbert said to see where we stand, he guesses he's just not understanding the reason to kick it down
40 the road if we're just going to say at five feet, we're not okay with it. He said if we can say okay, we're
41 good at four feet as a straw poll to just see where we're standing, then he votes that the Board move
42 forward with the special condition and require it to be surveyed with the special condition. He asked if a
43 motion was needed.

44
45 Mr. Elwell said yes.

46
47 Mr. Hall clarified that this is not an actual move to a final decision, it's just a straw poll vote.

48
49 **Mr. Herbert moved to have a straw poll vote to see where the Board stands on four feet from the**

1 **property line.**

2
3 **Mr. Randol said he would second the motion.** He said in view of the issues we have been dealing with,
4 with solar, he's kind of not in favor of the four feet. He said people need to do what's supposed to be done
5 instead of coming in here continually asking for the Board to say okay, you made a mistake, we'll let you
6 off the hook. He said it just seems like that is becoming more and more prevalent. He said he can see if
7 something has been there for 20 years, but when it's been there a limited amount of time, we continually
8 have people coming in to get variances because they didn't bother to check on anything beforehand. He
9 said it is extremely frustrating to him.

10
11 Mr. Elwell said for him personally, maybe he shouldn't share his feelings, but he doesn't feel it is
12 appropriate for the petitioner not to be here and to ask Mr. Trefzger to be here in his stead. He said things
13 didn't happen the way that they were supposed to, and he doesn't think it's one person's ultimate fault.
14 He said the reason he would like to hear this in a subsequent meeting is he would like to have the survey
15 in front of him and he would also like to have Mr. Crispin testify.

16
17 Mr. Herbert said let's move back to his motion to have the straw poll vote to see where we stand on the
18 four feet. He said from there we'll either move forward on a continuance or voting on this as it stands.

19
20 Mr. Elwell said all in favor of four feet being unacceptable.

21
22 Mr. Herbert said he would say all in favor of four feet or more from the property line. He said we're setting
23 a precedent of we're okay with four feet. He guesses he would say all in favor of four feet or more from
24 the property line. He asked for Mr. Hall's help in wording the question.

25
26 Mr. Hall said just say four feet because if you say four feet or more, that's not achieving what you want
27 to find out.

28
29 Mr. Elwell said so if you are okay with the four feet, answer in the affirmative. Mr. Elwell said all in favor,
30 say aye. No one responded. He asked for those opposed, and all responded. He asked Mr. Hall what we
31 do with that information.

32
33 Mr. Hall said he thinks there are two things they can do. He said they could deny the variance, we already
34 see that four feet is not acceptable and that's grounds for denial. He said or you can continue the case, and
35 Staff could speak to Mr. Crispin and the installer could speak to Mr. Crispin. He said if you were to
36 continue the case to October 12, he thinks this time of year it's going to take some time to get a surveyor
37 out there to do a boundary survey, find out where that property line really is, he believes they would find
38 that this solar array is not even on the petitioner's property. He said that is just speculation, but we look at
39 these aerials every day; they're never exact, but he's never found one to be as far off as this is. He said he
40 thinks they're going to find it's not on the property and then they're going to have to decide of all those
41 options we discussed earlier which they want to pursue.

42
43 Mr. Wood said the only reason it would come back to the Board is if it happens to be greater than four
44 feet; otherwise, it just has to be moved. He said if it's five feet or six feet or seven feet, they could bring
45 it back in and the Board could reconsider it because we just basically said no to four feet. He said we
46 didn't say no to five feet or six feet or seven feet.

47
48 Mr. Herbert said that is what he was trying to sort out, what if it comes back at six feet, are we okay with
49 that, or seven feet, where do you draw that line where ten feet is ten feet.

1 Mr. Hall said he believes part of the logic of having the ten-foot yards in the ag districts is in fact because
2 property lines are generally not well established. He said once you have the property line well established,
3 then the question becomes what truly is the minimum. He said again, the ten feet is for a rural situation
4 where property lines are not always well identified, but once you identify the property line, what do you
5 think would be an acceptable minimum. He said in the residential districts where property lines are
6 expected to be well established, albeit not with farming equipment moving around the property line, the
7 minimum is five feet. He said there's a view that the property line should be the limit on how far equipment
8 comes on to my property if it's not my equipment, and in that case, he doesn't know why five feet wouldn't
9 be adequate. He said again, that's based on knowing where the property line is.

10
11 Mr. Herbert said there's no way to maintain between the panels and the property line if it's four feet away
12 without getting on the neighboring property to maintain a tile hole or any sort of issue. He said it's no
13 different than building a building right next to the property line; there's no room for maintenance
14 whatsoever.

15
16 Mr. Hall said there would be four to five feet.

17
18 Mr. Herbert said he guesses you could get a man with a shovel.

19
20 Mr. Wood said you have to get people out there within reason; it has to be cleaned periodically. He said
21 you only have four feet in the front, and you have to be in front of it in order to get it cleaned. He said four
22 feet is not a whole lot of space; otherwise, you're on somebody else's property if it's actually four feet.

23
24 Mr. Hall asked Mr. Wood if he was talking about cleaning the array.

25
26 Mr. Wood said yes.

27
28 Mr. Hall asked Mr. Trefzger if he cleans the array.

29
30 Mr. Trefzger said they get cleaned every time it rains.

31
32 Mr. Wood said they don't get cleaned when it snows; he has to go out and clean the snow off of his every
33 time it snows. He said it's either that or you don't make energy. He said so you have to have access to that
34 property and ten feet is probably the bare minimum that you're going to need if you have to get anything
35 out there or if you have to replace panels or do anything else, otherwise you're on somebody else's
36 property.

37
38 Mr. Trefzger said he had a question – if he was able to get in contact with the adjacent landowner and they
39 do not care whatsoever in regards to this situation, if they write a notarized statement saying that they
40 don't mind that it's within the less than ten feet minimum, would that be something that was acceptable
41 so we can move forward with this.

42
43 Mr. Herbert said if your neighbor came up to you and said can I get a notarized piece of paper because
44 you put your fence just over the line, doesn't that put you in a hard situation that the damage has already
45 been done, that you feel that you have to not be the thorn to tear it out.

46
47 Mr. Trefzger said yes, he can understand that. He said he's just trying to find an amicable solution to this
48 situation.

49

1 Mr. Roberts asked when Mr. Crispin bought the property.
2
3 Mr. Trefzger said the property or the array.
4
5 Mr. Roberts said the property.
6
7 Mr. Trefzger said he had no idea.
8
9 Mr. Roberts said wasn't there a survey.
10
11 Mr. Trefzger said there should have been.
12
13 Mr. Roberts said how did we get to this point.
14
15 Mr. Hall said rural properties are often sold without there being a survey of the property. He said Staff has
16 not been provided a survey and he assumes that there is no survey, it's not that unusual. He said it is a
17 problem, but it's not that unusual.
18
19 Mr. Roberts said he bought his place southwest of Rantoul about 25 years ago and there are pins in the
20 corners, so he knew exactly where the lot line was. He said he wouldn't have bought any land if he didn't
21 know exactly where the lines were.
22
23 Mr. Elwell said it's very common in our market that the pins are described as for example 196 by 240 so
24 he's personally never seen a survey done in real estate transactions unless they're dividing a property.
25
26 Mr. Roberts said every one that he's ever done there's always a plat that shows where the center of the
27 road is, where each pin is on all four corners or whatever the shape is, so he doesn't understand.
28
29 Ms. Burgstrom said in this case the warranty deed that she has is from May of 2022, so that's about when
30 the property was purchased. She said it has a very simple description that follows section lines. She said
31 this property doesn't have a road along its south edge, so the section line is in the middle of a field. She
32 said there very well could be pins out there; she didn't see anything when she was out there, but she didn't
33 go through tall grass to find it. She said it could just be it's a warranty deed with a legal description; she
34 found no survey recorded through the Recorder's Office.
35
36 Mr. Roberts said the plat map didn't show any pins or anything, it just shows a dotted line through the
37 field.
38
39 Mr. Elwell asked how the Board would like to proceed. He said it seems like we have three options. He
40 said one is to decline the variance tonight. He said we could say yes to the variance with the proposed
41 special condition, but we don't have the petitioner here to accept the condition.
42
43 Mr. Hall said the installer is here to represent the petitioner and part of representing the petitioner would
44 be to agree or not agree with this condition, but he thinks the Board just decided that this condition is not
45 adequate.
46
47 Mr. Roberts said he wouldn't feel comfortable unless there's a survey done to find out exactly what the
48 boundaries are. He said as Mr. Hall said, there's a possibility that it's not even on the right property.
49

1 Mr. Randol said we just had a case in the last two weeks where an individual who was not the property
2 owner came in and wanted to change things and get a variance, and the Board said no, we need to have
3 the property owner here. He said so this shouldn't be any different.
4

5 Mr. Roberts said that's right.
6

7 Mr. Wood suggested that we continue the case and in the event that circumstances change, and we find
8 out there's a property line out there and they want to still make their case about a variance, they can bring
9 it back before the Board. He said it's just that they would have to realize four feet is not going to be
10 acceptable or anything less than that. He said but if there are extenuating circumstances that come up
11 where it's greater than that but less than ten, they could certainly try to convince the Board to do otherwise.
12 He said he understands it's a big issue from a monetary perspective, but when you're in business, you do
13 the due diligence you're supposed to do, otherwise you get screwed, that's just the way it works.
14

15 Mr. Elwell asked Mr. Hall when the case might be continued to.
16

17 Mr. Herbert asked Mr. Trefzger if he said this system was not online yet – it's waiting for Ameren's
18 approval.
19

20 Mr. Trefzger said correct, everything has been wired, they've submitted the application to Ameren. He
21 said it's an automated process for installers through a third party called Power Clerk that Ameren has. He
22 said once it goes to this automated system saying okay, you are approved for construction, or your
23 construction is done, etc., they'll send somebody out for witness testing. He said it can be weeks before
24 somebody comes out for witness testing.
25

26 Mr. Herbert asked if that could be put online without a permit.
27

28 Mr. Trefzger said Ameren doesn't request a permit.
29

30 Mr. Elwell asked if we say no tonight, when could they reapply.
31

32 Mr. Hall said they could reapply whenever there is changed conditions; for example, if they provide a
33 survey that identifies that it's more than four feet from the property line, that would be a changed
34 condition.
35

36 Mr. Elwell said but that would be a totally new case with new fees, correct.
37

38 Mr. Hall said yes.
39

40 Mr. Elwell asked how the Board would like to proceed.
41

42 Mr. Hall said that Mr. Elwell was going to ask for a possible continuance date he believed.
43

44 Mr. Elwell said yes.
45

46 Mr. Hall said he would recommend October 12.
47

48 **Mr. Randol moved, seconded by Mr. Roberts, to continue the case to October 12.**
49

1 Mr. Elwell asked Mr. Trefzger how that worked for his schedule.

2

3 Mr. Trefzger said that's fine.

4

5 Mr. Elwell asked if he thought we could persuade the petitioner to be here as well.

6

7 Ms. Burgstrom said Staff could talk with the petitioner about the survey and about being at the next
8 meeting.

9

10 Mr. Randol said if he can't be here, the same thing is going to happen. He said the property owner needs
11 to be here to testify, either that or an attorney to represent him, somebody who has legal recourse for the
12 decisions presented to the Board.

13

14 **Mr. Elwell called for a voice vote, and the motion carried.**

15

16 Ms. Berry asked how we are continuing the case without knowing if the landowner can be here.

17

18 Mr. Randol said it could be the petitioner or their legal spokesperson. He said a contractor is not the legal
19 spokesperson for a property owner.

20

21 Mr. Elwell told Mr. Trefzger that he understands what he's doing and that says an awful lot about the man
22 that he is, and that is greatly appreciated.

23

24 Mr. Trefzger said thank you.

25

26 Mr. Elwell said that the petitioner for Case 101-V-23 is not here.

27

28 Mr. Hall said we need to continue that case to another meeting or deny it, but there's apparently been a
29 miscommunication. He said he thinks the Board might be able to hear that case at the August 17 meeting.

30

31 Mr. Roberts asked was there any reason Mr. Graham wasn't here.

32

33 Mr. Hall said we expected him to be here.

34

35 Mr. Roberts said that's part of Curtis Orchard, right.

36

37 Mr. Hall said they have been at ZBA hearings in the past and they know how we work, and they got their
38 Special Use Permit; Mr. Graham is the person who did that, so he's absolutely familiar with our process.

39

40 Mr. Randol said it was something unexpected more than likely.

41

42 Mr. Elwell said so it appears we could deny the case tonight or continue to August 17.

43

44 Mr. Hall said if the Board thinks there will be enough time on August 17. He said we have the variance
45 case there and then hopefully final action on case 086-AT-23. He said he did not know how quick that
46 might or might not be. He said if continuing this case to August 17 imperils case 086-AT-23, then he
47 would say to continue it to a different meeting because as the petitioner on case 086-AT-23, he wants to
48 make sure we get a decision on case 086-AT-23 on the 17th.

49

1 Mr. Elwell said August 31 looks like a full night, and so does September 14. He asked if Mr. Hall
2 anticipated October 12 being a full night.

3
4 Mr. Hall said under the by-laws, October 12 is already a full caseload with case 104-V-23 being continued
5 to it.

6
7 Mr. Wood noted that there is only one meeting in September.

8
9 Mr. Herbert asked if September 14 would be a better date; the cases listed usually go pretty well.

10
11 Mr. Hall said that's another option.

12
13 Mr. Herbert said typically those cases are well thought out.

14
15 Mr. Hall said hopefully they are.

16
17 Mr. Wood asked don't we usually treat those all as one case since it's all one location.

18
19 Mr. Hall said yes, but there's four findings that the Board has to make that night if they're going to take
20 final action that night. He said but maybe there's room for a rather small variance on there.

21
22 Mr. Wood said we could probably get through that quickly enough.

23
24 Mr. Hall said so the Board likes September 14th.

25
26 Mr. Wood said Staff might want to talk to Mr. Graham since he's in his really busy season then.

27
28 Mr. Elwell entertained a motion to move case 101-V-23 to September 14, 2023.

29
30 **Mr. Wood moved, seconded by Mr. Herbert, to move case 101-V-23 to September 14, 2023. The**
31 **motion carried by voice vote.**

32
33 **8. Staff Report – None**

34
35 **9. Other Business**
36 **A. Review of Docket**

37
38 Mr. Elwell asked if there would be any absences coming up.

39
40 Mr. Wood and Mr. Roberts said they would not be at the August 31, 2023 meeting.

41
42 **10. Adjournment**

43
44 Mr. Elwell entertained a motion to Adjourn.

45
46 **Mr. Roberts moved, seconded by Mr. Wood, to adjourn the meeting. The motion carried by voice**
47 **vote.**

48
49 The meeting adjourned at 7:44 pm.

1 Respectfully Submitted,
2
3
4 Secretary of the Zoning Board of Appeals