

MINUTES OF SPECIAL MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

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

DATE:	August 31, 2023	PLACE:	Shields-Carter Meeting Room
			1776 East Washington Street
			Urbana, IL 61802

MEMBERS PRESENT: Tom Anderson, Thaddeus Bates, Ryan Elwell, Nolan Herbert, Jim Randol

MEMBERS ABSENT: Lee Roberts, Larry Wood

STAFF PRESENT: John Hall, Susan Burgstrom, Stephanie Berry

OTHERS PRESENT: Manuel Enriquez, Jack Brown, Greg Miller, Janice Fogerson, Curt Fogerson, Banio Koroma Jr., Carl Corbin, Denise Dees

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 27, 2023

Mr. Randol moved, seconded by Mr. Bates, to approve the July 27, 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 106-S-23

Petitioner: Banio & Shanelle Koroma, d.b.a. Ujima Retreat Center

Request: Authorize a Special Use Permit for the establishment and use of an Event Center as a combination “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” in the AG-2 Agriculture Zoning District.

1 Location: **The 7.5-acre Lot 1 of Werts Subdivision in the Southeast Quarter of the Northeast**
2 **Quarter of Section 34, Township 19 North Range 9 East of the Third Principal**
3 **Meridian in Urbana Township, commonly known as the residence with an address of**
4 **4303 S High Cross Road, Urbana.**
5

6 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
7 the witness register for that public hearing. He reminded the audience that when they sign the witness
8 register, they are signing an oath.
9

10 Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County allows
11 anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a
12 show of hands from those who would like to cross-examine, and each person will be called upon. He said
13 that those who desire to cross-examine do not have to sign the Witness Register but will be asked to clearly
14 state their name before asking any questions. He noted that no new testimony is to be given during the
15 cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
16 exempt from cross-examination. He asked if the petitioner would like to outline the nature of their request.
17

18 Mr. Banio Koroma Jr., Ujima Retreat Center, 4303 South High Cross Road, Urbana, said that Ujima
19 Retreat Center is not just a retreat center, Ujima is their home. He said Ujima is also a nature sanctuary
20 that they believe is good for the entire community. He said they named their center Ujima because Ujima
21 means to make the community's problems our problems and solve them together. He said they believe
22 that making a retreat space in their community is an avenue for healing. He said his wife and he have been
23 residents of Champaign County for over ten years. He said when COVID hit, his family and the
24 community suffered, but then his family began to find healing while experiencing nature with their loved
25 ones. He said they then searched for a place nearby that would allow them to provide the same opportunity
26 for others. He said when they saw the property in question, they saw a nature retreat. He said they
27 purchased the property and called and spoke to both the City of Urbana and Champaign County Planning
28 and Zoning departments. He said while they don't have official records of contact with the County,
29 because they actually answered his phone call on the first try, they do have email communication with the
30 city to serve as proof of their deepest desire and purest intention to do things the right way under and with
31 the governments in which they reside. He said they were honestly not aware of the Special Use Permit
32 being used by their neighboring rural business operators. He said they are not some big corporate entity
33 with investors and donors, they are simply a family of Champaign County using their resources to make
34 a difference. He said Ujima Retreat Center is their contribution to their community. He said evidence of
35 this is their good reputation within the community. He said he is a licensed conflict mediator, life coach
36 and youth mentor and his wife is a social worker and mental health therapist. He said their intention is not
37 to change the agricultural integrity of rural Urbana; in fact, they intend to preserve the nature that exists
38 there. He said similar to a prairie restoration, they have a natural and native landscape; in addition, they
39 have native wetlands and plants among a natural spring-fed pond with remarkable animal and aquatic life.
40 He said they also have a historic barn that has a plaque award from 1939. He said some organizations
41 Ujima has partnered with in the community are Faith In Place, Forever Healing Us, University of Illinois
42 4-H Extension, Youth Build, yoga centers, and DREAM Academy, to name a few. He said their space
43 is designed for quiet enjoyment; no large events or parties are allowed. He said they do not allow groups
44 larger than ten people and loud music is not allowed. He said in fact they encourage mindfulness and silent
45 meditation. He said no drugs, smoking, or hard alcohol is allowed and they do not prepare food. He said
46 they have parking on the grounds that does not interfere with the public right-of-way. He said they won't
47 bother the neighbors or farmers; in fact, their nearest neighbor's residence is approximately one mile away.
48 He said they didn't and do not consider the retreat center as a dwelling, but a place for events and overnight
49 stays. He said the kitchen and bathroom were installed to accommodate multi-day group retreats when the

1 weather does not permit outdoor overnight stays and outdoor activities. He said if this use is not allowed
2 under the Special Use Permit, and if there were no other options, they would elect to decommission the
3 kitchen. He thanked everyone for their time, their mutual interest, and their shared commitment to serving
4 their community.

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

7
8 Mr. Randol referred to the website materials in the packet and said on there it says there are camp sites
9 for tents, trailers, and RVs but on the site plan it doesn't have any area designated for that. He asked Mr.
10 Koroma what his plan was.

11
12 Mr. Koroma said that was an outdated website link. He said before they purchased the property, the
13 previous owner, Mr. Fenwick, installed some electrical RV hookups. He said Mr. Fenwick was the former
14 inspector for the Village of Savoy, so he's sure it was nothing to him, but when they came there it was
15 already equipped with electrical hookups for potential RVs. He said as to this moment they have not
16 received any inquiries or reservations for RVs, and actually they're not looking to advertise as a RV park
17 or any type of RV campsite. He said as far as campsites, it's just the grounds. He said he has some tents
18 that they put up outside if people want to get the camping experience and their goal is to bring the
19 community out to nature so they can experience things like camping for the first time or being out in
20 nature and fishing, kayaking, etc.

21
22 Mr. Randol asked Mr. Hall how the campsite locations that are there now have an effect on the request.

23
24 Mr. Hall said based on the testimony, the only camping they would expect would be with tents. He said if
25 the Board is concerned about RV hookups, they might want to include a condition that no RV hookups
26 shall be used, or maybe that's not a concern. He said it would be good to know where those are at, but if
27 you want to trust the testimony there shouldn't be any RVs out there.

28
29 Mr. Randol said his concern is that they aren't on the plan and if they anticipate using them, even if it's
30 one or two a year, that should be included.

31
32 Mr. Koroma said they have no problem indicating those. He said he is not an electrician; all he knew is
33 there were RV hookups when they bought the place. He said they have no problem designating that on
34 the materials.

35
36 Mr. Hall asked Mr. Koroma if he recalled how many RV hookups there are.

37
38 Mr. Koroma said there are three.

39
40 Mr. Hall said the evidence in the hearing is that there are three RV hookups, and if the Board is comfortable
41 with that amount, we really don't need to have them on the site plan; we know the number, that's the key
42 thing.

43
44 Mr. Randol asked if they decide to rent them out, how does that come into play then.

45
46 Mr. Hall said as long as there's no condition prohibiting that, it wouldn't be a problem; it would only be
47 a problem if for some reason we saw more than three RVs hooked up.

48
49 Mr. Randol said okay, thank you.

1 Mr. Herbert asked if the RV hookup was a single box with one 50-amp, one 30-amp, and one 20-amp plug
2 or are there three separate boxes placed amongst the area.

3
4 Mr. Koroma said he's not an electrician, but he believes there's one because the wiring from the Quonset
5 goes to a light pole, and when one of the lights went out, the electrician went out and tripped a fuse. He
6 said the fuse box contains connections for the light pole and a port where you can plug in the three
7 electrical RV hookups.

8
9 Mr. Herbert said his understanding of that is it is a single box with all three of the separate style hookups
10 in it, so he probably wouldn't call that a multiple site hookup.

11
12 Mr. Randol asked if there are three separate boxes or is everything in the one box.

13
14 Mr. Koroma said from what he knows, there are two active ones, and the other is not even active. He said
15 he had asked the electrician to test it, but he never came back and got to it, so currently there are two
16 active.

17
18 Mr. Herbert asked if all those boxes are on the same pole.

19
20 Mr. Koroma said no, the three boxes are not on the same pole. He said if you look at the site plan, directly
21 to the west of the Quonset where the walkway is there is a box but that's also the fuse that is connected
22 from the main power that is coming in from Ameren, that's all in the same circuit, it's all linked together.
23 He said for example when the light poles went out, the electrician went to the first box and he said that
24 they're all connected so he flipped the switch.

25
26 Mr. Elwell asked Mr. Hall for some insight on required parking.

27
28 Mr. Hall said he'd like to, but he has some questions himself. He said in item 8 of the application, there
29 was a statement that there would be no more than 20 people, and his evidence tonight is not more than
30 ten.

31
32 Mr. Koroma said he could explain. He said they just purchased the property in February 2022 and again,
33 their motive was to have a space nearby where they could bring community members, people who struggle
34 with severe stress from COVID, and they just wanted to find a local place where they could do this. He
35 said they're building as they're flying, and so they did some tests and got some feedback and they felt that
36 a group that exceeds ten to 15 people is kind of counter to what they're trying to do, which is quiet
37 enjoyment, peaceful mindfulness, and silent meditation. He said initially they thought if someone wanted
38 to have a graduation or a wedding, but after their first test which had maybe 11 people, it would be better
39 for management to have smaller groups. He said things like littering they obviously enforce with no
40 littering signs, but some people are not used to being in nature and they don't understand that everything
41 is connected so that's one of the things they teach people who come is to respect nature. He said they feel
42 the smaller the group the better they can manage that and maintain that standard.

43
44 Mr. Hall said with an attendance of ten, it's a little hard to figure out what the Zoning Ordinance requires
45 for parking. He asked Ms. Burgstrom if it was one-third or one-fifth of the total attendants.

46
47 Ms. Burgstrom said it was one-third for outdoor events and one-fifth for indoor events.

48
49 Mr. Hall said he was going to round up and say the ordinance requires four parking spaces. He said there

1 is a circular drive there and it looks like four cars could fit into that circular drive with no problem. He
2 said one question he has, and in fact one of the conditions requires that Mr. Koroma contact the Illinois
3 Capital Development Board to determine if he has to add a paved accessible parking space. He said he is
4 inclined to think that he would; however, they are going to ask if any parking spaces need to be added. He
5 said if Mr. Koroma tells them no, all the parking can be accommodated on the existing drive, they might
6 tell him that he doesn't need to have an accessible parking space. He said that is why he wants Mr. Koroma
7 to contact them, copy Staff on his communications so that he talks directly with them, and maybe he will
8 not have to add an accessible parking space, maybe he will. He said if Mr. Koroma has to add an accessible
9 parking space, he's curious where they would want it; he suspects they would want it near the Quonset
10 hut so that if they have a group with a person that needs accessibility, they are going to be right there near
11 the Quonset hut. He said the Quonset hut raises another question – should it have been made accessible.
12 He said this is why he wants Mr. Koroma to talk to them.

13
14 Mr. Koroma said yes, they would do that. He said if they require accessible parking, that would be where
15 they would require them to place it. He said as far as accessibility, he knows it is entrance doors for
16 wheelchair accessibility. He said the main door he doesn't know if it is the 32-inch minimum, but it's
17 swing-in doors and the doors to the bedrooms are potentially 36 inches – they're over 32 inches. He said
18 that's a great idea and they have no problem, they're here in the spirit of complying with their governing
19 bodies and he thinks they have mutual interest with making their community better, so whatever they have
20 to do to work together to get compliant, they're all for that.

21
22 Mr. Hall said thank you and asked Mr. Elwell if that answered his question.

23
24 Mr. Elwell said yes, and a follow-up question is where the septic is for the Quonset hut.

25
26 Mr. Koroma said he believes it would be about 25 feet due north of the Quonset hut, parallel to IL130,
27 Item 10 on the site plan.

28
29 Mr. Randol asked if that was installed yet.

30
31 Mr. Koroma said it was installed.

32
33 Mr. Bates asked if it was recently installed.

34
35 Mr. Koroma said yes, within the last six months. He said they hadn't started operations until May of this
36 year, May 23rd.

37
38 Mr. Hall asked if he knew if there was a permit from the health department for that septic system.

39
40 Mr. Koroma said no there was not. He said again, he has never taken this on; they were encouraged to
41 contact both the City of Urbana and the County by their architect, who is a straight shooter and has a good
42 reputation. He said the architect told them he wouldn't do anything until Mr. Koroma talked to the County
43 and the City to get the permits. He said he called the City of Urbana and talked to Kevin Garcia, he
44 explained what happened and Mr. Garcia sent them to the County. He said he spoke to a gentleman, a
45 great guy at the County and at the time were compliant, so it wasn't a requirement to pull that at the time,
46 so that's why they did not. He said that's why they reached out to the government bodies to make sure
47 they were in compliance.

48
49 Mr. Herbert asked how big the septic was – for how many people was it engineered. He said if they had

1 ten people staying there overnight, they're producing a lot of waste.

2
3 Mr. Koroma said they don't allow over six to stay overnight; ten is just on the grounds. He said again,
4 he's not a contractor or an electrician, but it's like 1,000 gallons, the biggest tank they have at Menard's,
5 that's the capacity.

6
7 Mr. Elwell said if there's going to be ten to 20 people on the grounds outside, wouldn't it make sense that
8 ten to 20 people would need to use the facilities.

9
10 Mr. Koroma said they actually have an outbuilding, and they encourage its use because they want people
11 to be out in nature and experience what really happens, you know back 1,000 years ago there weren't
12 bathrooms, there were outhouses, but that's more for overnight and obviously if somebody needed to and
13 didn't feel comfortable using the outhouse that they can have access to the Quonset hut.

14
15 Mr. Bates asked Mr. Hall if the outhouse needs a permit.

16
17 Mr. Hall said that's a great question; he recalls that IDPH still allows outhouses in recreational areas. He
18 said it might be that use of an outhouse has its own unique kind of permit so they can make sure that it's
19 managed properly.

20
21 Mr. Bates said his concern is if it's a privately owned and there's not people coming and going and it's
22 your own stuff, that's one thing, but he doesn't know how you manage an outhouse scenario that's open
23 to the public. He said he knows that DNR does it quite often and he knows it's capable, but he thinks
24 there's something to be watched out for here.

25
26 Mr. Koroma said even though they serve the community, they are private, so everything is by reservation
27 only and they are on the grounds at any event on the property. He said if they do need a permit, that's no
28 problem, they're here to comply. He said that they put an outdoor sink, which is basically just a water
29 tank, it's pretty cool, his wife told him about it, it's an outdoor sink with a tank.

30
31 Mr. Hall said so folks can wash their hands; that's a good improvement. He said he was curious, since
32 they allow kayaking, do they allow swimming.

33
34 Mr. Koroma said if someone wanted to, they do go over water safety and they provide life vests; no one
35 is allowed to go out in the water without a life vest. He said while they are there, they always make sure
36 to go over water safety.

37
38 Mr. Hall asked Mr. Koroma if he feels like he is properly insured to have people on the water.

39
40 Mr. Koroma said yes.

41
42 Mr. Herbert said regarding the septic system, he would still like to see some sort of indication that it is
43 adequate. He asked how many feet of leach field were put in.

44
45 Mr. Koroma referred to the aerial map and said he doesn't have the exact measurements, but with the
46 information he was quoted from the plumber who installed it, it's sloping all the way down, and they had
47 to bring out some landscape excavators and they dug pretty deep. He said it was a lot of soil that was dug
48 up, so it's definitely deep and he believes far enough. He said his concern was when they initially put it
49 in was that it would affect the pond water. He said that was his main question, he wanted to make sure

1 that if anything happened a leak wouldn't go into the water. He said once they convinced him it was safe,
2 from his research against what the plumbers told him, he listens to what they say but he also gets a second
3 opinion, and from his understanding everything was done correctly.
4

5 Mr. Herbert said tanks and leach fields and everything are sized appropriately to a home of a standard
6 sized family. He said this is going to be beyond that, to parties of ten outdoors during the days and six
7 staying the night; they're showering and using the facilities and everything else, so he is a little more apt
8 to want to see appropriate channels that the system is capable.
9

10 Mr. Koroma said he would get them any information they need, the plans they have from the architect –
11 they factored that into the blueprints. He said that was a question, what would the sewer system be, and
12 they recommended a septic system, so he went with the professionals, and whatever information the Board
13 needs he's sure he can get that for them, it's not a problem.
14

15 Mr. Elwell said it sounds like to him there is going to be some homework they will be giving the petitioner.
16 He said he'd like to put that together and asked if it would be appropriate for the Board to ask for
17 Champaign County compliance from the health department.
18

19 Mr. Hall said if possible; if he were the health department, he might have a difficult time proving
20 compliance on a system that he didn't look at what was being installed, but hopefully the plumber could
21 provide the feet of trench and if he used the domed devices that are popular now for a trench field for
22 whatever kind of trench field it is. He said he's sure they are going to require a soil investigation, so they
23 know what kind of soils it went into. He said if in fact Mr. Koroma could get a permit after the fact that
24 would be great; he's skeptical that it's possible, but he thinks that the Board is wanting Mr. Koroma to
25 work with the health department and get the best evidence he can that a system in these soils with these
26 characteristics would have been okay. He said if nothing more, he should be able to get that. He said Staff
27 can work with the health department also; we'll give them a heads up so they can be expecting Mr. Koroma
28 to contact them. He asked if the Board is concerned to get some kind of letter of compliance on the use of
29 the outhouse.
30

31 Mr. Randol said definitely.
32

33 Mr. Bates said he had a short list of items that he thinks the Board needs answers on. He listed a septic
34 tank permit or engineered drawing; who the licensed installer was; a percolation test or soil investigation;
35 some type of approval for public use of an outhouse and how that is supposed to be maintained; clear
36 direction on how the RV outlets are going to be used and/or maintained, and he thinks the Board still
37 needs to discuss the issue of having multiple residences on the property.
38

39 Mr. Elwell said to add parking as well as accessibility. He said he believed that Mr. Koroma mentioned
40 that just to the west of the Quonset hut was the three potential RV hookups and his question is whether
41 there is enough space to maneuver if there are four parked cars in the circle drive.
42

43 Mr. Koroma asked if he were to tell them that he believes there is enough space, personally if he were on
44 the Board, he would just take that with a grain of salt without measurements – he would have to go out
45 and literally measure to give them a complete answer. He said to be honest, they have no problem
46 decommissioning that because they're not trying to attract RV campers. He said if it is an issue they have
47 no problem. He said any issues as far as the outbuilding, they didn't construct that, it was there when they
48 purchased the property and they have no problem getting certifications or health approval that is required.
49 He said if they can get him all of the questions, he would be sure to get that all to them expeditiously.

1 Mr. Elwell said he thinks they can all agree the mission and vision is outstanding, but his biggest concern
2 is the cart and the horse. He said he understands and greatly appreciates Mr. Koroma's acceptance of
3 working together, but he would prefer to have the horse first and then the cart if that makes sense.
4

5 Mr. Koroma said absolutely, and he hasn't gotten this far in life with taking shortcuts; everything they've
6 done is through the front door, straight shooter. He said this is his first time doing this, he's not going to
7 sit here and say he knew everything, this is their first endeavor in this space and even being here he is
8 learning. He thanked everyone for working with them and said they are excited about working with them
9 as fast as possible.
10

11 Mr. Elwell asked Mr. Bates if they had everything on his list.
12

13 Mr. Bates said he still has concerns on the multiple residences on one property. He said he didn't know
14 what the options are.
15

16 Mr. Hall said there's a special condition that either requires decommissioning of the dwelling unit within
17 60 days or submission of an approved Plat of Subdivision within 180 days. He asked Mr. Koroma if he
18 was planning to do the subdivision route.
19

20 Mr. Koroma said at this time he believes if those are the only two options that they would go ahead and
21 elect to decommission the kitchen.
22

23 Mr. Hall said he would recommend that the special condition stay the way it is just so they can make sure
24 that it gets done, but that would take care of the second dwelling issue.
25

26 Mr. Herbert said he had a question about decommissioning the kitchen. He said that's fine until we're
27 done with this, but at what point does that kitchen become commissioned again – how do you police that.
28

29 Mr. Hall said it's like every other zoning thing; we don't commission every other zoning thing – at a
30 certain point we trust the citizen to do what they said they were going to do.
31

32 Mr. Herbert asked about fire escapes and everything else, is that up to code, or is there a code requirement
33 on that being more than just a dwelling.
34

35 Mr. Koroma said the egress windows are 60 inches – everything on the base level is larger than egress.
36 He said they have smoke detectors CO2 protectors, and they keep two fire extinguishers, one in the current
37 kitchenette and one on the outside of the storage building, which they call the frog house, where they also
38 keep the life vests.
39

40 Mr. Elwell asked Mr. Hall to describe decommissioning the kitchen.
41

42 Mr. Hall said typically for decommissioning they require the sink to be removed and the plumbing lines
43 to be removed below the surface of the wall. He said if there is a 220-volt outlet for the range, they require
44 that to be removed. He said they do not require the refrigerator to be removed; you can put a refrigerator
45 in any room that has an outlet. He said we don't require the counters to be removed; counters in and of
46 themselves are essentially a piece of furniture. He said so we're concerned about plumbing and any special
47 wiring. He said we do require an inspection before you patch over the wall where you removed the
48 plumbing lines.
49

1 Mr. Anderson asked about a cluster of buildings about halfway up the north part of the property.
2
3 Mr. Koroma asked Mr. Anderson if he was asking about the buildings on the west side.
4
5 Mr. Anderson said yes.
6
7 Mr. Koroma said those are actually tree limbs – a wood pile. He said it looks like a structure but it’s really
8 a pile of wood.
9
10 Mr. Bates said so the structures are no longer there, this is just an old aerial photo.
11
12 Mr. Koroma said on the extreme west side of the property, there is a pallet of wood.
13
14 Mr. Elwell asked when the hearing could be rescheduled.
15
16 Mr. Hall said he thinks the best available date is November 16th.
17
18 Mr. Elwell asked what the turnaround is on the health department.
19
20 Mr. Hall said provided they get the information they need in a reasonable time, they should have plenty
21 of time.
22
23 Mr. Elwell told Mr. Koroma that they would most likely be continuing this case and November 16th has
24 been recommended. He asked Mr. Koroma how he felt about that date.
25
26 Mr. Koroma said that’s fine, November 16th or the earliest available date is fine. He said as soon as he
27 gets out of this meeting, he will be getting to work on all that they need, they just want to be compliant.
28
29 Mr. Elwell asked Ms. Burgstrom if she thought they communicated a good list of needed items.
30
31 Ms. Burgstrom said she made a list and would be in contact with Mr. Koroma.
32
33 Mr. Elwell asked if anyone would like to cross-examine Mr. Koroma. Seeing no one, he asked if anyone
34 else would like to testify in this case. Seeing no one, he asked if there was a motion to continue this case
35 to November 16, 2023.
36
37 **Mr. Bates moved, seconded by Randol, to continue case 106-S-23 to November 16, 2023. The motion**
38 **carried by voice vote.**
39

40 **Case 107-V-23**

41 Petitioner: **Janice Fogerson**

42
43 Request: **Authorize a variance for a proposed 1.43-acre lot with an average lot width of 130**
44 **feet in lieu of the minimum required average lot width of 200 feet in the AG-1**
45 **Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning**
46 **Ordinance.**
47

1 Location: **Part of a 37.91-acre tract in the Northeast Quarter of the Northwest Quarter of**
2 **Section 19, Township 17 North, Range 7 East of the Third Principal Meridian in**
3 **Sadorus Township.**
4

5 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
6 the witness register for that public hearing. He reminded the audience that when they sign the witness
7 register, they are signing an oath.
8

9 Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County allows
10 anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a
11 show of hands from those who would like to cross-examine, and each person will be called upon. He said
12 that those who desire to cross-examine do not have to sign the Witness Register but will be asked to clearly
13 state their name before asking any questions. He noted that no new testimony is to be given during the
14 cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
15 exempt from cross-examination. He asked if the petitioner would like to outline the nature of their request.
16

17 Janice Fogerson, 232 Bowyer St, Bement, introduced her husband, Curt Fogerson. She said she grew up
18 at the residence at 23 County Road 300 North, Ivesdale, two miles south of Ivesdale where her dad and
19 grandpa were both farmers. She said when her grandpa died in 1989, her mom and dad moved into
20 grandpa's house. She said houses in the country go quickly, and someone came and wanted to buy, but
21 there were two sheds that her dad and grandpa still wanted to use for their farming equipment. She said
22 when they sold the house and property, part of the property they kept so they could still have access to the
23 sheds for their equipment. She said when her dad died in 2017, the property went to her mom, and her
24 husband would mow and things like that. She said the man who farmed for her mom would still use the
25 shed for equipment. She said her mom passed away in January 2023 and the property went to her older
26 sister, Julie, her, and her younger brother, John. She said her siblings are not interested in the property.
27 She said she and her husband camp, so they have a camper, and her husband is a carpenter, so he has a lot
28 of wood for projects. She said they are interested in storing their camper there in the winter and also for
29 carpentry projects and things like that. She said they bought it from her sister and brother and gave them
30 a check in the spring, and right now she and her siblings are the owners. She thought she'd just pay them
31 for the property and put her husband's name on the title instead, but then they discovered it needs to be
32 200 feet in width, and it's not. She said her concern, and the reason she is requesting the variance, is they
33 are not farmers, and she understands the purpose of this rule is to not chop up precious farmland. She said
34 she 100% understands that; she is a farmer's daughter, and she understands that. She said if this variance
35 isn't passed, she and her husband will have to buy farmland or not sell as much so that they can have 200
36 feet in width, and that would chop up the farmland. She said she wants to request the variance because
37 she doesn't want to chop up the farmland. She referred to the photos she had handed out to the Board and
38 said she hoped it all made sense. She said it's 1.43 acres right on the edge of Champaign County and Piatt
39 County.
40

41 Mr. Herbert asked if Ms. Fogerson could help him understand. He said she and her siblings own 37.91
42 acres.
43

44 Ms. Fogerson referred to the annotated aerial in Attachment C and said to the west of the 1.43 acres was
45 when her grandpa died, he left that property to his grandchildren. She said she and her husband own 6.6
46 acres of that land to the west. She said her mom had the 37.91 acres and when she passed away that went
47 to her and her siblings.
48

49 Mr. Herbert said the point he was getting at was if the neighbor to the west didn't want to sell, that's a

1 different parcel. He said this particular property is attached to that 37.91 acres.
2
3 Ms. Fogerson said the 37.91 acres is now owned by her and her siblings and the land to the west has been
4 theirs since their father died in 2017.
5
6 Mr. Elwell asked Ms. Fogerson what six acres of the property to the west does she own.
7
8 Ms. Fogerson said good question; she doesn't know. She said there's just several owners with that property
9 so how do you identify which is hers.
10
11 Mr. Randol asked if the land to the west is in Piatt County.
12
13 Ms. Fogerson said no, it's Champaign County.
14
15 Mr. Randol said he is confused about the six acres she mentioned.
16
17 Curt Fogerson referred to Attachment B of the packet. He said to the west you can see that ground and
18 that is part of the 6.6 acres that the siblings own together. He said they don't know who has what because
19 it's kind of in a legal battle.
20
21 Mr. Herbert said a simple answer is that she owns all the way around that 1.43 acres, it's just two different
22 parcels acquired at two different times.
23
24 Ms. Fogerson said the land to the west was left to her, her siblings and some cousins that is still in
25 Champaign County.
26
27 Mr. Herbert said the crib and shed were left to the grandchildren.
28
29 Ms. Fogerson said yes, and the 37.91 acres was her mother's. She said if they sell, then her fear is she
30 doesn't want to chop up the land and they literally just want the sheds for storage and her husband mows,
31 and just keep it the way it is.
32
33 Mr. Herbert said quite honestly if they were to sell both those parcels, he thinks it would be cleaner to
34 have a straight line separating it anyway rather than moving out into a separate piece of ground and trying
35 to merge that to this piece of ground to acquire the 200 feet.
36
37 Mr. Randol said it would keep it square.
38
39 Mr. Herbert asked what is the reason for the notch in the east side of the 1.43 acres.
40
41 Ms. Fogerson said when her grandpa died, mom and dad sold it, and the bank that was loaning to the
42 Buckners, the couple who bought the house wanted – that's where dad had his gas tank – the bank wanted
43 them to dig to make sure there wasn't a gas leak, and they didn't want to do that so her dad said that he
44 would keep that area to prevent them from having to do that. She said they are older, and Mr. Buckner is
45 not in good health, and they are concerned if she would buy more of their yard, they're concerned about
46 being able to sell it to someone when even more of the yard was taken away because when you buy a
47 house in the country that's one of your advantages is a nice yard.
48
49 Mr. Bates asked if the neighbors have 200 feet of road frontage.

1 Mr. Hall said yes.

2
3 Mr. Elwell asked if there were any other questions from the Board or Staff. Seeing none, he asked if
4 anyone would like to cross-examine Ms. Fogerson. Seeing no one, he asked if anyone else would like to
5 testify in this case. Seeing no one, he entertained a motion to close the Witness Register.

6
7 **Mr. Herbert moved, seconded by Mr. Randol, to close the Witness Register for case 107-V-23. The**
8 **motion carried by voice vote.**

9
10 Mr. Elwell asked how the Board would like to proceed.

11
12 Mr. Bates asked in the event that life goes on, which it always does, there will be a time when they would
13 sell this land or hand it down. He asked if somebody were to try to build on this property, would they have
14 to come back to this Board for a Special Use Permit or a Variance, right.

15
16 Mr. Hall said no, if the Board grants this Variance, it makes it a good zoning lot unless the Board puts a
17 condition that no dwelling can be built, a dwelling would be allowed because it exceeds our minimum lot
18 size. He said the challenge is going to be, because it is only 130 feet wide, and there are sheds that use
19 basically the south half of the property, getting a house and a septic system on the north half of the property
20 or maybe they'll tear down the sheds and that will help.

21
22 Mr. Bates said there's nothing that says if they can't; they have the square footage to build a house if they
23 want.

24
25 Ms. Fogerson said that is a concern she had as well, what happens when something happens to her and
26 her husband, their children having to deal with selling it, because this has been stressful. She said she
27 really thought it would be easy to write her siblings a check, put her husband's name on the title and it
28 would be over. She said it's been a lot more complicated than she thought. She said literally like a week
29 after her mom died, she had two farmers contacting her about wanting the sheds for storage. She said she
30 doesn't think it's going to be a problem, we all know farmers never have enough storage, so she already
31 thought to herself she would make sure her children know if something were to happen to them, they
32 would rent it out or sell it to a farmer.

33
34 Mr. Bates said he was more trying to prevent a scenario from what we're dealing with in a previous case
35 where someone buys this land, builds a house on it and it's not the size of lot that it needs to be where
36 they have to decommission a place because they didn't know any better.

37
38 Ms. Fogerson asked if it was possible for the Board to put that as a condition that if this variance is passed
39 no house would be allowed.

40
41 Mr. Bates said no, it meets the requirements, that's all that he was hoping.

42
43 Mr. Elwell said he doesn't think if you said no, or if the Board said no residence, he doesn't think that's
44 fair to the parcel owner, you or future owners. He said if the Board says before something is built they
45 need to come back, he would be okay with that, but he doesn't think it would be prudent for the Board
46 dictate to you that you can't put a house on this property, even though it meets requirements. He said that
47 is kind of the real estate agent in him coming out – he doesn't want to limit them, but if there is something
48 possibly coming back in front of this Board it would be a good idea.

49

1 **Mr. Randol moved, seconded by Mr. Anderson, to accept the preliminary Summary of Evidence**
 2 **and Documents of Record and move on to the Findings of Fact. The motion carried by voice vote.**

3
 4 Mr. Elwell asked if they wanted a special condition about having a residence.

5
 6 Mr. Randol said there is no need for that.

7
 8 Mr. Elwell said he would be reading from Attachment E, page 7 of 8.

9
 10 **FINDINGS OF FACT FOR CASE 107-V-23**

11 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
 12 **107-V-23** held on **August 31, 2023**, the Zoning Board of Appeals of Champaign County finds that:

13
 14 **1. Special conditions and circumstances {DO / DO NOT} exist which are peculiar to the land or**
 15 **structure involved, which are not applicable to other similarly situated land and structures**
 16 **elsewhere in the same district because:**

17
 18 Mr. Bates said special conditions and circumstances DO exist which are peculiar to the land or structure
 19 involved, which are not applicable to other similarly situated land and structures elsewhere in the same
 20 district because: the two sheds were part of the adjacent farmstead until the house was split from the sheds
 21 in 1992, and the proposed lot area of 1.43 acres is larger than the one-acre minimum required lot area in
 22 the AG-1 Zoning District.

23
 24 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**
 25 **sought to be varied {WILL / WILL NOT} prevent reasonable or otherwise permitted use of**
 26 **the land or structure or construction because:**

27
 28 Mr. Randol said practical difficulties or hardships created by carrying out the strict letter of the regulations
 29 sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or
 30 construction because: without the proposed variance, the petitioner would have to find farmland in
 31 agricultural production to make a 200-foot-wide lot and that farmland would be taken out of production.

32
 33 **3. The special conditions, circumstances, hardships, or practical difficulties {DO / DO NOT}**
 34 **result from actions of the applicant because:**

35
 36 Mr. Bates said the special conditions, circumstances, hardships, or practical difficulties DO NOT result
 37 from actions of the applicant because: the lot splitting the house from the sheds was created in 1992, and
 38 the petitioner recently inherited the surrounding farmland and two sheds.

39
 40 **4. The requested variance {IS / IS NOT} in harmony with the general purpose and intent of the**
 41 **Ordinance because:**

42
 43 Mr. Randol said the requested variance IS in harmony with the general purpose and intent of the Ordinance
 44 because: there is adequate light and air and separation from adjacent structures.

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

48
 49 Mr. Herbert said the requested variance WILL NOT be injurious to the neighborhood or otherwise

1 detrimental to the public health, safety, or welfare because: relevant jurisdictions have been notified of
2 this case, and no comments have been received.

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

7 Mr. Herbert said the requested variance IS the minimum variation that will make possible the reasonable
8 use of the land/structure because: this is the minimum lot area needed to keep the sheds without adding
9 farmland.

10
11 **7. THE SPECIAL CONDITION IMPOSED HEREIN IS REQUIRED FOR THE**
12 **PARTICULAR PURPOSES DESCRIBED BELOW:**
13

14 **A. A Plat of Survey for the proposed 1.43-acre lot must be recorded at the Champaign**
15 **County Recorder of Deeds within 180 days of approval of Case 107-V-23.**
16

17 The special condition stated above is required to ensure the following:
18 **That the lot is properly created per the Illinois Plat Act.**
19

20 Mr. Elwell asked Ms. Fogerson if she agreed with the special condition.
21

22 Ms. Fogerson asked if what he was saying is that they go get the lot surveyed.
23

24 Mr. Elwell said yes, within 180 days of tonight.
25

26 Ms. Fogerson said yes, she is in agreement.
27

28 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings
29 of Fact as amended.
30

31 **Mr. Bates moved, seconded by Mr. Herbert, to adopt the Summary of Evidence, Documents of**
32 **Record and Findings of Fact as amended. The motion carried by voice vote.**
33

34 Mr. Elwell told Ms. Fogerson that we do not have a full Board today, and that we need four affirmative
35 votes on the Final Determination. He told her she has the option of either having the Board vote tonight
36 or continuing the hearing to another date when the full Board could be present.
37

38 Ms. Fogerson said they could proceed tonight.
39

40 Mr. Elwell entertained a motion to move to Final Determination.
41

42 **Mr. Randol moved, seconded by Mr. Bates, to move to Final Determination. The motion carried by**
43 **voice vote.**
44

45 Mr. Elwell told Ms. Fogerson that he would be reading from Attachment E, page 8 of 8.
46

47 **FINAL DETERMINATION FOR CASE 107-V-23**

48 **Mr. Bates moved, seconded by Mr. Randol, that the Champaign County Zoning Board of Appeals**
49 **finds that, based upon the application, testimony, and other evidence received in this case, that the**

1 requirements for approval in Section 9.1.9.C *HAVE* been met, and pursuant to the authority
2 granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of
3 Appeals of Champaign County determines that:

4
5 The Variance requested in Case 107-V-23 is hereby **GRANTED WITH ONE CONDITION** to the
6 petitioner, Janice Fogerson, to authorize the following variance:

7
8 **Authorize a variance for a proposed 1.43-acre lot with an average lot width of 130 feet in**
9 **lieu of the minimum required average lot width of 200 feet in the AG-1 Agriculture Zoning**
10 **District, per Section 5.3 of the Champaign County Zoning Ordinance.**

11
12 **SUBJECT TO THE FOLLOWING SPECIAL CONDITION:**

13 **A. A Plat of Survey for the proposed 1.43-acre lot must be recorded at the Champaign**
14 **County Recorder of Deeds within 180 days of approval of Case 107-V-23.**

15
16 The special condition stated above is required to ensure the following:

17 **That the lot is properly created per the Illinois Plat Act.**

18
19 Mr. Elwell requested a roll call vote.

20
21 The vote was called as follows:

22 **Randol - Yes Anderson - Yes Herbert - Yes Bates - Yes**
23 **Elwell - Yes Roberts - absent Wood - absent**

24
25 **The motion carried by roll call vote.**

26
27 Mr. Elwell thanked the petitioner and said the Staff would be in touch.

28
29 Ms. Fogerson asked if Staff would help her with what the following steps are once she gets the property
30 surveyed to get everything legally finished with her husband’s name on it.

31
32 Ms. Burgstrom said yes.

33
34 Mr. Randol asked Mr. Hall why it was a special condition to have the property surveyed – isn’t that a
35 normal standard practice if you sell land.

36
37 Mr. Hall said it’s not actually done all the time and, in this case, it needs to be done to comply with the
38 Plat Act, which is what our ordinance requires.

39
40 Mr. Herbert asked wouldn’t it be surveyed anyway to be broken off the remaining farmland – if she alone
41 were buying that he thought it would have to be surveyed off of that piece.

42
43 Mr. Hall said good practice would be to do that, State law specifies that’s supposed to be done, and now
44 the Board has required it.

45
46 **Case 108-V-23**

47 **Petitioner: NSB Investments**

48
49 **Request: Authorize a variance in the I-1 Light Industry Zoning District for an existing**

1 detached shed with a rear yard of 8 feet in lieu of the minimum required 15 feet and
2 a side yard of 7 feet in lieu of the minimum required 10 feet, per Section 7.2.3 of the
3 Champaign County Zoning Ordinance.
4

5 Location: Lots 243, 244 and 245 of Wilber Heights Subdivision in the Southwest Quarter of
6 Section 31, Township 20 North, Range 9 East of the Third Principal Meridian in
7 Somer Township, with an address of 208 Paul Avenue, Champaign.
8

9 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
10 the witness register for that public hearing. He reminded the audience that when they sign the witness
11 register, they are signing an oath.
12

13 Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County allows
14 anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a
15 show of hands from those who would like to cross-examine, and each person will be called upon. He said
16 that those who desire to cross-examine do not have to sign the Witness Register but will be asked to clearly
17 state their name before asking any questions. He noted that no new testimony is to be given during the
18 cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
19 exempt from cross-examination. He asked if the petitioner would like to outline the nature of their request.
20

21 Mr. Nasar Haider, one of the partners of NSB Investments, gave his address as 2700 Prairie Meadow
22 Drive, Champaign. He said they bought the property in 2020 and the shed was already there. He said they
23 would like the variance granted because otherwise if they move it, it might get damaged and it would be
24 finished.
25

26 Mr. Elwell asked if there were any questions from the Board.
27

28 Mr. Randol asked if he understood correctly that the shed was a residence at one point.
29

30 Mr. Haider said yes.
31

32 Mr. Randol asked Mr. Haider if they are taking everything out of the shed so that it will not be a residence
33 any longer.
34

35 Mr. Haider said they have to apply for that if they can get it, but right now it's not for any residence.
36

37 Mr. Randol asked if someone can still live in that shed.
38

39 Mr. Haider said if it's all fixed properly, yes.
40

41 Mr. Hall asked Mr. Haider as the shed is right now, would it be livable. – it doesn't have a kitchen and a
42 bath right now, does it.
43

44 Mr. Haider said it has a kitchen and a bath in it.
45

46 Mr. Hall asked if they are still there.
47

48 Mr. Haider said they are still there.
49

- 1 Mr. Hall said under the Zoning Ordinance that makes it still a dwelling and that's not permissible, so one
2 of those spaces, the kitchen or the bath, is going to have to be decommissioned.
3
- 4 Mr. Haider said if that's what the Board decides, that is what they will do. He said they have to follow
5 code, so we'll follow it.
6
- 7 Mr. Randol said he thinks the Board needs to know that that has been taken care of, because if we grant a
8 variance for it to be there, and a week, a month, six months, a year down the road, he decides to move
9 somebody in there, then we've allowed a building to be there that again wouldn't be legal.
10
- 11 Mr. Haider said they will not do it unless it's approved. He said no matter if it's a year of five years, they
12 will not do it until it is approved by the County. He said if they said no, then it's no.
13
- 14 Mr. Hall said a question he would have for the Board is you could approve it with a special condition
15 requiring decommission within a certain amount of time, he would recommend 60 days, or you could
16 continue the case for 60 days allowing the decommissioning to happen in that time with an inspection
17 before it comes back to you for final approval.
18
- 19 Mr. Randol said his gut feeling is that we should know that it has been decommissioned before we make
20 any kind of approval.
21
- 22 Mr. Haider said it is decommissioned right now. He said the plumbing and all that stuff is removed; there
23 is no connection over there, no electric, no plumbing.
24
- 25 Mr. Herbert said Mr. Haider just answered that the other way first; he just answered that somebody could
26 live there.
27
- 28 Mr. Haider said if it's approved, not without that; it's not livable without plumbing and electric. He said
29 his answer was the things are there, but not connected; if they're not connected, how can somebody live
30 there.
31
- 32 Mr. Elwell told Mr. Randol that he thinks he's tracking, and that he would feel more comfortable if there
33 was evidence that there is no sink, there is no electric stove hookup, that there is no power than the other
34 option that Mr. Hall had recommended.
35
- 36 Mr. Randol said with what he's asking, we're still going to have to continue the case because it's not any
37 different than what Mr. Hall said, because we need 60 days to know that it cannot be inhabited. He said
38 the stuff has to be decommissioned – no range hookup, no bathroom hookup.
39
- 40 Mr. Elwell said it's his understanding that you can have one or the other, but you can't have both. He said
41 if Mr. Haider would prefer to have a kitchen instead of a bathroom, he doesn't want to limit what he can
42 do with his property to the extent that you can have either a kitchen or a bath, but you can't have both.
43
- 44 Mr. Herbert asked if we could put a special condition on that that it is contingent on inspection.
45
- 46 Mr. Hall said you can.
47
- 48 Mr. Elwell said he felt like he heard counter testimony this evening, like yes, someone could live there
49 and no, they can't. He said that's why he's leaning more towards having the work done and evidence

1 provided to come back in 60 days' time.

2

3 Mr. Herbert said he agreed, he's just trying not to kick another case down the road that if we voted on
4 tonight and gave him 60 days for an inspection, have our part done, if that's our only hangup, if our part
5 is done and voted on, then the office has 60 days to have an inspection that it's disassembled before it's
6 truly granted, would that be logical.

7

8 Mr. Hall said that is absolutely doable, and if it's not inspected and verified to be decommissioned within
9 60 days, then the variance is void and the process starts over.

10

11 Mr. Herbert said that's more or less doing the same thing as opposed to coming back before the Board in
12 60 days and continuing Staff's job even longer.

13

14 Mr. Randol said he doesn't have a problem with that.

15

16 Mr. Herbert said so we would have to add a special condition for that.

17

18 Mr. Elwell said with the testimony that he heard tonight, he would prefer to see the work done first and it
19 would be really easy to show the pictures and he would anticipate the vote being fairly quick. He said he
20 would just prefer to see the work done before we vote than the other.

21

22 Mr. Randol said we're just saying that the work has to be done; that's why you put the special condition
23 on it. He said he would rather get as much taken care of tonight rather than have a meeting come back for
24 five minute to approve everything that we're saying has to be done. He said if Mr. Hall or Ms. Burgstrom
25 have to go out and inspect it in order for it to be what we decide tonight to be valid, then it should be good.
26 He said Staff is not going to not go out there and then say it's good. He said Mr. Hall is harder nosed than
27 that.

28

29 Mr. Hall said Staff goes out to Wilber Heights regularly, so that won't be a problem.

30

31 Mr. Elwell said if that's the case, do we need to revise the special condition, or do we need to add.

32

33 Mr. Hall said we need to add.

34

35 Mr. Elwell asked Mr. Hall if he has a recommendation for verbiage.

36

37 Mr. Hall read the following proposed special condition:

38

39 **B. Within 60 days the dwelling unit in the structure must be decommissioned and**
40 **inspected by the Zoning Administrator.**

41

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

43

That the structure complies with the Zoning Ordinance.

44

45 Mr. Randol said it sounds good to him.

46

47 Mr. Hall said again, decommissioning means removing either the kitchen or the bath, just like we tell
48 everybody else, one or the other, and all the plumbing lines need to be removed below the surface of the
49 wall, and we have to inspect that before it's patched.

1 Mr. Randol asked if he wanted to make a motion that that is a special condition and approve it now, or at
2 the end.

3
4 Mr. Hall said he recommends that the Board deal with it now.

5
6 **Mr. Randol moved, seconded by Mr. Bates, that the special condition that Mr. Hall just read be**
7 **approved. The motion carried by voice vote.**

8
9 Mr. Elwell said he would be reading on page 6 of 9 of Attachment D, number 13 at the bottom:

10
11 A. **The existing shed can remain in its current location, but replacement of the shed or**
12 **repair of more than 50% replacement value in any 365-day period means the shed**
13 **must be made to conform to the yard requirements in the Zoning Ordinance.**

14
15 The special condition stated above is required to ensure the following:
16 **That replacement of the existing shed conforms to the Zoning Ordinance.**

17
18 Mr. Elwell asked Mr. Haider if he was in agreement with condition A.

19
20 Mr. Haider said yes.

21
22 Mr. Elwell read condition B.

23
24 B. **Within 60 days the dwelling unit in the structure must be decommissioned and**
25 **inspected by the Zoning Administrator.**

26
27 The special condition stated above is required to ensure the following:
28 **That the structure complies with the Zoning Ordinance.**

29
30 Mr. Elwell asked Mr. Haider if he was in agreement with condition B.

31
32 Mr. Haider said yes.

33
34 Mr. Elwell asked if anyone else would like to cross-examine Mr. Haider. Seeing no one, he asked if anyone
35 else would like to testify in this case. Seeing no one, he entertained a motion to close the Witness Register.

36
37 **Mr. Herbert moved, seconded by Mr. Randol, to close the Witness Register for Case 108-V-23. The**
38 **motion carried by voice vote.**

39
40 Mr. Elwell entertained a motion to move to the Findings of Fact.

41
42 **Mr. Herbert moved, seconded by Mr. Randol, to move to the Findings of Fact. The motion carried**
43 **by voice vote.**

44
45 Mr. Elwell told Mr. Haider that he would be reading from Attachment D, page 8 of 9.

46
47 **FINDINGS OF FACT FOR CASE 108-V-23**

48 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
49 **108-V-23** held on **August 31, 2023**, the Zoning Board of Appeals of Champaign County finds that:

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

5 Mr. Randol said special conditions and circumstances DO exist which are peculiar to the land or structure
6 involved, which are not applicable to other similarly situated land and structures elsewhere in the same
7 district because: on March 30, 2023, P&Z Staff sent the petitioner a First Notice of Violation for
8 establishing a second dwelling on the property and for constructing the shed and addition without a permit.
9 The required variance was found upon review of the property for the Notice of Violation. The petitioner
10 was timely in their response in telling Staff that the second dwelling has been removed, applying for a
11 Zoning Use Permit for the previously constructed addition and shed, and applying for the variance.
12

13 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**
14 **sought to be varied {WILL / WILL NOT} prevent reasonable or otherwise permitted use of**
15 **the land or structure or construction because:**
16

17 Mr. Randol said practical difficulties or hardships created by carrying out the strict letter of the regulations
18 sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or
19 construction because: without the proposed variance, the petitioner would have to move the shed, which
20 might destroy it.
21

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

25 Mr. Herbert said the special conditions, circumstances, hardships, or practical difficulties DO NOT result
26 from actions of the applicant because: the petitioner purchased the subject property in 2020 and the
27 accessory building was constructed prior to 1988.
28

29 **4. The requested variance {IS / IS NOT} in harmony with the general purpose and intent of the**
30 **Ordinance because:**
31

32 Mr. Randol said the requested variance IS in harmony with the general purpose and intent of the Ordinance
33 because: there is adequate light and air around the shed.
34

35 **5. The requested variance {WILL / WILL NOT} be injurious to the neighborhood or otherwise**
36 **detrimental to the public health, safety, or welfare because:**
37

38 Mr. Randol said the requested variance WILL NOT be injurious to the neighborhood or otherwise
39 detrimental to the public health, safety, or welfare because: relevant jurisdictions have been notified of
40 this case, and no comments have been received.
41

42 **6. The requested variance {IS / IS NOT} the minimum variation that will make possible the**
43 **reasonable use of the land/structure because:**
44

45 Mr. Herbert said the requested variance IS the minimum variation that will make possible the reasonable
46 use of the land/structure because: the requested variance is the minimum variation without attempting to
47 move the structure, which could destroy it.
48

49 **7. THE SPECIAL CONDITIONS IMPOSED HEREIN IS REQUIRED FOR THE**

PARTICULAR PURPOSES DESCRIBED BELOW:

A. **The existing shed can remain in its current location, but replacement of the shed or repair of more than 50% replacement value in any 365-day period means the shed must be made to conform to the yard requirements in the Zoning Ordinance.**

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

That replacement of the existing shed conforms to the Zoning Ordinance.

B. **Within 60 days the dwelling unit in the structure must be decommissioned and inspected by the Zoning Administrator.**

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

That the structure complies with the Zoning Ordinance.

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

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

Mr. Elwell told Mr. Haider that we do not have a full Board today, and that we need four affirmative votes on the Final Determination. He told him he has the option of either having the Board vote tonight or continuing the hearing to another date when the full Board could be present.

Mr. Haider asked to proceed with the vote tonight.

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

Mr. Bates moved, seconded by Mr. Randol, to move to Final Determination. The motion carried by voice vote.

Mr. Elwell told Mr. Haider that he would be reading from Attachment D, page 9 of 9.

FINAL DETERMINATION FOR CASE 108-V-23

Mr. Randol moved, seconded by Mr. Bates, 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 108-V-23 is hereby GRANTED to the petitioner, NSB Investments, to authorize the following variance:

Authorize a variance in the I-1 Light Industry Zoning District for an existing detached shed with a rear yard of 8 feet in lieu of the minimum required 15 feet and a side yard of 7 feet in lieu of the minimum required 10 feet, per Section 7.2.3 of the Champaign County Zoning Ordinance.

SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:

A. **The existing shed can remain in its current location, but replacement of the shed or repair of more than 50% replacement value in any 365-day period means the shed must be made to conform to the yard requirements in the Zoning Ordinance.**

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

That replacement of the existing shed conforms to the Zoning Ordinance.

B. **Within 60 days the dwelling unit in the structure must be decommissioned and inspected by the Zoning Administrator.**

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

That the structure complies with the Zoning Ordinance.

Mr. Elwell requested a roll call vote.

The vote was called as follows:

Randol - Yes	Anderson - Yes	Herbert - Yes	Bates - Yes
Elwell - Yes	Roberts - absent	Wood - absent	

The motion carried by roll call vote.

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

8. Staff Report – None

9. Other Business

A. Review of Docket

Mr. Elwell asked if there would be any upcoming absences, and there were none.

10. Adjournment

Mr. Elwell entertained a motion to adjourn.

Mr. Bates moved, seconded by Mr. Randol, to adjourn the meeting. The motion carried by voice vote.

The meeting adjourned at 8:05 pm.

Respectfully Submitted,

Secretary of the Zoning Board of Appeals