

MINUTES OF SPECIAL MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

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

**DATE: November 16, 2023 PLACE: Shields-Carter Meeting Room
1776 East Washington Street
TIME: 6:30 p.m. Urbana, IL 61802**

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

STAFF PRESENT: John Hall, Susan Burgstrom, Stephanie Berry

OTHERS PRESENT: Banio Koroma Jr., Scott Burge, Luke Turner, Trevor Wiles

1. Call to Order

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

2. Roll Call and Declaration of Quorum

The roll was called, and a quorum declared present.

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

3. Correspondence – None

4. Minutes – October 26, 2023

Mr. Elwell entertained a motion to approve October 26, 2023 minutes.

Mr. Herbert moved, seconded by Mr. Bates, to approve the October 26, 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

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.

Location: The 7.5-acre Lot 1 of Werts Subdivision in the Southeast Quarter of the Northeast Quarter of Section 34, Township 19 North Range 9 East of the Third Principal

1 **Meridian in Urbana Township, commonly known as the residence with an address of**
2 **4303 S High Cross Road, Urbana.**
3

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

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

16 Mr. Banio Koroma, Jr., 4303 South High Cross Road, Urbana, said he was with the Ujima Retreat Center.
17 He said he would provide an update based on the status in the memo. He said Ms. Burgstrom was very
18 clear and helpful in organizing all the items that need to be corrected to move forward. He said the first
19 one was a recommendation to get a soil test conducted with the Health Department's approval. He said
20 they are currently working with Jeff Blackford at the Health Department and Cody Clem, who is the owner
21 of ECI Underground Solutions. He said they've decided to redo the septic because when they spoke to
22 Jeff Blackford, he wanted to see what was done, and since the system was unpermitted, it was already
23 completed before he was able to know what was underground. He said they had to dig it up again, which
24 they started today, and they went ahead and just decided to replace the septic tank. He said they are also
25 adding a second leach field. He said the new system is permitted and they are working hand in hand with
26 the Health Department. He said it was an expensive concession on their end, but they are willing to do
27 whatever it takes to stay compliant and work with the County. He said he got the contact information for
28 the previous septic tank installer, but he believes that's not relevant anymore since they're removing the
29 previous 1,000-gallon plastic tank from Menards, but the new tank will be a concrete tank. He said
30 everything would be compliant based on permitted standards and licensed septic company standards.
31

32 Mr. Koroma referred to item three in the memo, the RV outlets. He said they do not advertise for RVs and
33 they will probably just use the outlets for landscaping equipment and probably a golf cart. He said maybe
34 one day he will decide to allow RVs, but they are not currently advertising it as part of their offering. He
35 said there was a question about whether there would be room to maneuver an RV if there was to be RV
36 parking allowed. He said the answer is yes, and in fact as of today they've had a couple of dump trucks
37 and excavator crews come through and they've had 18 wheelers, semi-trucks and dump trucks for the dirt,
38 gravel, and cement delivery and they've used that space with no problems at all.
39

40 Mr. Koroma said for accessibility, he has some updates. He said they spoke with Felicia Burton at the
41 Illinois Capital Development Board, and she forwarded them the 2018 Illinois Accessibility Code. He said
42 there was a little misinterpretation of it, but thankfully Ms. Burgstrom corrected them, and they actually
43 went ahead and fully asphalted the parking lot. He said they created a ramp, striped the accessible parking
44 space, and added everything that the Illinois Accessibility Code required, including a ramp going up to
45 the Quonset structure and the parking signs. He said if you looked at one of the pictures of the signs, it
46 was a blue handicap sign, but thanks to Ms. Burgstrom, who pointed out that it was not the approved sign
47 for accessibility in Illinois. He said they got the one that is stated in the Illinois Accessibility Code. He
48 said that's where we're at today, and in fact they started the new septic system today and they said it would
49 be done tomorrow. He said he took some photos this morning. He said the other thing was that he believed

1 there were some questions about the outhouse. He said the outhouse has been removed. He said in one of
2 the photos you can see they are going to seal it and cover it. He said as of now they have not decided if
3 they will use a porta potty or after they're done with the septic, they may speak with Jeff Blackford again
4 about potentially dropping a tank in there. He said they are working hand in hand with them to make sure
5 everything is compliant and to code.

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

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9 Mr. Randol said he did not remember from the last meeting if anyone is going to live in that house or is
10 that just for whenever they are having get-togethers.

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12 Mr. Koroma said there will be no permanent residents; no one will be living at that property.

13
14 Mr. Herbert said if he's not mistaken, Mr. Koroma elected to subdivide that property and there are two
15 separate properties now.

16
17 Mr. Koroma said yes, correct; after the last meeting they contacted Ms. Burgstrom to let the Board know
18 that they decided to go ahead and subdivide, create two parcels. He said they are working with the City of
19 Urbana and have submitted a plat, and have codes, covenants, and restrictions. He said they are in the
20 process of having that approved.

21
22 Mr. Elwell asked if there were any other questions from the Board or Staff. Seeing none, he asked if
23 anyone would like to cross-examine Mr. Koroma. Seeing no one, he asked if anyone else would like to
24 testify. Seeing no one, he said they have some proposed special conditions. He said he would be reading
25 off page two of Supplemental Memorandum #1.

26
27 **SPECIAL CONDITIONS OF APPROVAL FOR CASE 106-S-23**

- 28
29 A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case**
30 **106-S-23, and this permit shall include a fee for the "Ujima Retreat Center" sign.**

31
32 The special condition stated above is required to ensure the following:

33 **The establishment of the proposed use shall be properly documented as**
34 **required by the Zoning Ordinance.**

35
36 Mr. Elwell asked Mr. Koroma if he agreed to the condition.

37
38 Mr. Koroma said yes.

- 39
40 B. **Regarding the Illinois Accessibility Code:**

41 **(1) Within 30 days of approval of case 106-S-23, the petitioner shall contact the**
42 **Illinois Capital Development Board to determine what aspects of the Private**
43 **Indoor Recreational Development/ Outdoor Commercial Recreational**
44 **Enterprise must be made accessible. A copy of the request for a determination**
45 **and the response shall be provided to the Zoning Administrator.**

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47 **(2) The Zoning Administrator shall not issue a Zoning Compliance Certificate for**
48 **the proposed Private Indoor Recreational Development/ Outdoor Commercial**
49 **Recreational Enterprise until the petitioner has demonstrated that the**

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proposed Special Use complies with the Illinois Accessibility Code.

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

That the proposed Special Use meets applicable state requirements for accessibility.

Mr. Elwell asked Mr. Koroma if he agreed to the condition.

Mr. Koroma said yes.

C. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

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

That exterior lighting meets the requirements established for Special Uses in the Zoning Ordinance.

Mr. Elwell asked Mr. Koroma if he agreed to the condition.

Mr. Koroma said yes.

D. **All onsite Special Use activities shall be in compliance at all times with the Champaign County Health Ordinance, the Champaign County Liquor Ordinance, and the Champaign County Recreation and Entertainment Ordinance.**

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

That the proposed Special Use is in ongoing compliance with all applicable County requirements.

Mr. Elwell asked Mr. Koroma if he agreed to the condition.

Mr. Koroma said yes.

E. **The Petitioner shall ensure that the guests are made aware of the County Ordinance prohibiting nuisance noise past 10 pm and that the use of the facility requires compliance to avoid complaints from neighboring residences. Music and other nuisance noise shall not be audible at the property line past 10 pm.**

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

That events held on the subject property adequately consider neighbors.

Mr. Elwell asked Mr. Koroma if he agreed to the condition.

Mr. Koroma said yes.

F. **The petitioner shall not allow any parking in the public street right of way.**

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

That the proposed Special Use is not injurious to pedestrians and motorists on

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CR 1600 East.

Mr. Elwell asked Mr. Koroma if he agreed to the condition.

Mr. Koroma said yes.

G. This special use permit does not authorize onsite food preparation or the construction of any food preparation area or kitchen.

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

To protect public health.

Mr. Elwell asked Mr. Koroma if he agreed to the condition.

Mr. Koroma said yes.

H. In order to resolve the violation of having a second dwelling on the subject property, the petitioners must choose one of the following remedies:

(1) Within 60 days of approval of Case 106-S-23, the petitioners must permanently decommission either the bathroom or the kitchen in the Quonset cabin; or

(2) Within 180 days of approval of Case 106-S-23, the petitioners must submit an approved Plat of Subdivision from the City of Urbana to the P&Z Department.

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

That the property complies with the Zoning Ordinance.

Mr. Elwell asked Mr. Koroma if he agreed to the condition.

Mr. Koroma said yes.

I. The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.

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

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

Mr. Elwell asked Mr. Koroma if he agreed to the condition.

Mr. Koroma said yes.

Mr. Elwell entertained a motion to close the Witness Register for Case 106-S-23.

Mr. Roberts moved, seconded by Mr. Herbert, to close the Witness Register for Case 106-S-23. The motion passed by voice vote.

Mr. Elwell entertained a motion to move to the Findings of Fact for Case 106-S-23.

Mr. Randol moved, seconded by Mr. Roberts, to move to the Findings of Fact for Case 106-S-23.

1 **The motion passed by voice vote.**

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3 Mr. Elwell told Mr. Koroma that he would be reading the Findings of Fact from Attachment C, page 20
4 of 24, as follows:

5
6 **FINDINGS OF FACT FOR CASE 106-S-23**

7 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
8 **106-S-23** held on **November 16, 2023**, the Zoning Board of Appeals of Champaign County finds that:

9
10 **1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this**
11 **location because:**

12
13 Mr. Randol said the requested Special Use Permit IS necessary for the public convenience at this location
14 because: the subject property is located approximately 1.4 road miles from the City of Urbana along IL
15 Route 130 (High Cross Road).

16
17 **2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED***
18 ***HEREIN* is so designed, located, and proposed to be operated so that it *{WILL / WILL NOT}***
19 **be injurious to the district in which it shall be located or otherwise detrimental to the public**
20 **health, safety, and welfare because:**

21
22 **a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance**
23 **location has *{ADEQUATE / INADEQUATE}* visibility.**

24
25 Mr. Wood said the street has ADEQUATE traffic capacity and the entrance location has ADEQUATE
26 visibility.

27
28 **b. Emergency services availability is *{ADEQUATE / INADEQUATE}* because:**

29
30 Mr. Wood said the emergency services availability is ADEQUATE because: the Philo Fire Protection
31 District station is 4.2 road miles from the subject property.

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33 **c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses because:**

34
35 Mr. Wood said the Special Use WILL be compatible with adjacent uses because: the subject property is
36 surrounded by farmland and there are no nearby residences.

37
38 **d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* because:**

39
40 Mr. Wood said the surface and subsurface drainage will be ADEQUATE because: no part of the subject
41 property is in the mapped floodplain.

42
43 **e. Public safety will be *{ADEQUATE / INADEQUATE}* because:**

44
45 Mr. Wood said the public safety will be ADEQUATE because: the Philo Fire Protection District station
46 is 4.2 road miles from the subject property.

47
48 **f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* because:**

1 Mr. Wood said the provisions for parking will be ADEQUATE because: the proposed Special Use requires
2 7 parking spaces, and there is sufficient grass parking for that number of spaces.

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

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9 **3a. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED
10 HEREIN} {DOES / DOES NOT} conform to the applicable regulations and standards of the
11 DISTRICT in which it is located.**

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13 Mr. Randol said the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
14 IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the DISTRICT in
15 which it is located.

16
17 **3b. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED
18 HEREIN} {DOES / DOES NOT} preserve the essential character of the DISTRICT in which
19 it is located because:**

20 **a. The Special Use will be designed to {CONFORM / NOT CONFORM} to all relevant
21 County ordinances and codes.**

22
23 Mr. Randol said the Special Use, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN,
24 will be designed to CONFORM to all relevant County ordinances and codes.

25
26 **b. The Special Use {WILL / WILL NOT} be compatible with adjacent uses.**

27
28 Mr. Randol said the Special Use WILL be compatible with adjacent uses.

29
30 **c. Public safety will be {ADEQUATE / INADEQUATE}.**

31
32 Mr. Randol said the public safety will be ADEQUATE.

33
34 Mr. Randol said the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
35 IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

36
37 **4. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED
38 HEREIN} {IS / IS NOT} in harmony with the general purpose and intent of the Ordinance
39 because:**

40
41 **a. The Special Use is authorized in the District.**

42
43 Mr. Elwell said the Special Use is authorized in the District.

44
45 **b. The requested Special Use Permit {IS/ IS NOT} necessary for the public convenience
46 at this location.**

47
48 Mr. Wood said the requested Special Use Permit IS necessary for the public convenience at this location.

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- c. **The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL / WILL NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.**

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

- d. **The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located.**

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

Mr. Wood said the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, IS in harmony with the general purpose and intent of the Ordinance.

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

Mr. Elwell said the requested Special Use IS NOT an existing nonconforming use.

6. THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES:

- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 106-S-23, and this permit shall include a fee for the “Ujima Retreat Center” sign.**

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

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

- B. **Regarding the Illinois Accessibility Code:**

(1) Within 30 days of approval of case 106-S-23, the petitioner shall contact the Illinois Capital Development Board to determine what aspects of the Private Indoor Recreational Development/ Outdoor Commercial Recreational Enterprise must be made accessible. A copy of the request for a determination and the response shall be provided to the Zoning Administrator.

(2) The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Private Indoor Recreational Development/ Outdoor Commercial Recreational Enterprise until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.

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

That the proposed Special Use meets applicable state requirements for

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accessibility.

- C. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

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

That exterior lighting meets the requirements established for Special Uses in the Zoning Ordinance.

- D. **All onsite Special Use activities shall be in compliance at all times with the Champaign County Health Ordinance, the Champaign County Liquor Ordinance, and the Champaign County Recreation and Entertainment Ordinance.**

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

That the proposed Special Use is in ongoing compliance with all applicable County requirements.

- E. **The Petitioner shall ensure that the guests are made aware of the County Ordinance prohibiting nuisance noise past 10 pm and that the use of the facility requires compliance to avoid complaints from neighboring residences. Music and other nuisance noise shall not be audible at the property line past 10 pm.**

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

That events held on the subject property adequately consider neighbors.

- F. **The petitioner shall not allow any parking in the public street right of way.**

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

That the proposed Special Use is not injurious to pedestrians and motorists on CR 1600 East.

- G. **This special use permit does not authorize onsite food preparation or the construction of any food preparation area or kitchen.**

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

To protect public health.

- H. **In order to resolve the violation of having a second dwelling on the subject property, the petitioners must choose one of the following remedies:**

(1) Within 60 days of approval of Case 106-S-23, the petitioners must permanently decommission either the bathroom or the kitchen in the Quonset cabin; or

(2) Within 180 days of approval of Case 106-S-23, the petitioners must submit an approved Plat of Subdivision from the City of Urbana to the P&Z Department.

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

That the property complies with the Zoning Ordinance.

1 I. The owners of the subject property hereby recognize and provide for the right of
2 agricultural activities to continue on adjacent land consistent with the Right to Farm
3 Resolution 3425.
4

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

6 **Conformance with Policy 4.2.3 of the Land Resource Management Plan.**
7

8 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Findings of Fact and Documents of
9 Record for Case 106-S-23 as amended.
10

11 **Mr. Wood moved, seconded by Mr. Roberts, to adopt the Summary of Evidence, Findings of Fact
12 and Documents of Record for Case 106-S-23 as amended. The motion passed by voice vote.**
13

14 Mr. Elwell entertained a motion to move to the Final Determination for Case 106-S-23.
15

16 **Mr. Wood moved, seconded by Mr. Roberts, to move to the Final Determination for Case 106-S-23.
17 The motion passed by voice vote.**
18

19 Mr. Elwell said he would be reading from Attachment C, page 23 of 24, as follows:
20

21 **FINAL DETERMINATION FOR CASE 106-S-23**

22 **Mr. Wood moved, seconded by Mr. Herbert, that the Champaign County Zoning Board of Appeals
23 finds that, based upon the application, testimony, and other evidence received in this case, the
24 requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority
25 granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:**
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27 The Special Use requested in Case 106-S-23 is hereby **GRANTED WITH SPECIAL
28 CONDITIONS** to the applicants, **Banio and Shanelle Koroma, d.b.a. Ujima Retreat Center,**
29 to authorize the following:
30

31 **Authorize a Special Use Permit in the AG-2 Agriculture Zoning District for the
32 establishment and use of an Event Center as a combination “Private Indoor
33 Recreational Development” and “Outdoor Commercial Recreational Enterprise”.**
34

35 **SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:**
36

37 **A. A Change of Use Permit shall be applied for within 30 days of the approval of Case
38 106-S-23, and this permit shall include a fee for the “Ujima Retreat Center” sign.**
39

40 **B. Regarding the Illinois Accessibility Code:**

41 **(1) Within 30 days of approval of case 106-S-23, the petitioner shall contact the
42 Illinois Capital Development Board to determine what aspects of the Private
43 Indoor Recreational Development/ Outdoor Commercial Recreational
44 Enterprise must be made accessible. A copy of the request for a determination
45 and the response shall be provided to the Zoning Administrator.**
46

47 **(2) The Zoning Administrator shall not issue a Zoning Compliance Certificate for
48 the proposed Private Indoor Recreational Development/ Outdoor Commercial
49 Recreational Enterprise until the petitioner has demonstrated that the**

proposed Special Use complies with the Illinois Accessibility Code.

- C. The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.
- D. All onsite Special Use activities shall be in compliance at all times with the Champaign County Health Ordinance, the Champaign County Liquor Ordinance, and the Champaign County Recreation and Entertainment Ordinance.
- E. The Petitioner shall ensure that the guests are made aware of the County Ordinance prohibiting nuisance noise past 10 pm and that the use of the facility requires compliance to avoid complaints from neighboring residences. Music and other nuisance noise shall not be audible at the property line past 10 pm.
- F. The petitioner shall not allow any parking in the public street right of way.
- G. This special use permit does not authorize onsite food preparation or the construction of any food preparation area or kitchen.
- H. In order to resolve the violation of having a second dwelling on the subject property, the petitioners must choose one of the following remedies:
 - (1) Within 60 days of approval of Case 106-S-23, the petitioners must permanently decommission either the bathroom or the kitchen in the Quonset cabin; or
 - (2) Within 180 days of approval of Case 106-S-23, the petitioners must submit an approved Plat of Subdivision from the City of Urbana to the P&Z Department.
- I. The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.

Mr. Elwell requested a roll call vote.

The vote was called as follows:

Randol – Yes	Anderson – Yes	Herbert – Yes	Bates – yes
Elwell – Yes	Roberts – Yes	Wood – Yes	

Mr. Elwell congratulated Mr. Koroma on his seven affirmative votes and said that Staff would be in touch.

7. New Public Hearings

Mr. Bates left the meeting at 6:55 p.m. because he is employed by Nutrien Ag Solutions and will be abstaining from the votes for cases 116-S-23 and 118-V-23.

Case 116-S-23

Petitioner: **Nutrien Ag Solutions, Inc.**

1 Request: **Authorize an Agronomic Research Facility” as a Special Use Permit in the AG-1**
 2 **Agriculture Zoning District, subject to the variance in related Case 118-V-23.**
 3
 4 Location: **Five tracts totaling 285 acres in the East Half of Section 18, Township 18 North, Range**
 5 **9 East of the Third Principal Meridian in Philo Township, and commonly known as**
 6 **farmland owned by Nutrien Ag Solutions, Inc. on the north side of CR 900N (County**
 7 **Highway 18).**

9 **Case 118-V-23**

10 Petitioner: **Nutrien Ag Solutions, Inc.**

12 Request: **Authorize the following variance for the proposed Special Use Permit in related case**
 13 **116-S-23:**
 14 **Authorize a variance for no loading berth in lieu of the minimum required 2**
 15 **loading berths, per Section 7.4.1 C.5. of the Zoning Ordinance.**

17 Location: **Five tracts totaling 285 acres in the East Half of Section 18, Township 18 North, Range**
 18 **9 East of the Third Principal Meridian in Philo Township, and commonly known as**
 19 **farmland owned by Nutrien Ag Solutions, Inc. on the north side of CR 900N (County**
 20 **Highway 18).**

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

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

34 Scott Burge, architect with Farnsworth Group, gave his address as 2211 West Bradley Avenue,
35 Champaign. He said the case today is for an ag research facility on the subject property that was already
36 declared. He said this case has been before the Board at a prior time because they had a little bit more of
37 a loftier project, a much larger project, where they were trying to do some additional training and basically
38 be an exhibit hall for the ag products that Nutrien sells and otherwise represents. He said since then it has
39 been scaled back tremendously, and it’s really just meant to be an office building and a storage area for
40 some of the implements and equipment they use to apply their products on the ag research plot they have
41 around the facility. He said that’s really a very basic, generic overview of the project.

43 Mr. Elwell thanked Mr. Burge and asked if there were any questions from the Board.

45 Mr. Wood asked if the only issue here is just the loading berth.

47 Mr. Hall said it is also the idea of an office building in the AG-1 zoning district.

49 Mr. Wood said and the drainage plan and water storage as well, but the only variance is for the loading

1 berth. He asked Mr. Burge if they won't load or unload anything there.

2

3 Mr. Burge said correct.

4

5 Mr. Randol referred to the maps in Attachment A and asked what all the designated sections are that are
6 marked off. He asked if those are different plots that will be on the farm.

7

8 Mr. Burge said he believes those are just the different tracts for the property, it has nothing to do with the
9 actual functionality of the property.

10

11 Mr. Randol said okay, thank you.

12

13 Mr. Elwell asked Ms. Burgstrom if there was enough parking.

14

15 Ms. Burgstrom said yes.

16

17 Mr. Elwell asked if they also have the ADA parking as well.

18

19 Ms. Burgstrom said accessible parking will be required, and they can provide that accessibility
20 information along with their zoning use permit application. She said that is a special condition in the
21 Summary of Evidence as well.

22

23 Mr. Elwell asked Mr. Burge to help him with the orientation of the building shown in Attachment C. He
24 said it looks like the building is going east and west, but in Attachment B is it still going east and west.

25

26 Mr. Burge said yes, the long axis of the building is oriented east-west. He said the exhibits do change
27 orientation just based on the scale of the drawing, that's probably why it's a little confusing.

28

29 Mr. Elwell asked if the parking is closest to the street or is it away from the septic.

30

31 Mr. Burge said the parking is closest to the access road that comes off of the main road.

32

33 Mr. Elwell said so it's closer to the septic then.

34

35 Mr. Burge said correct.

36

37 Mr. Elwell asked if there were any other questions from the Board or Staff. Seeing none, he asked if
38 anyone would like to cross-examine Mr. Burge. Seeing no one, he asked if anyone else would like to
39 testify in this case. Seeing no one, he asked Mr. Hall if there are special conditions for this case.

40

41 Mr. Hall said yes, they are on page two of the memo or in the Finding of Fact.

42

43 Mr. Elwell told Mr. Burge that he would be reading the special conditions of approval from Attachment
44 F, page 18 of 26, as follows:

45

46 **SPECIAL CONDITIONS OF APPROVAL FOR CASE 116-S-23**

47

48 A. A Change of Use Permit shall be applied for within 30 days of the approval of Case
49 116-S-23.

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

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

Mr. Elwell asked Mr. Burge if he agreed to the condition.

Mr. Burge said yes.

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

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

That any proposed exterior lighting is in compliance with the Zoning Ordinance.

Mr. Elwell asked Mr. Burge if he agreed to the condition.

Mr. Burge said yes.

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

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

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

Mr. Elwell asked Mr. Burge if he agreed to the condition.

Mr. Burge said yes.

D. The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed buildings until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new buildings comply with the following codes: (A) the current edition or most recent preceding edition of the International Building Code, and (B) the current edition or most recent preceding edition of the National Electrical Code NFPA 70.

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

New commercial buildings shall be in conformance with Public Act 96-704.

Mr. Elwell asked Mr. Burge if he agreed to the condition.

Mr. Burge said yes.

E. A complete Storm Water Drainage Plan that conforms to the requirements of the Storm Water Management and Erosion Control Ordinance shall be submitted and

1 approved as part of the Zoning Use Permit application, and all required certifications
2 shall be submitted prior to issuance of the Zoning Compliance Certificate.

3
4 The special condition stated above is required to ensure the following:

5 **That the drainage improvements conform to the requirements of the Storm**
6 **Water Management and Erosion Control Ordinance.**

7
8 Mr. Elwell asked Mr. Burge if he agreed to the condition.

9
10 Mr. Burge said yes.

11
12 Mr. Elwell entertained a motion to move to the Findings of Fact.

13
14 Mr. Randol moved to proceed to the Findings of Fact.

15
16 Mr. Elwell asked if Mr. Randol would be willing to move to close the Witness Register for Cases 116-S-
17 23 and 118-V-23.

18
19 **Mr. Randol moved, seconded by Mr. Wood, to close the Witness Register for Cases 116-S-23 and**
20 **118-V-23. The motion passed by voice vote.**

21
22 Mr. Elwell returned to Mr. Randol’s motion to move to the Findings of Fact and asked for a second.

23
24 **Mr. Randol moved, seconded by Mr. Herbert, to move to the Findings of Fact. The motion passed**
25 **by voice vote.**

26
27 Mr. Elwell said he would read from the Findings of Fact for Cases 116-S-23 and 118-V-23 in Attachment
28 F, page 21 of 26, as follows:

29
30 **FINDINGS OF FACT FOR CASES 116-S-23 & 118-V-23**

31 From the documents of record and the testimony and exhibits received at the public hearing for zoning
32 cases **116-S-23 and 118-V-23** held on **November 16, 2023**, the Zoning Board of Appeals of Champaign
33 County finds that:

34
35 **1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this**
36 **location because:**

37
38 Mr. Herbert said the requested Special Use Permit IS necessary for the public convenience at this location
39 because: the subject property is in a rural setting with few neighbors while having close access to US 45
40 South.

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

46
47 **a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance**
48 **location has *{ADEQUATE / INADEQUATE}* visibility.**

1 Mr. Randol said the street has ADEQUATE traffic capacity and the entrance location has ADEQUATE
2 visibility.

3
4 **b. Emergency services availability is {ADEQUATE / INADEQUATE} because:**

5
6 Mr. Randol said the emergency services availability is ADEQUATE because: the subject property is
7 located approximately 3.8 road miles from the Philo Fire Protection District station. Notice of this zoning
8 case was sent to the Philo Fire Protection District, and no comments have been received.

9
10 **c. The Special Use {WILL / WILL NOT} be compatible with adjacent uses because:**

11
12 Mr. Herbert said the Special Use WILL be compatible with adjacent uses because: the proposed special
13 use is most appropriate in a rural setting and there are few neighbors nearby.

14
15 **d. Surface and subsurface drainage will be {ADEQUATE / INADEQUATE} because:**

16
17 Mr. Randol said the surface and subsurface drainage will be ADEQUATE because: the subject property
18 is not exempt from the Storm Water Management and Erosion Control Ordinance and a Storm Water
19 Management Plan is required. The petitioners are constructing a detention basin.

20
21 **e. Public safety will be {ADEQUATE / INADEQUATE} because:**

22
23 Mr. Herbert said the public safety will be ADEQUATE because: relevant jurisdictions have been notified
24 of this case, and no comments have been received.

25
26 **f. The provisions for parking will be {ADEQUATE / INADEQUATE} because:**

27
28 Mr. Randol said the provisions for parking will be ADEQUATE because: the site has sufficient space for
29 parking and loading berths. No screening is required for parking.

30
31 **g. The property {IS/IS NOT} WELL SUITED OVERALL for the proposed
32 improvements because:**

33
34 Mr. Randol said the property IS WELL SUITED OVERALL for the proposed improvements because: the
35 site can be safely and soundly accommodated using simple engineering and common, easily maintained
36 construction methods with no unacceptable negative effects on neighbors or the general public.

37
38 **h. Existing public services {ARE/ARE NOT} available to support the proposed
39 SPECIAL USE without undue public expense because:**

40
41 Mr. Herbert said existing public services ARE available to support the proposed SPECIAL USE without
42 undue public expense because: no additional public services are required for the proposed use.

43
44 **i. Existing public infrastructure together with the proposed development {IS/IS NOT}
45 adequate to support the proposed development effectively and safely without undue
46 public expense because:**

47
48 Mr. Randol said existing public infrastructure together with the proposed development IS adequate to
49 support the proposed development effectively and safely without undue public expense because: no new

1 infrastructure is required for the proposed use.
2

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

8 **3a. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED
9 HEREIN} {DOES / DOES NOT} conform to the applicable regulations and standards of the
10 DISTRICT in which it is located.**
11

12 Mr. Wood said the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
13 IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the DISTRICT in
14 which it is located.
15

16 **3b. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED
17 HEREIN} {DOES / DOES NOT} preserve the essential character of the DISTRICT in which
18 it is located because:**
19

20 **a. The Special Use will be designed to {CONFORM / NOT CONFORM} to all relevant
21 County ordinances and codes.**
22

23 Mr. Wood said the Special Use will be designed to CONFORM to all relevant County ordinances and
24 codes.
25

26 **b. The Special Use {WILL / WILL NOT} be compatible with adjacent uses.**
27

28 Mr. Wood said the Special Use WILL be compatible with adjacent uses.
29

30 **c. Public safety will be {ADEQUATE / INADEQUATE}.**
31

32 Mr. Wood said the public safety will be ADEQUATE.
33

34 Mr. Wood said the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
35 IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.
36

37 **4. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED
38 HEREIN} {IS / IS NOT} in harmony with the general purpose and intent of the Ordinance
39 because:**

40 **a. The Special Use is authorized in the District.**
41

42 Mr. Elwell said the Special Use is authorized in the District.
43

44 **b. The requested Special Use Permit {IS/ IS NOT} necessary for the public convenience
45 at this location.**
46

47 Mr. Herbert said the requested Special Use Permit IS necessary for the public convenience at this location.
48

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

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

- 10
 11 d. **The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS***
 12 ***IMPOSED HEREIN*** ***{DOES / DOES NOT}*** preserve the essential character of the
 13 **DISTRICT in which it is located.**

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

17
 18 Mr. Randol said the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
 19 IMPOSED HEREIN, IS in harmony with the general purpose and intent of the Ordinance.

- 20
 21 **5. The requested Special Use *IS NOT* an existing nonconforming use.**

22
 23 Mr. Elwell said the requested Special Use IS NOT an existing nonconforming use.

- 24
 25 **6. Regarding the variance:**

- 26
 27 a. **Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the**
 28 **land or structure involved, which are not applicable to other similarly situated land**
 29 **and structures elsewhere in the same district because:**

30
 31 Mr. Wood said the special conditions and circumstances DO exist which are peculiar to the land or
 32 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
 33 the same district because: there is sufficient area on the subject property to have two loading berths, but
 34 the petitioner does not see the need to have loading berths for its operations.

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

39
 40 Mr. Randol said the practical difficulties or hardships created by carrying out the strict letter of the
 41 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
 42 structure or construction because: without the proposed variance, the petitioner would have to utilize area
 43 set aside for the proposed special use for loading berth areas and would have added costs of installing
 44 pavement for the loading berths.

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

48

1 Mr. Wood said the special conditions, circumstances, hardships, or practical difficulties DO NOT result
2 from actions of the applicant because: the petitioner does not anticipate a need for a loading berth for their
3 operation.
4

- 5 **d. The requested variance {SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT}**
6 **in harmony with the general purpose and intent of the Ordinance because:**
7

8 Mr. Wood said the requested variance IS in harmony with the general purpose and intent of the Ordinance.
9

- 10 **e. The requested variance {SUBJECT TO THE PROPOSED CONDITION} {WILL /**
11 **WILL NOT} be injurious to the neighborhood or otherwise detrimental to the public**
12 **health, safety, or welfare because:**
13

14 Mr. Randol said the requested variance WILL NOT be injurious to the neighborhood or otherwise
15 detrimental to the public health, safety, or welfare because: Relevant jurisdictions have been notified of
16 the variance, and no comments have been received.
17

- 18 **f. The requested variance {SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT}**
19 **the minimum variation that will make possible the reasonable use of the**
20 **land/structure.**
21

22 Mr. Wood said the requested variance IS the minimum variation that will make possible the reasonable
23 use of the land/structure because: in order to minimize costs and use of pavement that the petitioners feel
24 is unnecessary, the requested variance is the minimum variation.
25

26 **7. THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE**
27 **COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE**
28 **PARTICULAR PURPOSES:**
29

- 30 **A. A Change of Use Permit shall be applied for within 30 days of the approval of Case**
31 **116-S-23.**
32

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

34 **The establishment of the proposed use shall be properly documented as**
35 **required by the Zoning Ordinance.**
36

- 37 **B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until**
38 **the petitioner has demonstrated that any new or proposed exterior lighting on the**
39 **subject property will comply with the lighting requirements of Section 6.1.2.**
40

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

42 **That any proposed exterior lighting is in compliance with the Zoning**
43 **Ordinance.**
44

- 45 **C. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the**
46 **proposed Special Use until the petitioner has demonstrated that the proposed Special**
47 **Use complies with the Illinois Accessibility Code.**
48

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

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

- D. The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed buildings until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new buildings comply with the following codes: (A) the current edition or most recent preceding edition of the International Building Code, and (B) the current edition or most recent preceding edition of the National Electrical Code NFPA 70.

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

New commercial buildings shall be in conformance with Public Act 96-704.

- E. A complete Storm Water Drainage Plan that conforms to the requirements of the Storm Water Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit application, and all required certifications shall be submitted prior to issuance of the Zoning Compliance Certificate.

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

That the drainage improvements conform to the requirements of the Storm Water Management and Erosion Control Ordinance.

Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings of Fact for Cases 116-S-23 and 118-V-23, as amended.

Mr. Wood moved, seconded by Mr. Randol, to adopt the Summary of Evidence, Documents of Record, and Findings of Fact for Cases 116-S-23 and 118-V-23, as amended. The motioned carried by voice vote.

Mr. Elwell entertained a motion to move to the Final Determination for Case 116-S-23.

Mr. Herbert moved, seconded by Mr. Roberts, to move to the Final Determination for Case 116-S-23. The motion carried by voice vote.

Mr. Elwell told Mr. Burge that he would be reading the Final Determination from Attachment F on page 25 of 26, as follows:

FINAL DETERMINATION FOR CASE 116-S-23

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

The Special Use requested in Case 116-S-23 is hereby **GRANTED WITH SPECIAL CONDITIONS** to the applicant, **Nutrien Ag Solutions, Inc.**, to authorize the following:

Authorize an Agronomic Research Facility as a Special Use Permit in the AG-1 Agriculture Zoning District.

SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:

- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 116-S-23.**
- B. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**
- C. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Special Use until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**
- D. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed buildings until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new buildings comply with the following codes: (A) the current edition or most recent preceding edition of the International Building Code, and (B) the current edition or most recent preceding edition of the National Electrical Code NFPA 70.**
- E. **A complete Storm Water Drainage Plan that conforms to the requirements of the Storm Water Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit application, and all required certifications shall be submitted prior to issuance of the Zoning Compliance Certificate.**

Mr. Elwell requested a roll call vote.

The vote was called as follows:

Randol – Yes	Anderson – Yes	Herbert – Yes	Bates – abstain
Elwell – Yes	Roberts – Yes	Wood – Yes	

Mr. Elwell entertained a motion to move to the Final Determination for Case 118-V-23.

Mr. Roberts moved, seconded by Mr. Herbert, to move to the Final Determination for Case 118-V-23. The motion carried by voice vote.

FINAL DETERMINATION FOR CASE 118-V-23

Mr. Wood moved, seconded by Mr. Randol, 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 **118-V-23** is hereby **GRANTED** to the petitioners, **Nutrien Ag Solutions, Inc.**, to authorize the following variance in the AG-1 Agriculture Zoning District:

Authorize a variance for no loading berth in lieu of the minimum required 2 loading berths, per Section 7.4.1 C.5. of the Zoning Ordinance.

1 Mr. Elwell requested a roll call vote.

2

3 The vote was called as follows:

4

Randol – Yes	Anderson – Yes	Herbert – Yes	Bates – abstain
Elwell – Yes	Roberts – Yes	Wood – Yes	

7

8 Mr. Elwell congratulated Mr. Burge on the six affirmative votes and said Staff will be reaching out to him
9 with further information.

10

11 Mr. Burge thanked the Board.

12

13 Mr. Bates returned to the meeting at 7:25 p.m.

14

15 **Case 117-S-23**

16 Petitioners: **Luke and Amanda Turner, d.b.a. Main Street Fencing Co.**

17

18 Request: **Authorize a “Contractor’s Facility with Outdoor Storage and/or Outdoor
19 Operations” as a Special Use Permit in the AG-1 Agriculture Zoning District, subject
20 to the variance in related Case 121-V-23.**

21

22 Location: **A 26.2-acre tract in the East Half of Section 9, Township 20 North, Range 7 East of
23 the Third Principal Meridian in Mahomet Township, and commonly known as
24 farmland located north of I-74 and west of Crowley Road (CR 250E).**

25

26 **Case 121-V-23**

27 Petitioners: **Luke and Amanda Turner, d.b.a. Main Street Fencing Co.**

28

29 Request: **Authorize the following variance for the proposed Special Use Permit in related case
30 117-S-23:**

31

32 **Authorize a variance for no loading berth in lieu of the minimum required 1
33 loading berth, per Section 7.4.1 C.5. of the Zoning Ordinance.**

34

35 Location: **A 26.2-acre tract in the East Half of Section 9, Township 20 North, Range 7 East of
36 the Third Principal Meridian in Mahomet Township, and commonly known as
37 farmland located north of I-74 and west of Crowley Road (CR 250E).**

37

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

41

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

49

- 1 Mr. Luke Turner, 2519 CR 200E, Mahomet, said they are requesting a Special Use Permit to build a new
2 office and warehouse for their business, Main Street Fencing. He said two months ago, they lost their
3 building to a large structure fire and they're looking to rebuild at a new location. He said the previous
4 location was rented and the owners of the building are not rebuilding to fit their needs.
5
- 6 Mr. Elwell thanked Mr. Turner and asked if there were any questions from the Board.
7
- 8 Mr. Randol asked where the entrance is for the field and would they be using the same entrance as the
9 proposed building or is there a separate entrance.
10
- 11 Mr. Turner said currently there is not an entrance to that field, they are just going through the ditch to farm
12 it. He said they also farm the land where they are going to be building.
13
- 14 Mr. Randol said so they'll be using that same entrance then since there's not one currently.
15
- 16 Mr. Turner said correct.
17
- 18 Mr. Roberts asked if they were clearing out just south of the tower to get into the field.
19
- 20 Mr. Turner said that's the entrance that is existing that goes to the east toward the interstate but is owned
21 by the Village of Mahomet. He said they cannot use that because of visibility.
22
- 23 Mr. Elwell asked Ms. Burgstrom if there is screening required for the outdoor operations.
24
- 25 Ms. Burgstrom said there is screening required for the outdoor storage and operations if they choose to
26 have that. She referred to Attachment B and said that they plan to have an eight-foot-tall chain link fence
27 with privacy slats on the east side of the principal gravel area. She said that will be sufficient screening
28 for this facility.
29
- 30 Mr. Elwell asked if there were any other questions from the Board.
31
- 32 Mr. Herbert asked if Mr. Turner said he farms that land already.
33
- 34 Mr. Turner said correct.
35
- 36 Mr. Herbert said so he has a pretty good idea of all the drainage tile in the area and where they are building
37 and that's the best place suited.
38
- 39 Mr. Turner said yes, that's the highest point of the land there.
40
- 41 Mr. Elwell asked if there were any other questions from the Board or Staff. Seeing none, he asked if
42 anyone would like to cross-examine Mr. Turner. Seeing no one, he asked if anyone else would like to
43 testify in this case. Seeing no one, he asked if there was a motion to close the Witness Register for Cases
44 117-S-23 and 121-V-23.
45
- 46 **Mr. Bates moved, seconded by Mr. Roberts, to close the Witness Register for Cases 117-S-23 and**
47 **121-V-23. The motion passed by voice vote.**
48
- 49 Mr. Elwell told Mr. Turner that he would be reading the special conditions of approval from Attachment

1 G, page 18 of 25, as follows:
2

3 **SPECIAL CONDITIONS OF APPROVAL FOR CASE 117-S-23**
4

- 5 A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case**
6 **117-S-23.**

7
8 The special condition stated above is required to ensure the following:

9 **The establishment of the proposed use shall be properly documented as**
10 **required by the Zoning Ordinance.**

11
12 Mr. Elwell asked Mr. Turner if he agreed to the condition.

13
14 Mr. Turner said yes.

- 15
16 B. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until**
17 **the petitioner has demonstrated that any new or proposed exterior lighting on the**
18 **subject property will comply with the lighting requirements of Section 6.1.2.**

19
20 The special condition stated above is required to ensure the following:

21 **That any proposed exterior lighting is in compliance with the Zoning**
22 **Ordinance.**

23
24 Mr. Elwell asked Mr. Turner if he agreed to the condition.

25
26 Mr. Turner said yes.

- 27
28 C. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the**
29 **proposed Special Use until the petitioner has demonstrated that the proposed Special**
30 **Use complies with the Illinois Accessibility Code.**

31
32 The special condition stated above is required to ensure the following:

33 **That the proposed Special Use meets applicable State requirements for**
34 **accessibility.**

35
36 Mr. Elwell asked Mr. Turner if he agreed to the condition.

37
38 Mr. Turner said yes.

- 39
40 D. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate**
41 **authorizing occupancy of the proposed buildings until the Zoning Administrator has**
42 **received a certification of inspection from an Illinois Licensed Architect or other**
43 **qualified inspector certifying that the new buildings comply with the following codes:**
44 **(A) the current edition or most recent preceding edition of the International Building**
45 **Code, and (B) the current edition or most recent preceding edition of the National**
46 **Electrical Code NFPA 70.**

47
48 The special condition stated above is required to ensure the following:

49 **New commercial buildings shall be in conformance with Public Act 96-704.**

1 Mr. Elwell asked Mr. Turner if he agreed to the condition.

2
3 Mr. Turner said yes.

4
5 Mr. Elwell entertained a motion to move to the Draft Summary Findings of Fact for Cases 117-S-23 and
6 121-V-23.

7
8 **Mr. Bates moved, seconded by Mr. Wood, to accept the Preliminary Draft, Special Conditions,**
9 **Documents of Record, and move to the Findings of Fact for Cases 117-S-23 and 121-V-23. The**
10 **motion carried by voice vote.**

11
12 Mr. Elwell told Mr. Turner he would be reading the Findings of Fact from Attachment G, page 21 of 25,
13 as follows:

14
15 **FINDINGS OF FACT FOR CASE 117-S-23 & 121-V-23**

16 From the documents of record and the testimony and exhibits received at the public hearing for zoning
17 cases **117-S-23 and 121-V-23** held on **November 16, 2023**, the Zoning Board of Appeals of Champaign
18 County finds that:

19
20 **1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this**
21 **location because:**

22
23 Mr. Bates said the requested Special Use Permit IS necessary for the public convenience at this location
24 because: the petitioners have an established customer base in the Mahomet area.

25
26 **2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED***
27 ***HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL / WILL NOT}***
28 **be injurious to the district in which it shall be located or otherwise detrimental to the public**
29 **health, safety, and welfare because:**

30
31 **a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance**
32 **location has *{ADEQUATE / INADEQUATE}* visibility.**

33
34 Mr. Herbert said the street has ADEQUATE traffic capacity and the entrance location has ADEQUATE
35 visibility.

36
37 **b. Emergency services availability is *{ADEQUATE / INADEQUATE}* because:**

38
39 Mr. Randol said the emergency services availability is ADEQUATE because: the subject property is
40 located approximately 1.2 road miles from the Cornbelt Fire Protection District station in Mahomet.
41 Notice of this zoning case was sent to the Cornbelt Fire Protection District, and no comments have been
42 received.

43
44 **c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses because:**

45
46 Mr. Wood said the Special Use WILL be compatible with adjacent uses because: there are no residential
47 properties or businesses in the vicinity.

48
49 **d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* because:**

1 Mr. Wood said the surface and subsurface drainage will be ADEQUATE because: the subject property is
 2 not exempt from the Storm Water Management and Erosion Control Ordinance and the site plan received
 3 November 2, 2023 indicates less than an acre of impervious area, so no Storm Water Drainage Plan is
 4 required.

5
 6 **e. Public safety will be {ADEQUATE / INADEQUATE} because:**

7
 8 Mr. Bates said the public safety will be ADEQUATE because: relevant jurisdictions have been notified
 9 of this case, and no comments have been received.

10
 11 **f. The provisions for parking will be {ADEQUATE / INADEQUATE} because:**

12
 13 Mr. Randol said the provisions for parking will be ADEQUATE because: the site has sufficient area for
 14 parking.

15
 16 **g. The property {IS/IS NOT} WELL SUITED OVERALL for the proposed
 17 improvements because:**

18
 19 Mr. Randol said the property IS WELL SUITED OVERALL for the proposed improvements because: the
 20 site can be safely and soundly accommodated using simple engineering and common, easily maintained
 21 construction methods with no unacceptable negative effects on neighbors or the general public.

22
 23 **h. Existing public services {ARE/ARE NOT} available to support the proposed
 24 SPECIAL USE without undue public expense because:**

25
 26 Mr. Herbert said existing public services ARE available to support the proposed SPECIAL USE without
 27 undue public expense because: no additional public services are required for the proposed use.

28
 29 **i. Existing public infrastructure together with the proposed development {IS/IS NOT}
 30 adequate to support the proposed development effectively and safely without undue
 31 public expense because:**

32
 33 Mr. Bates said existing public infrastructure together with the proposed development IS adequate to
 34 support the proposed development effectively and safely without undue public expense because: no new
 35 infrastructure is required for the proposed use.

36
 37 Mr. Bates said the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
 38 IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be
 39 injurious to the district in which it shall be located or otherwise detrimental to the public health, safety,
 40 and welfare.

41
 42 **3a. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED
 43 HEREIN} {DOES / DOES NOT} conform to the applicable regulations and standards of the
 44 DISTRICT in which it is located.**

45
 46 Mr. Wood said the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
 47 IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the DISTRICT in
 48 which it is located.

1 **3b. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**
2 **HEREIN} {DOES / DOES NOT} preserve the essential character of the DISTRICT in which**
3 **it is located because:**

4
5 **a. The Special Use will be designed to {CONFORM / NOT CONFORM} to all relevant**
6 **County ordinances and codes.**

7
8 Mr. Randol said the Special Use will be designed to CONFORM to all relevant County ordinances and
9 codes.

10
11 **b. The Special Use {WILL / WILL NOT} be compatible with adjacent uses.**

12
13 Mr. Randol said the Special Use WILL be compatible with adjacent uses.

14
15 **c. Public safety will be {ADEQUATE / INADEQUATE}.**

16
17 Mr. Randol said the public safety will be ADEQUATE.

18
19 Mr. Randol said the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
20 IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

21
22 **4. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**
23 **HEREIN} {IS / IS NOT} in harmony with the general purpose and intent of the Ordinance**
24 **because:**

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

26
27 Mr. Wood said the Special Use is authorized in the District.

28
29 **b. The requested Special Use Permit {IS/ IS NOT} necessary for the public convenience**
30 **at this location.**

31
32 Mr. Wood said the requested Special Use Permit IS necessary for the public convenience at this location.

33
34 **c. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS**
35 **IMPOSED HEREIN} is so designed, located, and proposed to be operated so that it**
36 **{WILL / WILL NOT} be injurious to the district in which it shall be located or**
37 **otherwise detrimental to the public health, safety, and welfare.**

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

43
44 **d. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS**
45 **IMPOSED HEREIN} {DOES / DOES NOT} preserve the essential character of the**
46 **DISTRICT in which it is located.**

47
48 Mr. Wood said the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
49 IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

1 Mr. Wood said the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
2 IMPOSED HEREIN, IS in harmony with the general purpose and intent of the Ordinance.

3
4 **5. The requested Special Use *IS NOT* an existing nonconforming use.**

5
6 Mr. Elwell said the requested Special Use IS NOT an existing nonconforming use.

7
8 **6. Regarding the variance:**

9
10 **a. Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the**
11 **land or structure involved, which are not applicable to other similarly situated land**
12 **and structures elsewhere in the same district because:**

13
14 Mr. Wood said the special conditions and circumstances DO exist which are peculiar to the land or
15 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
16 the same district because: the petitioners indicated that their operations do not need a loading berth for the
17 type of work that they do.

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

22
23 Mr. Randol said the practical difficulties or hardships created by carrying out the strict letter of the
24 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
25 structure or construction because: without the proposed variance, the petitioner would have to invest in
26 unnecessary pavement for a loading berth.

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

30
31 Mr. Wood said the special conditions, circumstances, hardships, or practical difficulties DO NOT result
32 from actions of the applicant because: the petitioners indicated that their operations do not need a loading
33 berth.

34
35 **d. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}***
36 **in harmony with the general purpose and intent of the Ordinance because:**

37
38 Mr. Randol said the requested variance IS in harmony with the general purpose and intent of the Ordinance
39 because: operations without the loading berth will not impede traffic on the adjacent road.

40
41 **e. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{WILL /***
42 ***WILL NOT}* be injurious to the neighborhood or otherwise detrimental to the public**
43 **health, safety, or welfare because:**

44
45 Mr. Wood said the requested variance WILL NOT be injurious to the neighborhood or otherwise
46 detrimental to the public health, safety, or welfare because: relevant jurisdictions have been notified of the
47 variance, and no comments have been received.

- f. **The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS/IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure.**

Mr. Wood said the requested variance IS the minimum variation that will make possible the reasonable use of the land/structure because: in order to minimize costs and use of pavement that the petitioners feel is unnecessary, the requested variance is the minimum variation.

7. THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES:

- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 117-S-23.**

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

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

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

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

That any proposed exterior lighting is in compliance with the Zoning Ordinance.

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

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

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

- D. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed buildings until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new buildings comply with the following codes: (A) the current edition or most recent preceding edition of the International Building Code, and (B) the current edition or most recent preceding edition of the National Electrical Code NFPA 70.**

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

New commercial buildings shall be in conformance with Public Act 96-704.

Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Records, and Findings of Fact for Cases 117-S-23 and 121-V-23, as amended.

1 Mr. Bates moved, seconded by Mr. Wood, to adopt the Summary of Evidence, Documents of
2 Record, and Findings of Fact for Cases 117-V-23 and 121-V-23, as amended. The motion carried by
3 voice vote.

4
5 Mr. Elwell entertained a motion to move to the Final Determination for Case 117-S-23.

6
7 Mr. Bates moved, seconded by Mr. Wood, to move to the Final Determination for Case 117-S-23.
8 The motion carried voice vote.

9
10 Mr. Elwell told Mr. Turner he would be reading the Final Determination from Attachment G, page 24 of
11 25, as follows:

12
13 **FINAL DETERMINATION FOR CASE 117-S-23**

14 Mr. Bates moved, seconded by Mr. Wood, that the Champaign County Zoning Board of Appeals
15 finds that, based upon the application, testimony, and other evidence received in this case, the
16 requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority
17 granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

18
19 The Special Use requested in Case 117-S-23 is hereby **GRANTED WITH SPECIAL**
20 **CONDITIONS** to the applicants, Luke & Amanda Turner, d.b.a. Main Street Fencing Co., to
21 authorize the following:

22
23 **Authorize a “Contractor’s Facility with Outdoor Storage and/or Outdoor Operations” as a**
24 **Special Use Permit in the AG-1 Agriculture Zoning District, subject to the variance in related**
25 **Case 121-V-23.**

26
27 **SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:**

- 28 A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case**
29 **117-S-23.**
- 30
31 B. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until**
32 **the petitioner has demonstrated that any new or proposed exterior lighting on the**
33 **subject property will comply with the lighting requirements of Section 6.1.2.**
- 34
35 C. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the**
36 **proposed Special Use until the petitioner has demonstrated that the proposed Special**
37 **Use complies with the Illinois Accessibility Code.**
- 38
39 D. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate**
40 **authorizing occupancy of the proposed buildings until the Zoning Administrator has**
41 **received a certification of inspection from an Illinois Licensed Architect or other**
42 **qualified inspector certifying that the new buildings comply with the following codes:**
43 **(A) the current edition or most recent preceding edition of the International Building**
44 **Code, and (B) the current edition or most recent preceding edition of the National**
45 **Electrical Code NFPA 70.**

46
47 Mr. Elwell requested a roll call vote.

48
49 The vote was called as follows:

1	Randol – Yes	Anderson – Yes	Herbert – Yes	Bates – Yes
2	Elwell – Yes	Roberts – Yes	Wood – Yes	

3
4 Mr. Elwell entertained a motion to move to the Final Determination for Case 121-V-23.

5
6 **Mr. Herbert moved, seconded by Mr. Wood, to move to the Final Determination for Case 121-V-23. The motion carried voice vote.**

7
8
9 Mr. Elwell told Mr. Turner he would be reading the Final Determination from Attachment G, page 25 of
10 25, as follows:

11
12 **FINAL DETERMINATION FOR CASE 121-V-23**

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

18
19 The Variance requested in Case 121-V-23 is hereby **GRANTED** to the petitioners, **Luke & Amanda**
20 **Turner, d.b.a. Main Street Fencing Co.,** to authorize the following variance in the AG-1 Agriculture
21 Zoning District:

22
23 **Authorize the following variance for the proposed Special Use Permit in related case 117-S-23:**

24
25 **Authorize a variance for no loading berth in lieu of the minimum required 1 loading berth,**
26 **per Section 7.4.1 C.5. of the Zoning Ordinance.**

27
28 Mr. Elwell requested a roll call vote.

29
30 The vote was called as follows:

31				
32	Randol – Yes	Anderson – Yes	Herbert – Yes	Bates – Yes
33	Elwell – Yes	Roberts – Yes	Wood – Yes	

34
35 Mr. Elwell congratulated Mr. Turner on his seven affirmative votes and said that Staff would be reaching
36 out to him with further communication.

37
38 Mr. Turner thanked the Board.

39
40 **8. Staff Report – None**

41
42 **9. Other Business**

43 **A. Review of Docket**

44
45 There were no comments on the docket.

46
47 Mr. Randol said he wanted to thank Mr. Wood, Mr. Bates, and Mr. Anderson for their time shortly
48 served on this Board and he hopes to see them down the road.

1 Mr. Elwell said he'd like to share an email that he sent out earlier this week. He read, "Dear Mr.
2 Summers, I trust this letter finds you well. I am writing to express my wholehearted support for the
3 reappointment of Mr. Herbert, Mr. Wood, and Mr. Anderson to the zoning board. Their current terms
4 are set to expire soon, and I believe their continued service is essential for the community's well-being.
5 In their current roles, Mr. Herbert, Mr. Wood, and Mr. Anderson have consistently demonstrated a
6 commitment to fairness, thoroughness, and integrity. Their dedication to seeking all relevant
7 information for each case before the zoning board is commendable. Their efforts to understand the
8 intricacies of each situation and their ability to make informed and principled decisions have
9 significantly contributed to the success of the zoning board. Moreover, their track record of honest and
10 solid decision-making speaks volumes about their competence and suitability for their roles. The
11 community has greatly benefited from their expertise, and their presence on the zoning board ensures
12 that the decisions made align with the best interests of our county. Losing such valuable and
13 experienced individuals would undoubtedly be a setback for our community. I firmly believe that
14 extending the terms of Mr. Bates, Mr. Wood, and Mr. Anderson is in the best interest of our county.
15 Their wealth of knowledge, dedication, and fair-minded approach make them indispensable assets to
16 the zoning board. I kindly urge you to consider the exceptional contributions of Mr. Herbert, Mr.
17 Wood, and Mr. Anderson and grant them the opportunity to continue their service on the zoning board.
18 Their reappointment would undoubtedly contribute to the continued success and positive development
19 of our community. Thank you for your time and attention to this matter. I am confident that your
20 decision will be in the best interest of our county and its residents. Sincerely, Ryan Elwell."

21
22 Mr. Elwell said he believes that decisions that are being made, he really hopes that the decisions that
23 are being made, are coming from a place where the residents of Champaign County are being
24 protected. He said he really hopes that's the case, but he very much doubts that. He said he believes
25 that the decision to not reappoint the three current members, he doesn't have any say or anything like
26 that, but it's very disappointing. He said losing you three means losing friends, and he doesn't like
27 that. He thanked each of them for what they have brought to this Board and said the calmness of all of
28 the words coming from this microphone they have all not been positive and some have been downright
29 mean and nasty. He said but each and every time we've been able to work together as a team and he
30 feels like we have been able to make very wise and thought-out decisions. He said going through a
31 recent Board meeting, when we answered in all affirmative, it was only a recommendation to the
32 County Board and was not the final say. He said if there are any decisions that are made that lead to
33 financial responsibilities, it's not from this Board; it's from the County Board. He said he felt like it
34 was in the heat of the moment, but to say that this Board puts our County in the way of financial
35 liability, he doesn't believe that was a correct statement. He thanked everyone.

36
37 Mr. Randol said he thinks the remaining four are all on the list to be going also, and probably not at
38 the end of their terms.

39
40 Mr. Herbert said he thinks they just set a precedent for that.

41
42 Mr. Elwell said he would share one more email and then he would be done. He read, "Ryan, first of
43 all, I'm not dismissing these members; their term of office has expired, and I am choosing not to
44 reappoint them. This is certainly not the result from a single vote. There have been multiple instances
45 that indicate to me that there was an unwillingness to accept the State's decision to accept different
46 zoning standards or to modify our existing ordinance. I'm not happy that we have been stripped of our
47 ability to establish our own standards, but it is not acceptable to me to have our County not in
48 compliance with the State. I'm quite certain that folks in Piatt County aren't happy with the State
49 either, but they made the necessary changes to their zoning ordinance to be in compliance. As I said

1 in the email earlier, there is a potential fiscal liability to the County with or without compliance on our
2 part. I have to look out for the taxpayers of Champaign County.” He said this email is from Steve
3 Summers.

4
5 Mr. Randol said Mr. Summers contradicts himself in a way because he says it’s this Board’s
6 responsibility, but it’s their responsibility to see that they follow the State rules.

7
8 Mr. Wood said it has been a pleasure working with everyone here. He said he’ll now have a lot of
9 extra Thursday nights free, and since the County does not want his expertise anymore, he’ll go offer it
10 to somebody else. He said he would remind the County Board that they really ought to be careful about
11 the precedents they set because it’s really, really a bad idea to fire volunteers; we’re going to lose a
12 big paycheck.

13
14 Mr. Elwell said the other thing he said was he is very proud that there are no R’s and D’s in this room,
15 and that’s probably there for a reason. He said he would prefer for this not to become politicized.

16
17 Mr. Elwell asked if there will be any absences coming up.

18
19 Mr. Herbert said he has a few coming up. He asked if they needed to be at the November 30th meeting,
20 or how does that work.

21
22 Mr. Bates said they serve until December 1st.

23
24 Mr. Elwell said this is kind of half in jest, which was clearly stated in the County Board meeting [of
25 the Committee of the Whole], if they just want their recommendation to come back to them, is there
26 really a necessity to spend taxpayers’ money on a board such as the ZBA, if the ZBA is just going to
27 vote in the way the County Board is going to vote.

28
29 Mr. Herbert said he would agree with that; if you’re putting someone in a position that will vote a
30 certain way, he would like to hope that’s not the case. He said if you’re putting someone in a position
31 that would vote a certain way, it’s just not right to do that and he thinks that there is no reason for a
32 board if that’s how it’s going to be. He said if it’s going to be the ZBA puts its recommendation in,
33 and that is looked upon as no, that’s fine. He said he can understand on updating our ordinances, he
34 can understand not taking that recommendation, but they also put in a recommendation on Homer, and
35 that was overridden. He said they’ve started that and if that’s how it’s going to continue to go then
36 there is no purpose for our Board in his opinion.

37
38 Mr. Elwell said he just feels like there are seven dates in the future, in the next two weeks, or in his
39 case, in 2027, and he knows that he is going to be replaced. He said actually he is probably at his ten-
40 year limit at that point, so he will be off. He said but he feels like all of us will probably not be
41 reappointed. He said he just wants to be a good steward of what the good Lord has given us. He said
42 if the expectation is to rubber stamp things, he’s probably not your guy.

43
44 Mr. Randol said when he made that statement earlier, he is not changing his mind, so he expects that
45 he will probably be asked to resign before his time is even up. He said he would say that is the case
46 with the four of us that are left; if we’re not going to change our minds, they’re not going to put up
47 with us if we’re not going to be yes people.

48
49 Mr. Herbert said but it looks better to have a 3-4 vote than to have a 7-0 vote.

1 Mr. Bates said which is exactly what happened with Homer. He said they had words in there that they
2 didn't believe were close enough because it wasn't a unanimous vote. He said we put a unanimous
3 vote back in front of them, they started eliminating people. He asked Mr. Hall if he had anything to
4 say about this.
5
6 Mr. Hall said just to assure everyone that he is never asked about these things. He said there's a clear
7 line between what the County Executive and the County Board does, and what the ZBA and the Zoning
8 Administrator does.
9
10 Mr. Bates said that's truly wonderful to hear.
11
12 Mr. Hall said this doesn't make Staff feel good either, but we're Staff, and if we don't like it, we need
13 to leave our jobs.
14
15 Mr. Bates said as do we, right.
16
17 Mr. Hall said yes, he genuinely does not think anyone on the Board is at risk of being fired, because
18 fired is a completely different thing than what he thinks is behind this. He said he doesn't agree that's
19 a concern, Mr. Randol, but that being said, anybody can leave their position at any time, especially if
20 they feel they're not really appreciated, wanted, or tolerated.
21
22 Mr. Randol said what if the four of us remaining decided we weren't appreciated and walked out.
23
24 Mr. Hall said we'd probably have to cancel a couple of ZBA meetings at least.
25
26 Mr. Elwell said they would line up four more people.
27
28 Mr. Wood said it might be more difficult to get volunteers as he pointed out. He said it's not a good
29 idea to just arbitrarily do that just because you don't like the way they behave. He said there are reasons
30 for eliminating people with bad behavior or something like harassment or whatever, but for voting
31 their conscience, he doesn't think so, he doesn't think that's a very good idea.
32
33 Mr. Elwell said this is a question for Mr. Hall or Ms. Burgstrom – has an incumbent ever not been
34 reappointed.
35
36 Ms. Burgstrom said not in her time since 2015.
37
38 Mr. Hall asked are you sure.
39
40 Ms. Burgstrom said for someone who was seeking reappointment and did not get that reappointment,
41 she's not recalling anyone.
42
43 Mr. Randol said there was a guy from St. Joseph when he first came on who didn't get reappointed,
44 and he thinks it was because he didn't attend meetings.
45
46 Mr. Wood said that was a legitimate reason.
47
48 Mr. Randol said that's the only one since he's been around here.
49

1 Mr. Hall said he can't recall anything offhand, he thought there had been maybe one, but it doesn't
2 happen very often, and that's why there's the response that there is.
3
4 Ms. Burgstrom said for what it's worth, if the County Executive or County Board is seeking to have
5 someone leave for cause, a public hearing is required before that happens. She said in this case, with
6 the three of you, you finished your terms and so there was a point at which a public hearing wasn't
7 needed to do this. She said in any other time period a public hearing would be required for dismissal.
8
9 Mr. Wood said the implication that he got from the meeting was that we didn't do our jobs, and he
10 disagrees with that.
11
12 Mr. Herbert said we 100% did; we sat hours and hours and hours.
13
14 Mr. Wood said they basically gave it to us to do their dirty work.
15
16 Mr. Herbert said the next three people will not have listened to those hours that we have listened to.
17
18 Mr. Wood agreed.
19
20 Mr. Bates said, nor have they attended any of the meetings prior; that's the interesting piece to him.
21 He said they're running three people into these positions that have no interest, no experience, and have
22 not attended any of the meetings that we've sat through.
23
24 Mr. Wood asked if anyone knows Brian Andersen. He said Mr. Andersen used to be a customer of his.
25 He said Mr. Andersen has been involved with zoning in Mahomet he believes.
26
27 Mr. Bates said correct, but his point is if they were that intrigued about these positions, then they would
28 have been in the audience listening to what we've been through. He asked why now all of a sudden
29 the interest.
30
31 Mr. Elwell said his biggest concern is if the County Board truly felt that the ZBA members put the
32 citizens of Champaign County in peril; is that not a fiduciary violation. He said if they truly thought
33 that we weren't doing what's in the best interest of the County, why would they not ask all of us to
34 leave.
35
36 Mr. Herbert said it's because they would have to have a special hearing.
37
38 Mr. Wood said we don't have the fiduciary responsibility of ensuring that the zoning regulations follow
39 State law; that's not in our jurisdiction. He said our jurisdiction basically is to follow the zoning rules
40 as they currently are for every case that comes up. He said beyond that, it's all about collecting data
41 and making recommendations to the County Board. He said if they don't like our recommendations,
42 well tough; they always have the right to override it.
43
44 Mr. Bates said and they have, they did.
45
46 Mr. Wood said he thinks because it was a 7-0 thing, don't they have to have a higher number of votes
47 in favor of passing it.
48
49 Ms. Burgstrom said the supermajority vote that is required for this particular text amendment is

1 because we had three municipalities file protests. She said if there is even one protesting, it triggers
2 that supermajority.

3
4 Mr. Wood said he bids them all adieu, at least until the 30th.

5
6 Mr. Randol asked if they would be back for the 30th, that's the last meeting, correct.

7
8 Mr. Herbert said correct; he thinks their term ends November 30th. He said he plans on attending.

9
10 Mr. Randol said you might come back and just sit out there and smile.

11
12 Mr. Herbert said he may do that.

13
14 **10. Adjournment**

15
16 **Mr. Bates moved, seconded by Mr. Roberts, to adjourn the meeting. The motion carried by voice**
17 **vote.**

18
19 The meeting adjourned at 8:09 pm.

20
21 Respectfully Submitted,

22
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25 Secretary of the Zoning Board of Appeals
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