

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

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

DATE:	December 14, 2023	PLACE:	Shields-Carter Meeting Room
			1776 East Washington Street
			Urbana, IL 61802

MEMBERS PRESENT: Cynthia Cunningham, Ryan Elwell, Chris Flesner, Lee Roberts

MEMBERS ABSENT: Brian Andersen, Thaddeus Bates, Jim Randol

STAFF PRESENT: John Hall, Susan Burgstrom, Stephanie Berry, Trevor Partin

OTHERS PRESENT: Brad Smith, Paul Crutcher, Steve Thuney

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 – November 16, 2023

Mr. Roberts moved, seconded by Mr. Flesner, to approve the November 16, 2023 minutes. The motion passed by voice vote.

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

6. Continued Public Hearings – None

7. New Public Hearings

Cases 119-S-23 and 120-V-23

Petitioner: Eastern Illini Electric Cooperative, via agent Paul Crutcher

Request: Case 119-S-23

Authorize an existing Electrical Substation as a Special Use Permit in the AG-1 Agriculture Zoning District, subject to the variance in related Case 120-V-23.

Case 120-V-23

Authorize the following variance for the Electrical Substation proposed as a Special

Use Permit in related Case 119-S-23:

Part A: Authorize an existing substation structure with a front yard of 12 feet and a setback from the street centerline of 32 feet in lieu of the minimum required 25 feet and 55 feet, respectively, per Section 4.3.2 of the Zoning Ordinance.

Part B: Authorize a lot area of .40 acre in lieu of the minimum required 1 acre in the AG-1 Agriculture Zoning District, per Section 5.3 of the Zoning Ordinance.

Part C: Authorize an average lot width of 149 feet in lieu of the minimum required 200 feet in the AG-1 Agriculture Zoning District, per Section 5.3 of the Zoning Ordinance.

Location: **A 10,993 square foot parcel and an adjacent 5,316 square foot parcel totaling 16,309 square feet in the Northeast Quarter of the Northwest Quarter of Section 27, Township 21 North, Range 7 East of the Third Principal Meridian in Newcomb Township, and commonly known as the Eastern Illini Electric Cooperative substation with an address of 343 CR 2600N, Mahomet.**

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

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

Mr. Paul Crutcher, 146 N Elm Street, Paxton, said he represents Eastern Illini Electric Cooperative. He said he has been the electrical engineer for five years there. He said they've had an electrical substation at the address that began design and construction in 1982 and finished construction and went into service in 1984. He said it has been in service there ever since exactly as it lays, as it was constructed initially, and has not been redesigned or relocated. He said they were recently approached by Nextlink, a rural broadband company. that received federal funding. He said they needed space for towers and for their communications equipment to provide rural broadband. He said EIEC has space at or near its substations and EIEC worked out an arrangement with Nextlink on 20 or so of their substations across their service territory. He said this was one tower that EIEC also needed for some communications, but they didn't have any space in the existing layout, so they purchased an extension. He said after they bought the extension from the adjacent landowner then Nextlink filed a permit for construction of a tower and that's when all of this kind of started. He said EIEC wasn't aware that initially back in the 1980s there were no permits filed for anything; they didn't have a record, the County didn't have a record and so they're filling in the void here.

Mr. Elwell thanked Mr. Crutcher and asked if there were any questions from the Board or Staff. Seeing none, he asked if anyone would like to cross-examine Mr. Crutcher. Seeing no one, he referred to the

1 special conditions on page 18 of 26. He said he would read them, and if Mr. Crutcher is in agreement, to
2 please answer in the affirmative.

3
4 A. **A Change of Use Permit and submittal of the \$260 Special Use Permit fees shall be**
5 **applied for within 30 days of the approval of Case 119-S-23.**

6
7 The special condition stated above is required to ensure the following:

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

10
11 Mr. Elwell asked Mr. Crutcher if he agreed with the special condition.

12
13 Mr. Crutcher said yes.

14
15 B. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until**
16 **the petitioner has demonstrated that any new or proposed exterior lighting on the**
17 **subject property will comply with the lighting requirements of Section 6.1.2.**

18
19 The special condition stated above is required to ensure the following:

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

22
23 Mr. Elwell asked Mr. Crutcher if he agreed with the special condition.

24
25 Mr. Crutcher said yes.

26
27 Mr. Elwell asked for a motion to close the Witness Register for cases 119-S-23 and 120-V-23.

28
29 **Mr. Flesner moved, seconded by Mr. Roberts, to close the Witness Register for Cases 119-S-23 and**
30 **120-V-23. The motion passed by voice vote.**

31
32 Mr. Elwell entertained a motion to move to the Summary Draft Findings of Fact for Cases 119-S-23 and
33 120-V-23.

34
35 **Ms. Cunningham moved, seconded by Mr. Flesner, to move to the Draft Summary Findings of Fact**
36 **for Cases 119-S-23 and 120-V-23. The motion passed by voice vote.**

37
38 Mr. Elwell referred to Attachment G, page 20 of 26.

39
40 **SUMMARY DRAFT FINDINGS OF FACT FOR CASES 119-S-23 AND 120-V-23**

41 From the documents of record and the testimony and exhibits received at the public hearing for zoning
42 cases **119-S-23** and **120-V-23** held on **December 14, 2023**, the Zoning Board of Appeals of Champaign
43 County finds that:

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

46
47 Ms. Cunningham said the requested Special Use Permit IS necessary for the public convenience at this
48 location because: the subject property is in a rural setting with no immediate neighbors while having close
49 access to IL Route 47. She said the substation has been at this property since 1983.

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

5 a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance
 6 location has *{ADEQUATE / INADEQUATE}* visibility because:
 7

8 Ms. Cunningham said the street has ADEQUATE traffic capacity and the entrance location has
 9 ADEQUATE visibility because: County Road 2600N has minimal daily traffic, estimated to be less than
 10 50 vehicles per day. She said the site has been in use since 1983 and approval of its special use will not
 11 increase traffic.
 12

13 b. Emergency services availability is *{ADEQUATE / INADEQUATE}* because:
 14

15 Ms. Cunningham said emergency services availability is ADEQUATE because: the subject property is
 16 located approximately 4.2 road miles from the Cornbelt Fire Protection District station. She said notice of
 17 this zoning case was sent to the Cornbelt Fire Protection District, and no comments have been received.
 18

19 c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses because:
 20

21 Ms. Cunningham said the Special Use WILL be compatible with adjacent uses because: the proposed
 22 special use is most appropriate in a rural setting and there are few neighbors nearby. She said the station
 23 has been in use since 1984 and no comments have been received regarding its use.
 24

25 d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* because:
 26

27 Ms. Cunningham said surface and subsurface drainage will be ADEQUATE because: the subject property
 28 is exempt from the Storm Water Management and Erosion Control Ordinance and a Storm Water
 29 Management Plan is not required.
 30

31 e. Public safety will be *{ADEQUATE / INADEQUATE}* because:
 32

33 Ms. Cunningham said public safety will be ADEQUATE because: relevant jurisdictions have been
 34 notified of this case, and no comments have been received.
 35

36 f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* because:
 37

38 Ms. Cunningham said the provisions for parking will be ADEQUATE because: the site has sufficient
 39 space for service vehicles.
 40

41 g. The property *{IS/IS NOT}* WELL SUITED OVERALL for the proposed
 42 improvements *{because*}*:
 43

44 Ms. Cunningham said the property IS WELL SUITED OVERALL for the proposed improvements
 45 because: the site has been in good working condition with no recorded issues since 1984. She said the
 46 electrical substation has provided needed energy to the rural community for decades without problems.
 47

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

1 Ms. Cunningham said existing public services ARE available to support the proposed special use without
 2 undue public expense because: no additional public services are necessary for the proposed development.

- 3
 4 **i. Existing public infrastructure together with the proposed development *{IS/IS NOT}***
 5 **adequate to support the proposed development effectively and safely without undue**
 6 **public expense *{because*}*:**
 7

8 Ms. Cunningham said existing public infrastructure together with the proposed development IS adequate
 9 to support the proposed development effectively and safely without undue public expense because: no
 10 new public infrastructure is required for the proposed development.

11
 12 Ms. Cunningham said as a result, the requested Special Use Permit, SUBJECT TO THE SPECIAL
 13 CONDITIONS IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL
 14 NOT be injurious to the district in which it shall be located or otherwise detrimental to the public health,
 15 safety, and welfare.

- 16
 17 **3a. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED***
 18 ***HEREIN}* *{DOES / DOES NOT}* conform to the applicable regulations and standards of the**
 19 **DISTRICT in which it is located.**
 20

21 Mr. Flesner said the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
 22 IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the DISTRICT in
 23 which it is located.

- 24
 25 **3b. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED***
 26 ***HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which**
 27 **it is located because:**

- 28 **a. The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant**
 29 **County ordinances and codes.**
 30

31 Ms. Cunningham said the Special Use will be designed to CONFORM to all relevant County ordinances
 32 and codes.

- 33
 34 **b. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.**
 35

36 Ms. Cunningham said the Special Use WILL be compatible with adjacent uses.

- 37
 38 **c. Public safety will be *{ADEQUATE / INADEQUATE}*.**
 39

40 Ms. Cunningham said that public safety will be ADEQUATE.

41
 42 Mr. Roberts said therefore the requested Special Use Permit, SUBJECT TO THE SPECIAL
 43 CONDITIONS IMPOSED HEREIN, DOES NOT preserve the essential character of the district in which
 44 it is located because we're not in agreement of all three factors.

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

- 48 **a. The Special Use IS authorized in the District.**
 49

1 Mr. Elwell said the Special Use IS authorized in the District.

2
3 **b. The requested Special Use Permit *{IS/ IS NOT}* necessary for the public convenience**
4 **at this location.**

5
6 Ms. Cunningham said the requested Special Use Permit IS necessary for the public convenience at this
7 location.

8
9 **c. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS***
10 ***IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it**
11 ***{WILL / WILL NOT}* be injurious to the district in which it shall be located or**
12 **otherwise detrimental to the public health, safety, and welfare.**

13
14 Ms. Cunningham said the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
15 IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be
16 injurious to the district in which it shall be located or otherwise detrimental to the public health, safety,
17 and welfare.

18
19 **d. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS***
20 ***IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the**
21 **DISTRICT in which it is located.**

22
23 Ms. Cunningham said that the requested Special Use Permit, SUBJECT TO THE SPECIAL
24 CONDITIONS IMPOSED HEREIN, DOES preserve the essential character of the district in which it is
25 located.

26
27 Ms. Cunningham said therefore, the requested Special Use Permit, SUBJECT TO THE SPECIAL
28 CONDITIONS IMPOSED HEREIN, IS in harmony with the general purpose and intent of the Ordinance.

29
30 **5. The requested Special Use *IS NOT* an existing non-conforming use.**

31
32 Mr. Elwell said the requested Special Use IS NOT an existing non-conforming use.

33
34 **6. Regarding the variance:**

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

38
39 Ms. Cunningham said special conditions and circumstances DO exist which are peculiar to the land or
40 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
41 the same district because: regarding variance part A, for an existing substation with a front yard of 12 feet
42 and a setback from the street centerline of 32 feet in lieu of the minimum required 25 feet and 55 feet,
43 respectively: the substation was designed and built by industry standards in 1983. Regarding variance part
44 B, for a lot area of .40 acre in lieu of the minimum required 1 acre in the AG-1 Agriculture Zoning District:
45 most substations are on smaller lots due to the minimal area needed for operations. The Petitioner
46 purchased additional land to host a proposed communications monopole and to increase accessibility for
47 service on the substation. Regarding variance part C: for an average lot width of 149 feet in lieu of the
48 minimum required 200 feet: most substations are on smaller lots due to the minimal area needed for
49 operations. Minimal land was required to host the monopole. The additional 0.12-acres does not infringe

1 on the adjacent farmland.
2

- 3 **b. Practical difficulties or hardships created by carrying out the strict letter of the**
4 **regulations sought to be varied {WILL / WILL NOT} prevent reasonable or otherwise**
5 **permitted use of the land or structure or construction because:**
6

7 Ms. Cunningham said practical difficulties or hardships created by carrying out the strict letter of the
8 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
9 structure or construction because: regarding variance part A, for an existing substation with a front yard
10 of 12 feet and a setback from the street centerline of 32 feet in lieu of the minimum required 25 feet and
11 55 feet, respectively: without the proposed variance, the petitioner would have to move a small building
12 that has existed since 1983 to another part of the substation. Regarding variance part B, for a lot area of
13 .40 acre in lieu of the minimum required 1 acre in the AG-1 Agriculture Zoning District: without the
14 proposed variance, the petitioner would have to purchase additional land that would go unutilized.
15 Additional land was purchased to host the proposed monopole. The existing substation and proposed
16 monopole only require the 0.40-acres in order to operate. Regarding variance part C: for an average lot
17 width of 149 feet in lieu of the minimum required 200 feet: without the proposed variance, the petitioner
18 would have to purchase additional land that would go unutilized. The need for a communications
19 monopole was the primary drive for the additional land purchased. The additional 0.12 acres does not
20 infringe on the neighboring farmland.
21

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

25 Mr. Flesner said the special conditions, circumstances, hardships, or practical difficulties DO NOT result
26 from actions of the applicant because: the petitioners became aware that the substation had never received
27 necessary approvals in 1983 when they applied for a Zoning Use Permit for a monopole in 2023.
28

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

32 Ms. Cunningham said the requested variance IS in harmony with the general purpose and intent of the
33 Ordinance because: regarding the proposed variance part A, the setback from street centerline and front
34 yard minimum is intended to ensure the following: adequate separation from roads. Substations are
35 typically located close to road rights of way. To allow adequate area for road expansion and right-of-way
36 acquisition. There are no known plans for expanding CR 2600N. Parking, where applicable. Substations
37 have little need for parking. Regarding the proposed variance parts B and C, besides the importance of
38 accommodating onsite wastewater treatment and disposal as part of the basis for the average lot width
39 requirement, other considerations are as follows adequate light and air: the subject property houses a
40 substation. The surrounding properties are in agricultural use. Separation of structures to prevent
41 conflagration: The nearest structure on adjacent property is a grain bin that is 90 feet from the substation
42 fence. Aesthetic benefit may be a consideration for any given yard and can be very subjective.
43

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

47 Ms. Cunningham said the requested variance WILL NOT be injurious to the neighborhood or otherwise
48 detrimental to the public health, safety, or welfare because: relevant jurisdictions have been notified of the
49 variance, and no comments have been received.

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

Ms. Cunningham said the requested variance IS the minimum variation that will make possible the reasonable use of the land/structure because: the existing control building has been in use with no issues, and it would be costly to move the building and redo the wiring. The proposed monopole will be housed on the additional land purchased. The additional land purchased to the west does not intrude on the line of tillage to the adjacent agriculture property.

7. THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:

- A. **A Change of Use Permit and submittal of the \$260 Special Use Permit fees shall be applied for within 30 days of the approval of Case 119-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.

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

Mr. Roberts moved, seconded by Mr. Flesner, to adopt the Summary of Evidence, Documents of Record, and Findings of Fact, as amended. The motion passed by voice vote.

Mr. Elwell told Mr. Crutcher that they do not have a full Board tonight; a full Board would be seven members. He said four affirmative votes are needed to approve the cases. He said Mr. Crutcher has the option of postponing the vote until there is a full Board or they can continue to the vote tonight. He said that the findings in the Draft Summary Findings of Fact were all in the affirmative.

Mr. Crutcher said EIEC is comfortable with having a vote tonight.

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

Mr. Roberts moved, seconded by Ms. Cunningham, to move to Final Determination. The motion passed by voice vote.

Mr. Elwell told Mr. Crutcher he would be reading from Attachment G, page 25 of 26.

FINAL DETERMINATION FOR CASE 119-S-23

Ms. Cunningham moved, seconded by Mr. Roberts, that the Champaign County Zoning Board of

1 Appeals finds that, based upon the application, testimony, and other evidence received in this case,
2 the requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority
3 granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:
4

5 The Special Use requested in Case 119-S-23 is hereby GRANTED WITH SPECIAL
6 CONDITIONS to the applicant, Eastern Illini Electric Cooperative, to authorize the
7 following:
8

9 Authorize an Electrical Substation as a Special Use Permit in the AG-1 Agriculture
10 Zoning District, subject to the variance in related Case 120-V-23.
11

12 **SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:**
13

14 A. A Change of Use Permit and submittal of the \$260 Special Use Permit fees shall be
15 applied for within 30 days of the approval of Case 119-S-23.
16

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

18 The establishment of the proposed use shall be properly documented as
19 required by the Zoning Ordinance.
20

21 B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until
22 the petitioner has demonstrated that any new or proposed exterior lighting on the
23 subject property will comply with the lighting requirements of Section 6.1.2.
24

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

26 That any proposed exterior lighting is in compliance with the Zoning
27 Ordinance.
28

29 Mr. Elwell requested a roll call vote.
30

31 The vote was called as follows:
32

33 Andersen – absent	Bates – absent	Cunningham – Yes	Elwell – Yes
34 Flesner – Yes	Randol – absent	Roberts – Yes	

35
36 The motion passed.
37

38 Mr. Elwell entertained a motion to move to Final Determination for Case 120-V-23.
39

40 Mr. Flesner moved, seconded by Ms. Cunningham, to move to Final Determination for Case 120-
41 V-23. The motion passed by voice vote.
42

43 Mr. Elwell said he would be reading from Attachment G, page 26 of 26.
44

45 **FINAL DETERMINATION FOR CASE 120-V-23**

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

1 Board of Appeals of Champaign County determines that:

2
3 The Variance requested in Case 120-V-23 is hereby GRANTED to the applicant, Eastern Illini
4 Electric Cooperative, to authorize the following variance for the data center proposed as a Special
5 Use Permit in related case 110-S-23:
6

7 Part A: Authorize an existing substation with a front yard of 12 feet and a setback from the
8 street centerline of 32 feet in lieu of the minimum required 25 feet and 55 feet, respectively, per
9 section 4.3.2 of the Zoning Ordinance.
10

11 Part B: Authorize a lot area of .40 acre in lieu of the minimum required 1 acre in the AG-1
12 Agriculture Zoning District, per Section 5.3 of the Zoning Ordinance.
13

14 Part C: Authorize an average lot width of 149 feet in lieu of the minimum required 200 feet in
15 the AG-1 Agriculture Zoning District, per Section 5.3 of the Zoning Ordinance.
16

17 Mr. Elwell requested a roll call vote.

18
19 The vote was called as follows:

20
21 Andersen – absent Bates – absent Cunningham – Yes Elwell – Yes
22 Flesner – Yes Randol – absent Roberts – Yes
23

24 The motion passed.

25
26 Mr. Elwell told Mr. Crutcher that he received the four minimum affirmative votes and said that Staff
27 would be in communication with him.
28

29 Mr. Crutcher thanked the Board and Staff.
30

31 **Case 122-V-23**

32 Petitioner: Edge-Scott Fire Protection District
33

34 Request: Authorize a variance for a proposed wall sign with an area of 48 square feet in lieu of
35 the maximum allowed area of 20 square feet in the R-1 Single Family Zoning District,
36 per Section 7.3.3 E. of the Champaign County Zoning Ordinance.
37

38 Location: A 17,050 square feet lot in the Jacob M. Smith’s Estate Subdivision in the Southwest
39 Quarter of the Southwest Quarter of Section 10, Township 19 North, Range 9 East of
40 the Third Principal Meridian in Urbana Township, commonly known as the Edge-
41 Scott Fire Station with an address of 201 N Smith Rd, Urbana.
42

43 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
44 the witness register for that public hearing. He reminded the audience that when they sign the witness
45 register, they are signing an oath.
46

47 Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County allows
48 anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a
49 show of hands from those who would like to cross-examine, and each person will be called upon. He said

1 that those who desire to cross-examine do not have to sign the Witness Register but will be asked to clearly
2 state their name before asking any questions. He noted that no new testimony is to be given during the
3 cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
4 exempt from cross-examination. He asked if the petitioner would like to outline the nature of their request.
5

6 Mr. Steve Thuney, 703 Doisy Ln, Champaign, said he is the Fire Chief at the Edge-Scott Fire Department.
7 He said his appearance tonight is to talk with them about his request for a zoning variance for a sign on
8 the south side of their building that faces University Avenue. He said he thinks the current sign that is in
9 place is original to the building. He said it is very yellowed and stained and frankly the animals have
10 gotten in it and eaten the wiring, so it doesn't work anymore. He said they would like to replace it with a
11 new sign that's a little bit bigger so they can put their department logo on it plus be able to put eight-inch
12 lettering for fire safety information for the community.

13
14 Mr. Elwell asked if there were any other questions from the Board or Staff.

15
16 Ms. Cunningham asked why they need a sign this big.

17
18 Mr. Thuney said the current sign is actually outside the requirements of the Zoning Ordinance. He said
19 the bigger sign allows them to put their department logo on it; their department really doesn't have an
20 identity from the street, and they're trying to create an identity for the fire department. He said it would
21 help enhance the safety messages that go on the sign.
22

23 Ms. Cunningham asked what kind of sign they are putting up – is it LED, one that goes 24-7 and has
24 different messages on it, or could he tell her a little bit more about what the sign is.

25
26 Mr. Thuney said it is not a digital sign that changes all the time; it's basically a plastic board that would
27 have their logo on it and has slide-in, slide-out letters that they would have to change manually.
28

29 Mr. Elwell asked if there were any other questions from the Board or Staff. Seeing none, he asked if
30 anyone would like to cross-examine Mr. Thuney. Seeing no one, he asked if anyone else would like to
31 testify in this case. Seeing no one, he asked for a motion to close the Witness Register for Case 122-V-23.
32

33 **Mr. Roberts moved, seconded by Mr. Flesner, to close the Witness Register for Case 122-V-23. The**
34 **motion passed by voice vote.**

35
36 Mr. Elwell entertained a motion to move to the Findings of Fact for Case 122-V-23.
37

38 **Mr. Roberts moved, seconded by Mr. Flesner, to move to the Draft Summary Findings of Fact for**
39 **Case 122-V-23. The motion passed by voice vote.**

40
41 Mr. Elwell told Mr. Thuney he would be reading from Attachment E, page 8 of 9.
42

43 **FINDINGS OF FACT FOR CASE 122-V-23**

44 **From the documents of record and the testimony and exhibits received at the public hearing for**
45 **zoning case 122-V-23 held on December 14, 2023, the Zoning Board of Appeals of Champaign County**
46 **finds that:**

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

1 Ms. Cunningham said special conditions and circumstances DO exist which are peculiar to the land or
 2 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
 3 the same district because: the existing wall sign has been providing safety messages for many years
 4 without complaint. The property is located in the R-1 Single Family Residence Zoning District and
 5 therefore Business and Industrial sign standards do not apply.

6
 7 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**
 8 **sought to be varied {WILL / WILL NOT} prevent reasonable or otherwise permitted use of**
 9 **the land or structure or construction because:**

10
 11 Ms. Cunningham said practical difficulties or hardships created by carrying out the strict letter of the
 12 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
 13 structure or construction because: without the proposed variance, the petitioner would be limited to a
 14 smaller sign that would reduce the ability to convey fire safety messages.

15
 16 **3. The special conditions, circumstances, hardships, or practical difficulties {DO / DO NOT}**
 17 **result from actions of the applicant because:**

18
 19 Ms. Cunningham said the special conditions, circumstances, hardships, or practical difficulties DO NOT
 20 result from actions of the applicant because: the petitioner applied for a permit for the 48 square foot sign
 21 and P&Z Staff notified them at that time of the sign size requirement.

22
 23 **4. The requested variance {IS / IS NOT} in harmony with the general purpose and intent of the**
 24 **Ordinance because:**

25
 26 Ms. Cunningham said the requested variance IS in harmony with the general purpose and intent of the
 27 Ordinance because: the proposed sign is replacing an existing sign that parallels and faces East University
 28 Avenue. The most likely people to view the sign are those stopped at the traffic signal facing northbound
 29 on Smith Road at the intersection of East University Avenue. There have been no complaints regarding
 30 the existing wall sign and no comments have been received regarding the proposed larger wall sign.

31
 32 **5. The requested variance {WILL / WILL NOT} be injurious to the neighborhood or otherwise**
 33 **detrimental to the public health, safety, or welfare because:**

34
 35 Ms. Cunningham said the requested variance WILL NOT be injurious to the neighborhood or otherwise
 36 detrimental to the public health, safety, or welfare because: relevant jurisdictions were notified of the
 37 variance case, and no comments have been received.

38
 39 **6. The requested variance {IS / IS NOT} the minimum variation that will make possible the**
 40 **reasonable use of the land/structure because:**

41
 42 Ms. Cunningham said the requested variance IS the minimum variation that will make possible the
 43 reasonable use of the land/structure because: this is the minimum sign face area the fire department
 44 considers sufficient for conveying fire safety messages.

45
 46 **7. NO SPECIAL CONDITIONS ARE HEREBY IMPOSED.**

47
 48 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings
 49 of Fact, as amended.

1 **Mr. Roberts moved, seconded by Mr. Flesner, to adopt the Summary of Evidence, Documents of**
2 **Record, and Findings of Fact, as amended. The motion passed by voice vote.**

3
4 Mr. Elwell told Mr. Thuney that they do not have a full Board tonight; a full Board would be seven
5 members. He said four affirmative votes are needed to approve the cases. He said Mr. Thuney has the
6 option of postponing the vote until there is a full Board or they can continue to the vote tonight. He said
7 that the findings in the Draft Summary Findings of Fact were all in the affirmative.

8
9 Mr. Thuney said they could continue with the vote tonight.

10
11 Mr. Elwell entertained a motion to move to Final Determination.

12
13 **Mr. Flesner moved, seconded by Mr. Roberts, to move to Final Determination. The motion passed**
14 **by voice vote.**

15
16 Mr. Elwell told Mr. Thuney he would be reading from Attachment E, page 9 of 9.

17
18 **FINAL DETERMINATION FOR CASE 122-V-23**

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

24
25 **The Variance requested in Case 122-V-23 is hereby GRANTED to the petitioner, Edge-Scott**
26 **Fire Protection District, to authorize the following:**

27
28 **Authorize a variance for a proposed wall sign with an area of 48 square feet in lieu of the**
29 **maximum allowed area of 20 square feet in the R-1 Single Family Zoning District, per**
30 **Section 7.3.3 E. of the Champaign County Zoning Ordinance.**

31
32 Mr. Elwell requested a roll call vote.

33
34 The vote was called as follows:

35
36 **Andersen – absent Bates – absent Cunningham – Yes Elwell – Yes**
37 **Flesner – Yes Randol – absent Roberts – Yes**

38
39 **The motion passed.**

40
41 Mr. Elwell told Mr. Thuney that he received the four minimum affirmative votes and said that Staff would
42 be in communication with him.

43
44 Mr. Thuney thanked the Board and Staff.

45
46 **8. Staff Report – None**

47
48 **9. Other Business**

49 **A. Review of Docket**

1 Mr. Elwell asked if there would be any upcoming absences.

2

3 Ms. Cunningham said she would be unable to attend February 29th.

4

5 **B. Draft 2024 ZBA Meetings Calendar to place on file**

6

7 Ms. Burgstrom said every year in December the Board needs to take a look at the calendar for 2024 for
8 ZBA meetings. She said at this first meeting, Staff asks the Board to just place the calendar on file, and
9 then at the first January meeting they'll ask the Board to approve the calendar for next year. She said they
10 could probably do it at the December 28th meeting, but she thinks it has to sit for a month. She asked if
11 Mr. Hall had a recollection of timing.

12

13 Mr. Hall said he doesn't think it has to sit for a month; it's just an administrative item.

14

15 Ms. Burgstrom said Staff has already received feedback from the County Board about their meeting dates
16 and the calendar that is on their desks tonight has a correction that was not in the mailed version. She said
17 the revision includes a September 26th meeting that Staff thought would be occupied by another meeting.
18 She said they're asking the Board to place this on file with a motion tonight.

19

20 **Ms. Cunningham moved, seconded by Mr. Flesner, to place the 2024 ZBA meeting calendar on file.**
21 **The motion passed by voice vote.**

22

23 **10. Adjournment**

24

25 Mr. Elwell entertained a motion to adjourn.

26

27 **Mr. Roberts moved, seconded by Mr. Flesner, to adjourn the meeting.**

28

29 Mr. Elwell requested a roll call vote.

30

31 The vote was called as follows:

32

33	Andersen – absent	Bates – absent	Cunningham – Yes	Elwell – Yes
34	Flesner – Yes	Randol – absent	Roberts – Yes	

35

36 **The motion passed.**

37

38

39 The meeting adjourned at 7:18 p.m.

40

41 Respectfully Submitted,

42

43

44

45 Secretary of the Zoning Board of Appeals

46

47

48

49