

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

**1776 East Washington Street
Urbana, IL 61802**

DATE:	June 27, 2024	PLACE:	Shields-Carter Meeting Room
			1776 East Washington Street
			Urbana, IL 61802

MEMBERS PRESENT: Brian Andersen, Thaddeus Bates, Cindy Cunningham, Chris Flesner, Jim Randol, Lee Roberts

MEMBERS ABSENT: Ryan Elwell

STAFF PRESENT: Stephanie Berry, Charlie Campo, John Hall

OTHERS PRESENT: John Boland, Jason Brumfield, Kenneth Crossman, Errol Root, Julie Root, Robert Walker

1. Call to Order

The meeting was called to order at 6:34 p.m.

2. Roll Call and Declaration of Quorum

The roll was called, and a quorum declared present.

Ms. Cunningham entertained a motion to appoint an interim chair due to Mr. Elwell’s absence.

Mr. Roberts moved, seconded by Mr. Flesner, to appoint Ms. Cunningham as the temporary interim chair for tonight’s ZBA meeting. The motion passed by voice vote.

Ms. Cunningham informed the audience that anyone wishing to testify for any public hearing tonight must sign the witness register.

3. Correspondence – None

4. Minutes – April 11, 2024

Ms. Cunningham entertained a motion to approve the April 11, 2024, minutes.

Mr. Roberts moved, seconded by Mr. Andersen, to approve the April 11, 2024, 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

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Case 139-V-24

Petitioner: Julie and Errol Root

Request: Authorize a variance for an existing 6.45-acre lot in lieu of the maximum allowed 3 acres in area for a lot with soils that are Best Prime Farmland in the AG-1 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.

Location: Part of the Southwest Quarter of the Northeast Quarter of Section 12, Township 20 North, Range 8 East of the Third Principal Meridian in Hensley Township and is commonly known as the property with an address of 2251 County Road 1200 East, Champaign.

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

Ms. Cunningham informed the audience that this Case is an Administrative Case, and as such, the County allows anyone the opportunity to cross-examine any witness. She said that at the proper time, she will ask for a show of hands from those who would like to cross-examine, and each person will be called upon. She 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. She noted that no new testimony is to be given during the cross-examination. She said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross-examination. She asked if the petitioners would like to outline the nature of their request prior to introducing evidence, and please state their name and address for the record.

Julie Root and Errol Root 2251 County Road 1200 East, Champaign came to the microphone.

Ms. Cunningham asked if they could tell them what is going on with their property.

Ms. Root stated that they bought the property about six years ago and currently live in the home, and have outbuildings, and animals there. She said after many repairs to the home they have come to the conclusion that this home, which they believe it is about 100 years old, is past repairable. She said every time they replace a window, they keep on running into rotten wood until they can't find any wood at all. She said they had the foundation checked and they told them that there was no foundation, that it is just brick on top of soil, the house is starting to buckle, the trusses have some breakage in them where they have been braced, and they came to the conclusion that they need to build a replacement home on the property.

Ms. Cunningham asked if Mr. Root had anything to add.

Mr. Root stated that he has much of the same sentiments, the house is not necessarily a hazard, but it is becoming such a nuisance at its age, that it's becoming very costly.

Ms. Cunningham asked them why they needed a variance.

Ms. Root said the reason they need a variance is because they found out when they applied for a permit to build a new house, that the lot is larger than the three acres allowed by the Zoning Ordinance. She said this is the property that they currently live on and are hoping to stay on, but without replacing the home, that may not be possible.

1
2 Ms. Cunningham asked if there were any questions from the Board or Staff. Seeing none, she asked if
3 anyone wished to cross-examine the petitioners. Seeing no one, she asked the petitioners to stay, they have
4 a procedure they must go through for the public hearing. She entertained a motion to move to the Findings
5 of Fact for Case 139-V-24.
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7 **Mr. Flesner moved, seconded by Mr. Andersen, to move to the Draft Summary Findings of Fact for**
8 **Case 139-V-24. The motion passed by voice vote.**
9

10 Ms. Cunningham read from page 9 of 10 of Attachment H in the Preliminary Memorandum.
11

12 **SUMMARY DRAFT FINDINGS OF FACT FOR CASE 139-V-24**

13 From the documents of record and the testimony and exhibits received at the public hearing for zoning
14 Case 139-V-24 held on **June 27, 2024**, the Zoning Board of Appeals of Champaign County finds that:
15

- 16 **1. Special conditions and circumstances {DO / DO NOT} exist which are peculiar to the land or**
17 **structure involved, which are not applicable to other similarly situated land and structures**
18 **elsewhere in the same district because:**
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20 Mr. Randol said the special conditions and circumstances **DO** exist which are peculiar to the land or
21 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
22 the same district, because the petitioners have indicated that they want to keep the 6.45-acre parcel as it is
23 and still provide adequate setbacks for the existing and proposed structures on the property, and to keep
24 the remaining grass and trees area.
25

- 26 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**
27 **sought to be varied {WILL / WILL NOT} prevent reasonable or otherwise permitted use of**
28 **the land or structure or construction because:**
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30 Mr. Andersen said the practical difficulties or hardships created by carrying out the strict letter of the
31 regulations sought to be varied **WILL** prevent reasonable or otherwise permitted use of the land or
32 structure or construction, because without the proposed variance, the petitioners would need to reconfigure
33 their property lines creating multiple, irregular shaped lots that would not allow all their existing and
34 proposed improvements to be on the same lot.
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- 36 **3. The special conditions, circumstances, hardships, or practical difficulties {DO / DO NOT}**
37 **result from actions of the applicant because:**
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39 Mr. Bates said the special conditions, circumstances, hardships, or practical difficulties **DO NOT** result
40 from actions of the applicant, because the 6.45-acre lot was not created by the petitioner. He said the
41 petitioner wants to construct a new home on the property to replace the existing aging home and has
42 requested to bring the existing lot into conformance with the Zoning Ordinance through the variance
43 process.
44

- 45 **4. The requested variance {IS / IS NOT} in harmony with the general purpose and intent of the**
46 **Ordinance because:**
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48 Mr. Andersen said the requested variance **IS** in harmony with the general purpose and intent of the
49 Ordinance because no land is proposed to be taken out of production.

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

Mr. Randol said the requested variance **WILL NOT** be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare, because none of the relevant jurisdictions that were notified have had any comments.

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

Mr. Andersen said the requested variance **IS** the minimum variation that will make possible the reasonable use of the land/structure, because it is the minimum lot size that will provide adequate setbacks for existing and proposed structures, keeping all of the improvements on a single lot.

7. NO SPECIAL CONDITIONS ARE HEREBY IMPOSED.

Ms. Cunningham entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings of Fact for Case 139-V-24.

Mr. Roberts moved, seconded by Mr. Flesner, to adopt the Summary of Evidence, Documents of Record, and Findings of Fact for Case 139-V-24. The motion passed by voice vote.

Ms. Cunningham entertained a motion to move to the Final Determination for Case 139-V-24.

Mr. Bates moved, seconded by Mr. Andersen, to move to the Final Determination for Case 139-V-24. The motion passed by voice vote.

Ms. Cunningham read from page 10 of 10 of Attachment H in the Preliminary Memorandum.

Final Determination for Case 139-V-24

Mr. Randol moved, seconded by Mr. Andersen, 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 139-V-24 is hereby GRANTED to the petitioners, Julie and Errol Root, to authorize the following:

Authorize a variance for an existing 6.45-acre lot in lieu of the maximum allowed 3 acres in area for a lot with soils that are Best Prime Farmland in the AG-1 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.

Ms. Cunningham requested a roll call vote.

The vote was called as follows:

Andersen – Yes Bates – Yes Cunningham – Yes Elwell – Absent

1 Flesner – Yes Randol – Yes Roberts – Yes

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3 Ms. Cunningham congratulated the petitioners and told them if there was anything else to be done, then
4 staff would get ahold of them. She said good luck building their new house and enjoy.

5

6 **Case 140-V-24**

7 Petitioner: **Robert and Sheryl Walker**

8

9 Request: **Authorize a variance for two existing yard sheds with a side yard of 6 feet in lieu of**
10 **the minimum required 10 feet in the AG-2 Agriculture Zoning District, per Section**
11 **7.2.1 of the Champaign County Zoning Ordinance.**

12

13 Location: **Lot 11 of Country Acre Estates Subdivision of Section 8, Township 19 North, Range**
14 **8 East of the Third Principal Meridian in Champaign Township and is commonly**
15 **known as the property with an address of 5107 Dudley Road, Champaign.**

16

17 Ms. Cunningham informed the audience that anyone wishing to testify for any public hearing tonight must
18 sign the witness register for that public hearing. She reminded the audience that when they sign the witness
19 register, they are signing an oath.

20

21 Ms. Cunningham informed the audience that this Case is an Administrative Case, and as such, the County
22 allows anyone the opportunity to cross-examine any witness. She said that at the proper time, she will ask
23 for a show of hands from those who would like to cross-examine, and each person will be called upon.
24 She said that those who desire to cross-examine do not have to sign the witness register but will be asked
25 to clearly state their name before asking any questions. She noted that no new testimony is to be given
26 during the cross-examination. She said that attorneys who have complied with Article 7.6 of the ZBA By-
27 Laws are exempt from cross-examination. She asked if the petitioner would like to outline the nature of
28 their request prior to introducing evidence, and please state their name and address for the record.

29

30 Robert Walker, 5107 Dudley Road, Champaign, stated he purchased the property with the home and two
31 sheds about six years ago. He said the two sheds were sitting out in the middle of the property where the
32 property holds water pretty good, so he was having problems with flooding where the sheds were located.
33 He had Bicker’s Construction come out and move the sheds over to a side yard area where the ground was
34 much firmer and a better location for the sheds. He thought the requirement was a five feet yard on each
35 side of the property line for a total of ten feet of separation between structures, but apparently, he was
36 incorrect with that and it’s a ten feet yard on each side for a total of twenty feet of separation between
37 structures. He put the sheds in place at about six and one-half feet off of the actual property line and that
38 is where they currently sit. He is petitioning because he would like to not go to the expense of moving the
39 sheds four feet over, they have a little flower garden and different things, so it would be a little bit of an
40 inconvenience to do that. He has talked to all of his neighbors, and they are okay with where the sheds are
41 located currently, and he is just asking for permission to leave them there.

42

43 Ms. Cunningham thanked Mr. Walker and asked if anyone would like to cross-examine this witness.
44 Seeing no one, she asked if there were any questions from the Board of Staff. Seeing none, she asked Mr.
45 Campo if they had received an email on this case.

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47 Mr. Campo said yes, the email was sent from the neighbor with the nearest adjacent property line to the
48 sheds in support of the sheds remaining where they are currently located.

49

1 Ms. Cunningham asked if there was anyone else who wished to present testimony. Seeing no one, she
2 entertained a motion to close the Witness Register for Case 140-V-24. She told Mr. Walker that he could
3 stay seated where he is or sit back in the audience.
4

5 **Mr. Flesner moved, seconded by Mr. Roberts, to close the Witness Register for Case 140-V-24. The**
6 **motioned passed by voice vote.**
7

8 Ms. Cunningham entertained a motion to move to the Findings of Fact for Case 140-V-24.
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10 **Mr. Randol moved, seconded by Mr. Roberts, to move to the Findings of Fact for Case 140-V-24.**
11 **The motion passed by voice vote.**
12

13 Ms. Cunningham read from page 8 of 9 of Attachment G in the Preliminary Memorandum.
14

15 **Findings of Fact for Case 140-V-24**

16 From the documents of record and the testimony and exhibits received at the public hearing for zoning
17 Case 140-V-24 held on **June 27, 2024**, the Zoning Board of Appeals of Champaign County finds that:
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- 19 **1. Special conditions and circumstances {DO / DO NOT} exist which are peculiar to the land or**
20 **structure involved, which are not applicable to other similarly situated land and structures**
21 **elsewhere in the same district because:**
22

23 Mr. Bates said the special conditions and circumstances **DO** exist which are peculiar to the land or
24 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
25 the same district, because the petitioner moved the sheds to the current location because it is the most
26 suitable for the location on the property due to the high-water table on the property.
27

- 28 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**
29 **sought to be varied {WILL / WILL NOT} prevent reasonable or otherwise permitted use of**
30 **the land or structure or construction because:**
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32 Mr. Randol said the practical difficulties or hardships created by carrying out the strict letter of the
33 regulations sought to be varied **WILL** prevent reasonable or otherwise permitted use of the land or
34 structure or construction, because without the approval of the proposed variance, the petitioners would
35 have to relocate the existing sheds to a less desirable location on the property with a higher risk of water
36 damage and at an added expense.
37

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

41 Mr. Andersen said the special conditions, circumstances, hardships, or practical difficulties **DO NOT**
42 result from actions of the applicant, because the petitioner moved the sheds to their current location after
43 purchasing the property and the current location is the most desirable location on the property to avoid
44 water damage due to the high-water table according to the petitioner.
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- 46 **4. The requested variance {IS / IS NOT} in harmony with the general purpose and intent of the**
47 **Ordinance because:**
48

49 Mr. Randol said the requested variance **IS** in harmony with the general purpose and intent of the Ordinance

1 because the required variance is 60 percent of the minimum required for a variance of 40 percent. He said
2 there is adequate light and air surrounding the storage sheds, and there is a separation to adjacent properties
3 and structures to prevent conflagration. He said the Scott Fire Protection District was notified of the
4 requested variance and had no comments.

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

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9 Mr. Andersen said the requested variance **WILL NOT** be injurious to the neighborhood or otherwise
10 detrimental to the public health, safety, or welfare, because the relevant jurisdictions that were notified of
11 this case and no comments have been received, and the nearest structures on the adjacent properties are
12 18 feet away.

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

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17 Mr. Bates said the requested variance **IS** the minimum variation that will make possible the reasonable
18 use of the land/structure, because the requested variance is the minimum variance required to allow the
19 sheds to remain in their current locations.

20
21 **7. NO SPECIAL CONDITIONS ARE HEREBY IMPOSED.**

22
23 Ms. Cunningham entertained a motion to adopt the Summary of Evidence, Documents of Record, and
24 Findings of Fact for Case 140-V-24.

25
26 **Mr. Randol moved, seconded by Mr. Roberts, to adopt the Summary of Evidence, Documents of
27 Record and Findings of Fact for Case 140-V-24. The motion passed by voice vote.**

28
29 Ms. Cunningham entertained a motion to move to the Final Determination for Case 140-V-24.

30
31 **Mr. Flesner moved, seconded by Mr. Bates, to move to the Final Determination for Case 140-V-24.
32 The motion passed by voice vote.**

33
34 Ms. Cunningham read from page 9 of 9 of Attachment G in the Preliminary Memorandum.

35
36 **Final Determination for Case 140-V-24**

37 **Mr. Bates moved, seconded by Mr. Andersen, that the Champaign County Zoning Board of Appeals
38 finds that, based upon the application, testimony, and other evidence received in this case, that the
39 requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority
40 granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of
41 Appeals of Champaign County determines that:**

42
43 **The Variance requested in Case 140-V-24 is hereby GRANTED to the petitioners, Robert and
44 Sheryl Walker, to authorize the following:**

45
46 **Authorize a variance for two existing yard sheds with a side yard of 6 feet in lieu of the
47 minimum required 10 feet in the AG-2 Agriculture Zoning District, per Section 7.2.1 of the
48 Champaign County Zoning Ordinance.**

1 Ms. Cunningham requested a roll call vote.

2

3 The vote was called as follows:

4

5 Andersen – Yes	Bates – Yes	Cunningham – Yes	Elwell – Absent
6 Flesner – Yes	Randol – Yes	Roberts – Yes	

7

8 Ms. Cunningham congratulated the petitioners and told him if there was anything further that was needed,
9 then staff would get ahold of him.

10

11 **Case 141-V-24**

12 Petitioner: **James Miller**

13

14 Request: **Authorize a variance for an existing 5-acre lot in lieu of the maximum allowed 3 acres
15 in area for a lot with soils that are Best Prime Farmland in the AG-1 Agriculture
16 Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.**

17

18 Location: **Part of the Southwest Quarter of the Southeast Quarter of Section 31, Township 17
19 North, Range 7 East of the Third Principal Meridian in Sadorus Township and is
20 commonly known as the property with an address of 62 County Road 0 North,
21 Ivesdale.**

22

23 Ms. Cunningham informed the audience that anyone wishing to testify for any public hearing tonight must
24 sign the witness register for that public hearing. She reminded the audience that when they sign the witness
25 register, they are signing an oath.

26

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

35

36 Kenneth Crossman, Attorney on behalf of the petitioner, James Miller, 225 South Vine Street, Arthur,
37 Illinois, stated that the five-acre lot in Sadorus Township has always been a residential lot and there are
38 still sheds on the lot, but the old house was torn down, and the petitioner is requesting to build a new house
39 where the old house was.

40

41 Ms. Cunningham asked why the need for the variance.

42

43 Mr. Crossman said the lot is over the three-acre maximum on Best Prime Farmland.

44

45 Ms. Cunningham thanked him and asked him if there was anything else.

46

47 Mr. Crossman said that was all.

48

49 Ms. Cunningham asked if there was anyone who wished to cross-examine the witness. Seeing no one, she

1 asked if there were any questions from the Board or Staff. Seeing none, she entertained a motion to close
2 the Witness Register for Case 141-V-24.

3
4 **Mr. Roberts moved, seconded by Mr. Randol, to close the Witness Register for Case 141-V-24. The**
5 **motioned passed by voice vote.**

6
7 Ms. Cunningham entertained a motion to move to the Findings of Fact for Case 141-V-24.

8
9 **Mr. Flesner moved, seconded by Mr. Roberts, to move to the Findings of Fact for Case 141-V-24.**
10 **The motion passed by voice vote.**

11
12 Ms. Cunningham read from page 9 of 10 of Attachment G in the Preliminary Memorandum.

13
14 **Findings of Fact for Case 141-V-24**

15 From the documents of record and the testimony and exhibits received at the public hearing for zoning
16 Case **141-V-24** held on **June 27, 2024**, the Zoning Board of Appeals of Champaign County finds that:

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

21
22 Mr. Andersen said the special conditions and circumstances **DO** exist which are peculiar to the land or
23 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
24 the same district, because the petitioner wants to keep the existing five-acre lot that will provide adequate
25 setbacks for the existing and proposed structures, and keep the existing grass area, and trees on their
26 property.

- 27
28 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**
29 **sought to be varied {WILL / WILL NOT} prevent reasonable or otherwise permitted use of**
30 **the land or structure or construction because:**

31
32 Mr. Randol said the practical difficulties or hardships created by carrying out the strict letter of the
33 regulations sought to be varied **WILL** prevent reasonable or otherwise permitted use of the land or
34 structure or construction, because without the proposed variance, the petitioners would need to reconfigure
35 their property lines creating multiple, irregular shaped lots that would not allow all of their existing and
36 proposed improvements to be on the same lot.

- 37
38 **3. The special conditions, circumstances, hardships, or practical difficulties {DO / DO NOT}**
39 **result from actions of the applicant because:**

40
41 Mr. Andersen said the special conditions, circumstances, hardships, or practical difficulties **DO NOT**
42 result from actions of the applicant, because the existing five-acre lot was not created by the petitioner.
43 He said the petitioner wants to construct a new home on the property to replace the previously demolished
44 home and is requesting to bring the existing lot into conformance with the Zoning Ordinance through the
45 variance process.

- 46
47 **4. The requested variance {IS / IS NOT} in harmony with the general purpose and intent of the**
48 **Ordinance because:**

1 Mr. Bates said the requested variance **IS** in harmony with the general purpose and intent of the Ordinance
2 because, no land is proposed to be taken out of production.

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

6
7 Mr. Randol said the requested variance **WILL NOT** be injurious to the neighborhood or otherwise
8 detrimental to the public health, safety, or welfare, because the relevant jurisdictions in the area have been
9 notified and no comments have been received.

10
11 **6. The requested variance {IS / IS NOT} the minimum variation that will make possible the
12 reasonable use of the land/structure because:**

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14 Mr. Andersen said the requested variance **IS** the minimum variation that will make possible the reasonable
15 use of the land/structure, because it is the minimum lot size that will provide adequate setbacks for the
16 existing and proposed structures keeping all of the improvements and grass area on a single lot.

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

19
20 Ms. Cunningham entertained a motion to adopt the Summary of Evidence, Documents of Record, and
21 Findings of Fact for Case 141-V-24.

22
23 **Mr. Bates moved, seconded by Mr. Flesner, to adopt the Summary of Evidence, Documents of
24 Record and Findings of Fact for Case 141-V-24. The motion passed by voice vote.**

25
26 Ms. Cunningham entertained a motion to move to the Final Determination for Case 141-V-24.

27
28 **Mr. Bates moved, seconded by Mr. Roberts, to move to the Final Determination for Case 141-V-24.
29 The motion passed by voice vote.**

30
31 Ms. Cunningham read from page 10 of 10 of Attachment G in the Preliminary Memorandum.

32
33 **Final Determination for Case 141-V-24**

34 **Mr. Bates moved, seconded by Mr. Andersen, that the Champaign County Zoning Board of Appeals
35 finds that, based upon the application, testimony, and other evidence received in this case, that the
36 requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority
37 granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of
38 Appeals of Champaign County determines that:**

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40 **The Variance requested in Case 141-V-24 is hereby GRANTED to the petitioner, James Miller,
41 to authorize the following:**

42
43 **Authorize a variance for an existing five-acre lot in lieu of the maximum allowed three acres
44 in area for a lot with Best Prime Farmland in the AG-1 Agriculture Zoning District, per
45 Section 5.3 of the Champaign County Zoning Ordinance.**

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47 Ms. Cunningham requested a roll call vote.

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49 The vote was called as follows:

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Andersen – Yes Bates – Yes Cunningham – Yes Elwell – Absent
Flesner – Yes Randol – Yes Roberts – Yes

Ms. Cunningham congratulated the petitioner.

Case 142-V-24

Petitioner: **Jason Brumfield**

Request: **Authorize a variance for the following in the R-2 Single-Family Residence Zoning District:**

Part A: Authorize a proposed detached garage with a side yard of 1 foot in lieu of the minimum required 5 feet, per Section 7.2.2 of the Zoning Ordinance.

Part B: Authorize a proposed detached garage with a front yard of 19 feet and a setback from the street centerline of West Carper Street of 39 feet in lieu of the minimum required 25 feet and 55 feet, respectively, per Section 7.2.2 of the Zoning Ordinance.

Part C: Authorize an existing shed with a side yard and rear yard of 0 feet in lieu of the minimum required 5 feet, per Section 7.2.2 of the Zoning Ordinance.

Part D: Authorize an existing house with a front yard of 19 feet and a setback from the street centerline of West Carper Street of 39 feet in lieu of the minimum required 25 feet and 55 feet, respectively, per Section 5.3 of the Zoning Ordinance.

Location: **Lot 7 of Commissioner’s Addition to Seymour Subdivision, Section 17, Township 19 North, Range 7 East of the Third Principal Meridian in Scott Township and is commonly known as the property with an address of 110 West Carper Street, Seymour.**

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

Ms. Cunningham informed the audience that this Case is an Administrative Case, and as such, the County allows anyone the opportunity to cross-examine any witness. She said that at the proper time, she will ask for a show of hands from those who would like to cross-examine, and each person will be called upon. She 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. She noted that no new testimony is to be given during the cross-examination. She said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross-examination. She asked if the petitioner would like to outline the nature of their request prior to introducing evidence, and please state their name and address for the record.

Jason Brumfield, 110 West Carper Street, Seymour, Illinois, he stated that his garage burned down, it was sitting on the west side of the house, and his house, property, and everything he bought was all like that when he bought it. He said it was built before the Zoning Ordinance had come into effect, so now in order to rebuild, he would like to build the garage on the east side of the house, because before the garage was right on the property line, the foundation was damaged, so of course, they had to tear all of that out. He

1 said putting the garage on the east side of his property would best utilize his property, because otherwise
 2 it would interfere with his leach field if he was to build it back to where it was within the given
 3 requirements. He said as far as the house and the shed those were there whenever he bought the property.
 4

5 Ms. Cunningham thanked him and asked if there was anyone who wished to cross-examine this witness.
 6 Seeing no one, she asked if there were any questions from the Board of Staff. Seeing none, she entertained
 7 a motion to close the Witness Register for Case 142-V-24.
 8

9 **Mr. Randol moved, seconded by Mr. Flesner, to close the Witness Register for Case 142-V-24. The**
 10 **motioned passed by voice vote.**
 11

12 Ms. Cunningham told Mr. Brumfield that he could stay where he was at, sit back in the audience, or
 13 wherever he was more comfortable. She entertained a motion to move to the Findings of Fact for Case
 14 142-V-24.
 15

16 **Mr. Andersen moved, seconded by Mr. Roberts, to move to the Findings of Fact for Case 142-V-24.**
 17 **The motion passed by voice vote.**
 18

19 Ms. Cunningham read from pages 9 and 10 of 11 of Attachment F in the Preliminary Memorandum.
 20

21 **Findings of Fact for Case 142-V-24**

22 From the documents of record and the testimony and exhibits received at the public hearing for zoning
 23 Case **142-V-24** held on **June 27, 2024**, the Zoning Board of Appeals of Champaign County finds that:
 24

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

29 Mr. Andersen said the special conditions and circumstances **DO** exist which are peculiar to the land or
 30 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
 31 the same district, because regarding variance Part C and D, the house and shed were constructed prior to
 32 the adoption of the Champaign County Zoning Ordinance on October 10, 1973. He said regarding variance
 33 Part A and B, the original garage was damaged by fire and rebuilding in the same location would interfere
 34 with the existing septic system.
 35

36 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**
 37 **sought to be varied {WILL / WILL NOT} prevent reasonable or otherwise permitted use of**
 38 **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: Regarding Part A and Part B, without the approval for the proposed
 43 variance, the petitioner would have to reduce the size of the proposed garage, which would result in less
 44 useful building, and could cause difficulty with financing, and risk interfering with the existing septic
 45 system. He said regarding variance Part C and D, the house and shed would not be able to be rebuilt in
 46 their current locations if they are damaged to 50 percent of their current value.
 47

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

1
2 Mr. Randol said the special conditions, circumstances, hardships, or practical difficulties **DO NOT** result
3 from actions of the applicant, because: Regarding variance Part C and D, the existing structures were
4 constructed by previous owners prior to the adoption of the Champaign County Zoning Ordinance. He
5 said regarding the variance Part A and B, the previous garage was deteriorated and damaged by fire, the
6 proposed location of the new garage is the only reasonable location that will avoid interfering with the
7 septic system that currently serves the house.

8
9 **4. The requested variance {IS / IS NOT} in harmony with the general purpose and intent of the**
10 **Ordinance because:**

11
12 Mr. Andersen said the requested variance **IS** in harmony with the general purpose and intent of the
13 Ordinance because: Regarding variance Part A, the requested variance is 20 percent of the minimum
14 required for a variance of 80 percent. He said regarding variance Part C, the requested variance is zero
15 percent of the minimum required for a variance of 100 percent. He said there is adequate light and air
16 surrounding the proposed garage and existing detached storage sheds. He said there is separation to
17 adjacent properties and structures to prevent conflagration and the Scott Fire Protection District has been
18 notified of the requested variance and no comments have been received. He said regarding variance Part
19 B and Part D, the requested variance is 76 percent of the minimum required for a variance of 24 percent.
20 He said there is adequate separation from the right-of-way of West Carper Street and there is no plan for
21 street expansion and should not be a problem with traffic circulation.

22
23 **5. The requested variance {WILL / WILL NOT} be injurious to the neighborhood or otherwise**
24 **detrimental to the public health, safety, or welfare because:**

25
26 Mr. Randol said the requested variance **WILL NOT** be injurious to the neighborhood or otherwise
27 detrimental to the public health, safety, or welfare, because the relevant jurisdictions were notified, and
28 no comments have been received. He said the nearest structures on the adjacent properties are 23 feet
29 away to the east and seven feet away on the north.

30
31 **6. The requested variance {IS / IS NOT} the minimum variation that will make possible the**
32 **reasonable use of the land/structure because:**

33
34 Mr. Andersen said the requested variance **IS** the minimum variation that will make possible the reasonable
35 use of the land/structure, because regarding variance Part C and Part D, the house and shed currently exist
36 and are nonconforming structures. He said regarding variance Part A and B, the location of the proposed
37 garage is the only location that can accommodate the size of building that the petitioners are requesting
38 and will not interfere with the existing septic system.

39
40 **7. NO SPECIAL CONDITIONS ARE HEREBY IMPOSED.**

41
42 Ms. Cunningham entertained a motion to adopt the Summary of Evidence, Documents of Record, and
43 Findings of Fact for Case 142-V-24.

44
45 **Mr. Roberts moved, seconded by Mr. Andersen, to adopt the Summary of Evidence, Documents of**
46 **Record, and Findings of Fact for Case 142-V-24. The motion passed by voice vote.**

47
48 Ms. Cunningham entertained a motion to move to the Final Determination for Case 142-V-24.
49

1 **Mr. Bates moved, seconded by Mr. Roberts, to move to the Final Determination for Case 142-V-24.**
2 **The motion passed by voice vote.**

3
4 Ms. Cunningham read from page 11 of 11 in Attachment F on in the Preliminary Memorandum.

5
6 **Final Determination for Case 142-V-24**

7 **Mr. Andersen moved, seconded by Mr. Flesner, that the Champaign County Zoning Board of**
8 **Appeals finds that, based upon the application, testimony, and other evidence received in this case,**
9 **that the requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the**
10 **authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning**
11 **Board of Appeals of Champaign County determines that:**

12
13 **The Variance requested in Case 142-V-24 is hereby GRANTED to the petitioner, Jason**
14 **Brumfield, to authorize the following:**

15
16 **Authorize a variance for the following in the R-2 Single-Family Residence Zoning District:**

17
18 **Part A: Authorize a proposed detached garage with a side yard of 1 foot in lieu of the**
19 **minimum required 5 feet, per Section 7.2.2 of the Zoning Ordinance.**

20
21 **Part B: Authorize a proposed detached garage with a front yard of 19 feet and a setback**
22 **from the street centerline of West Carper Street of 39 feet in lieu of the minimum required**
23 **25 feet and 55 feet, respectively, per Section 7.2.2 of the Zoning Ordinance.**

24
25 **Part C: Authorize an existing shed with a side yard and rear yard of 0 feet in lieu of the**
26 **minimum required 5 feet, per Section 7.2.2 of the Zoning Ordinance.**

27
28 **Part D: Authorize an existing house with a front yard of 19 feet and a setback from the street**
29 **centerline of West Carper Street of 39 feet in lieu of the minimum required 25 feet and 55**
30 **feet, respectively, per Section 5.3 of the Zoning Ordinance.**

31
32 Ms. Cunningham requested a roll call vote.

33
34 The vote was called as follows:

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

38
39 Ms. Cunningham congratulated the petitioners and told them if there was anything further that was needed,
40 then staff would get ahold of them.

41
42 **8. Staff Report –**

43
44 Ms. Cunningham asked if there was a staff report this evening.

45
46 Mr. Hall said no there is not.

47
48 **9. Other Business**

49 **A. Review of Docket**

1
2 Ms. Cunningham said they need to take a look at the docket and asked Mr. Hall if he would like Mr.
3 Campo to do that tonight, so he doesn't have to talk.

4
5 Mr. Hall said sure.

6
7 Ms. Cunningham asked Mr. Campo if he would do that to spare Mr. Hall's voice.

8
9 Mr. Campo said sure, their next meeting will be on July 11, 2024, they have two continued cases, Troy
10 Parkhill, Case 129-AM-24, and Battery Energy Storage System (BESS), Case 130-AT-24. He said they
11 sent out a draft of the text amendment to the fire protection districts and the fire institute.

12
13 Mr. Hall said they handed out copies at the fire chief meeting and he doesn't recall how many were taken.

14
15 Mr. Campo said that is their next meeting and on July 25, 2024, there will be three new cases, and on
16 August 15, 2024, there will be a County Board Special Use Permit for a Solar Farm with a Battery Energy
17 Storage System.

18
19 Ms. Cunningham said just in time, they were on it, weren't they.

20
21 Mr. Campo said there are new cases docketing for August 29, 2024, right now.

22
23 Mr. Flesner said there is a possibility that he will not be at the August 29, 2024, ZBA meeting, that is the
24 ZBA meeting before Labor Day.

25
26 Ms. Cunningham said that she cannot make the July 11, 2024, ZBA meeting, and she made all this fuss
27 about trying to get here on July 11, 2024, but she cannot do it. She asked the Board if they would here
28 July 11, 2024, ZBA meeting.

29
30 Mr. Bates said that he would be absent for the July 11, 2024, ZBA meeting.

31
32 Ms. Cunningham said Mr. Bates and her are both absent for the July 11, 2024, ZBA meeting.

33
34 Mr. Flesner said he should be available.

35
36 Mr. Roberts said we would be there.

37
38 Mr. Randol said he should be available.

39
40 Ms. Cunningham asked Mr. Andersen if he thought he would be able to make it.

41
42 Mr. Andersen said yes, he is pretty sure.

43
44 Ms. Cunningham said bless their hearts, she owes them, she really appreciates it. She said they have
45 reviewed the docket and asked if there was any other business to discuss, she saw none.

46
47 **10. Adjournment**

48
49 Ms. Cunningham entertained a motion to adjourn.

1
2 **Mr. Andersen moved, seconded by Mr. Bates, to adjourn the meeting. The motion carried by voice**
3 **vote.**

4
5 The meeting adjourned at 7:25p.m.

6
7 Respectfully Submitted,

8
9
10 Secretary of the Zoning Board of Appeals