acres in area for a lot with soils that are best prime farmland in the AG-1 Agriculture

Location:

Part of the Northeast Quarter of the Northwest Quarter of Section 20, Township 22 North, Range 9 East of the Third Principal Meridian, in Ludlow Township, with an address of 1339 CR 3300N, Rantoul.

Ms. Cunningham informed the audience that anyone wishing to testify in this case must sign the Witness Register. She reminded the audience that when they sign the Witness Register, they are signing an oath.

Ms. Cunningham informed the audience that this 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 would ask for a show of hands from those who would like to cross-examine, and each person would be called upon. She said that those who merely cross-examine are not required to sign the Witness Register but will be asked to clearly state their name before asking any questions. She noted that no new testimony was 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.

Dawn Good-Adwell of 1339 County Road 3300N in Rantoul approached the microphone. Ms. Good-Adwell stated that she and her first husband, who is now deceased, purchased the property in 2004 from his parents. Ms. Good-Adwell said that the lot they purchased was originally part of a 40-acre tract comprised of farmland and the homestead. Ms. Good-Adwell said that they only bought the homestead instead of the whole 40 acres. She continued that they thought the purchase in 2004 was okay as far as lot sizes were concerned. The 3-acre lot size maximum on Best Prime Farmland was brought to her attention about the when they applied for a permit to build a garage. Ms. Good-Adwell said that her son farms the land around the homestead and that land has been in production since the early 1900s when her late husband's great-grandparents purchased it. She continued that they plan to keep the surrounding farmland in production, and she showed up at a previous ZBA meeting to protest a nearby solar farm since they feel that it is important that the farmland stays for farming. Ms. Good-Adwell returned to her seat since there were no questions from the Board or Staff.

Ms. Cunningham entertained a motion to close the Witness Register.

The motion was made by Mr. Andersen and seconded by Mr. Randol. The motion was carried by voice vote.

Ms. Cunningham entertained a motion to move to the Findings of Facts.

The motion was made by Mr. Andersen and seconded by Mr. Roberts. The motion was carried by voice vote.

FINDINGS OF FACT FOR CASE 143-V-24

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 143-V-24 held on July 25, 2024, the Zoning Board of Appeals of Champaign County finds that:

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

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

Mr. Randol said practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **WILL** prevent reasonable or otherwise permitted use of the land or structure or construction because without the proposed variance, the petitioners would need to reconfigure their property lines which would not allow all of their existing and proposed improvements, grass area and trees to be on the same lot, and added that given the size of today's farm equipment, creating a lot with irregular boundaries would be difficult to farm.

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

Mr. Andersen said the special conditions, circumstances, hardships, or practical difficulties **DO NOT** result from actions of the applicant because the existing 3.91-acre lot was created to encompass all the improvements of the original farmstead on a single lot. The petitioner wants to construct a new garage on the property and is requesting to bring the existing lot into conformance with the Zoning Ordinance through the variance process.

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

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

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

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

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

Mr. Randol 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, trees, and grass area 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 Facts.

The motion was made by Mr. Randol and seconded by Mr. Roberts. The motion carried by voice vote.

Ms. Cunningham entertained a motion to move on to the Final Determination for Case 143-V-24.

The motion was made by Mr. Randol and seconded by Mr. Flesner. The motioned carried by voice vote.

FINAL DETERMINATION FOR CASE 143-V-24

Mr. Andersen moved, seconded by Mr. Roberts, 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 **143-V-24** is hereby GRANTED to the petitioners **Dawn Good-Adwell**, to authorize the following:

Authorize a variance for an existing 3.91-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:

30 Andersen – Yes Cunningham – Yes Flesner – Yes 31 Randol – Yes Roberts – Yes

Ms. Cunningham congratulated the petitioners on their approval and told them Staff would be in contact with them.

Case 146-S-24

Petitioner: Steven Hillard

Request: Authorize a Special Use Permit for the use of an existing artificial lake of 1 or more acres in area in the CR Conservation-Recreation Zoning District.

42 Location: A 20.44-acre tract in the Northwest Quarter of Section 26, Township 21 North, Range
43 Teast of the Third Principal Meridian, in Newcomb Township, also known as tract

7 East of the Third Principal Meridian, in Newcomb Township, also known as tract 4B on a Plat of Survey recorded as Document No. 2022R10868 recorded with the Champaign County Recorder of Deeds, with an address of 2567 CR 450E, Mahomet.

Ms. Cunningham informed the audience that this 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 would ask for a show of hands from those who would like to cross-examine, and each person would be called upon. She

said that those who merely cross-examine are not required to sign the Witness Register but will be asked to clearly state their name before asking any questions. She noted that no new testimony was to be given during the cross-examination. She said that attorneys who have complied with article 7.6 of the ZBA Bylaws are exempt from cross-examination.

Steve Hillard of 2567 County Road 450E in Mahomet approached the microphone. Mr. Hillard said they purchased the property about two years ago, and it had a preexisting log home. Mr. Hillard stated that the log home has been removed, and construction on the new house has started. Mr. Hillard said that while getting the permit for the new home, he was notified that the previous owner had never applied for a permit for the pond. Mr. Hillard said he had no plans to change anything about the pond since it had been built quite well. He continued by stating that Precision Engineering did a study of the pond, which included flood calculations, and that since the pond has high banks, the ultimate calculation was that it would require ten times the amount of water of a 100-year flood, for the pond to overflow the banks. Mr. Hillard said that the previous owner designed the pond so that in the event of a flood, the water would go in the same direction as the general water path to a nearby ravine that exits into the Sangamon River. He continued that the new home construction is in almost the same footprint as the previous home on the property. Mr. Hillard returned to his seat since there were no questions from the Board or Staff.

Ms. Cunningham entertained a motion to close the Witness Register.

The motion was made by Mr. Andersen and seconded by Mr. Flesner. The motion was carried by voice vote.

Ms. Cunningham entertained a motion to move to the Findings of Facts.

The motion was made by Mr. Andersen and seconded by Mr. Roberts. The motion was carried by voice vote.

FINDINGS OF FACT FOR CASE 146-S-24

 From the documents of record and the testimony and exhibits received at the public hearing for zoning case 146-S-24 held on July 25, 2024, the Zoning Board of Appeals of Champaign County finds that:

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

Mr. Andersen said the requested Special Use Permit IS necessary for the public convenience at this location because the lake has existed since before 2005, and no complaints have been received.

 2. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITION 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 because:

Mr. Hall noted that there is one Special Condition that would normally be read for the Petitioner and get their agreement, the condition says that the lake will be added to the Zoning Use Permit for the house.

a. The street has {ADEQUATE / INADEQUATE} traffic capacity, and the entrance location has {ADEQUATE / INADEQUATE} visibility.

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47 48 49 Mr. Randol said the street has ADEQUATE traffic capacity and the entrance location has ADEQUATE visibility. b.

Emergency services availability is {ADEQUATE / INADEQUATE} because:

Mr. Andersen said emergency services availability is ADEQUATE because the lake will not increase demand for emergency services.

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

Mr. Randol said the Special Use WILL be compatible with adjacent uses because the lake has existed since 2005, new homes have been built in the surrounding area, and no complaints have been received.

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

Mr. Andersen said surface and subsurface drainage will be ADEQUATE because the petitioners' engineer has stated that the lake has not affected natural drainage and has sufficient volume to contain the water from multiple 100-year storm events.

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

Mr. Randol said public safety will be ADEQUATE because relevant jurisdictions have been notified of this case, and no comment have been received.

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

Mr. Andersen said the parking provisions will be ADEQUATE because the pond will not increase the demand for parking, and no new parking has been proposed.

Mr. Anderson 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.

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

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

- **3b.** The requested Special Use Permit (SUBJECT TO THE SPECIAL CONDITION IMPOSED) HEREIN {DOES / DOES NOT} preserve the essential character of the DISTRICT in which it is located because:
 - The Special Use will be designed to CONFORM / NOT CONFORM to all relevant a. County ordinances and codes.

b. The Special Use WILL / WILL NOT be compatible with adjacent uses.

c. Public safety will be ADEQUATE / INADEQUATE.

Mr. Randol said the Special Use will be designed to CONFORM to all relevant County ordinances and codes, the Special Use WILL be compatible with adjacent uses, and public safety will be ADEQUATE and therefore the requested Special Use Permit SUBJECT TO THE SPECIAL CONDITION IMPOSED HEREIN, DOES preserve the essential character of the district in which it is located.

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

a. The Special Use is authorized in the District.

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

c. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} is so deigned, 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. Randol said the Special Use IS necessary for the public convenience at this location, and 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. and therefore, IS in harmony with the general purpose and intent of the Ordinance.

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. Andersen said the requested Special Use Permit DOES preserve the essential character of the DISTRICT in which it is located.

Mr. Andersen 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.

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

A. The artificial lake shall be added to Zoning Use Permit #120-24-01 for the single-family residence.

The above special condition is required to ensure the following:

	DRAFT SUBJECT TO APPROVAL DRAFT ZBA 7/25/24
1 2 3	The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.
4 5 6	Ms. Cunningham entertained a motion to adopt the Summary of Evidence, Findings of Fact and Documents of Record.
7 8 9	The motion was made by Mr. Flesner and seconded by Mr. Andersen. The motion carried by voice vote.
10 11	Ms. Cunningham entertained a motion to move to the Final Determination for Case 146-S-24.
12 13 14	The motion was made by Mr. Andersen and seconded by Mr. Randol. The motioned carried by voice vote.
15 16 17 18	FINAL DETERMINATION FOR CASE 146-S-24 Mr. Randol made the motion, which was seconded by Mr. Roberts 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
19 20	pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:
21 22 23 24	The Special Use requested in Case 146-S-24 is hereby GRANTED WITH SPECIAL CONDITIONS to the applicant, Steven Hillard, to authorize the following as a Special Use or land in the CR Conservation-Recreation Zoning District:
25 26 27	Authorize a Special Use Permit for the use of an existing artificial lake of 1 or more acres in area in the CR Conservation-Recreation Zoning District.
28 29 80	SUBJECT TO THE FOLLOWING SPECIAL CONDITION:
31 32 33	A. The artificial lake shall be added to Zoning Use Permit #120-24-01 for the single family residence.
34 35	Ms. Cunningham requested a roll-call vote:
36 37	The vote was called as follows:

Andersen – Yes Cunningham – Yes Flesner – Yes Roberts - Yes

Randol - Yes 39

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8. **Staff Report** – None

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> 9. Other Business - Review of Docket

Ms. Cunningham congratulated the petitioner.

- Mr. Hall discussed the option of meeting on August 15th, 2024, for Case 135-S-24. Mr. Hall said that Mr. Peacock's property has had much uncertainty about the right-of-way of Route 150, resulting in a delay in 47
- 48
- hearing his case. Mr. Hall continued that Mr. Campo had received information from IDOT within the last 49

week about the right-of-way, and the ZBA could move forward with Case 135-S-24. Since Mr. Peacock has been waiting since March 2024 and his case would be the only case on August 15th, but there are already multiple cases on the docket for August 29th, with one of the cases possibly taking a good deal of time while the other case likely won't, so it would be possible to move the Case 135-S-24 to that date if the Board is comfortable with having three cases on the 29th. Mr. Hall said that Mr. Peacock will get his decision quickly, depending on when the Board wants to hear the case.

Mr. Randol said that since Mr. Peacock has been waiting since March, the Board should hear the case as soon as possible. Ms. Cunningham and Mr. Andersen agreed with Mr. Randol. Mr. Randol asked for clarification about the delay, whether it was a Mr. Peacock issue or a separate one. Mr. Hall said that Mr. Peacock has been working diligently and has submitted multiple site plans for his case, and the delay was getting information from IDOT. Mr. Hall continued that he had to ask GIS to update all parcel lines for all parcels in the Mayview Subdivision.

Ms. Cunningham asked if we would have a quorum on August 15th. Mr. Andersen said he would not be at the meeting on the 15th. Mr. Flesner and Mr. Roberts confirmed they would be at the meeting on the 15th. Mr. Roberts continued he wouldn't be at the August 29th meeting. Ms. Cunningham and Mr. Randol both said they would be at the August 15th meeting. Ms. Cunningham commented that as long as four members of the board would be at the meeting, a quorum would be met. Mr. Andersen asked if the ZBA Chair (Mr. Elwell) would return for the August 15th meeting, and Mr. Hall said that the chair would be back on the 15th as far as he knows.

Mr. Hall said he wasn't sure if the decision regarding Case 135-S-24 needed a formal vote since the Board seems to agree with hearing the case on the date it is already scheduled. Ms. Cunningham said Case 135-S-24 was already on the docket, so they are set for the hearing. Mr. Hall said he will not be at the meeting on August 29th.

Mr. Hall said he wanted to bring the September 12th meeting to the attention of the Board, which is the first public hearing for the 135 MW solar farm, which includes the 135 MW Battery Energy Storage System (BESS) as an accessory use. Mr. Hall continued that the last 135 MW solar farm before the Board needed at least six meetings. Mr. Hall said this new solar farm is being proposed by the same company as the previous 135 MW solar farm and is located next to that previous farm. Mr. Hall continued that he was unsure if the turnout for public comment would be the same level as the previously approved solar farm, but he believed they would have at least the same turnout or more. Ms. Cunningham asked for clarification on the location of the new solar farm. Mr. Hall said the new solar farm is proposed to be just Southeast of the Village of Sidney near the Frito Lay facility. Mr. Hall said the materials for the September 12th meeting will be sent to Board members as soon as possible and to expect that hearing to continue for most of the rest of the calendar year.

 Ms. Cunningham asked what would happen with the hearings if the BESS text amendment wasn't finalized when the first hearing occurred. Mr. Hall said the September 12th hearing is for a BESS as an accessory use, not a principal use, and believes that the Board is lucky to have a BESS proposed that can be examined and allow for questions and used as a test run for the County standards. Mr. Hall continued that this would be perfect timing for an accessory BESS, and if it were for principal use, the County couldn't address that use until the ordinance amendment was finalized. Mr. Hall said the company looking to install the accessory use BESS is great to work with and is helping the Department work through some issues on the draft ordinance amendment currently. Mr. Hall predicts this will be a good experience for everybody.

Ms. Cunningham asked Mr. Andersen if he had any professional experience with BESS. Mr. Andersen 1 2 said that he was familiar with them as an electrician, but he had never worked a job that used BESS. Mr. 3 Andersen said that the company proposing the accessory use of BESS has been around for a while, and 4 their original solar farm was approved years ago. Mr. Hall confirmed that the original solar farm was approved in 2018. Mr. Hall said that payment for the Zoning Use Permit for that solar farm should be 6 received soon.

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Mr. Andersen asked Mr. Hall if he had received any comments from fire districts about the BESS text amendment. Mr. Hall said that he hasn't received any comments yet. Mr. Andersen offered to reach out to the City of Champaign Fire Chief to see if he could provide a comment. Mr. Hall said he would welcome comments from any fire chief and that the City of Champaign likely hopes they will never have to deal with anything approved by the County, but those comments are welcome. Mr. Flesner asked if anyone from the Fire Institute responded with comments. Mr. Hall said they have not, and he doesn't blame anyone for the lack of responses because he himself put it off as long as he could, but it is something which will need to be worked through. Mr. Hall continued that he has had positive conversations with the petitioner for Case 144-S-24, and that while research is important, you learn a lot by looking at an actual proposal in front of you and questions are much easier to come up with while you have someone across the table that wants to help with the process.

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10. Adjournment

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Ms. Cunningham asked if there was any other business to attend to in the meeting. Seeing none, Ms. Cunningham entertained a motion to adjourn.

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Mr. Andersen motioned to adjourn, seconded by Mr. Flesner. The motion carried by voice vote.

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The meeting adjourned at 7:08 pm.

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> 29 Respectfully Submitted,

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32 Secretary of the Zoning Board of Appeals