

MINUTES OF REGULAR MEETING**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

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

DATE: January 30th, 2025**PLACE: Shields-Carter Meeting Room****1776 East Washington Street****TIME: 6:30 p.m.****Urbana, IL 61802**

MEMBERS PRESENT: Brian Andersen, Cindy Cunningham, Chris Flesner, Bryan Holderfield, Lee Roberts, Jim Randol

MEMBERS ABSENT: None

STAFF PRESENT: John Hall, Charlie Campo, Jacob Hagman

OTHERS PRESENT: Marana Binder, Patrice Bonnell, Gregory Little, Teresa Smith, Cory Worley,

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 was declared present.

Mr. Hall said a temporary chair was needed. Mr. Flesner nominated Ms. Cunningham, seconded by Mr. Roberts. The motion was carried by voice vote.

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

3. Approval of Minutes – None**4. Correspondence – None****5. Audience participation concerning matters other than cases pending before the Board - None**

1 **6. Continued Public Hearings**

2
3 **Case 129-AM-24**

Petitioner: **Troy Parkhill**

Request: **Amend the Zoning Map to change the zoning district designation from the R-1 Single Family Residence Zoning District to the B-4 General Business Zoning District.**

Location: **A 1.81-acre tract in the Northeast Quarter of the Southeast Quarter of Section 15, Township 20 North Range 7 East of the Third Principal Meridian in Mahomet Township with an address of 503 South Lake of the Woods Rd, Mahomet.**

4 Mr. Hall said that the Mahomet Village Board annexed this property earlier in the week, so the case is
5 no longer a County case, and they no longer have to deal with it.

6
7 **Case 155-V-24**

Petitioner: **Mary Schlueter c/o Teresa Smith**

Request: **Authorize a variance for a proposed 5.275-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 a 34.9-acre parcel in the Northwest quarter of the Northwest quarter of Section 12, Township 20 North, Range 10 East of the Third Principal Meridian, in Stanton Township, with an address of 2294A CR 2300E, St. Joseph.**

8
9 Ms. Cunningham informed the audience that anyone wishing to testify for any public hearing tonight
10 must sign the Witness Register. She reminded the audience that when they sign the witness register, they
11 are signing an oath.

12
13 Ms. Cunningham informed the audience that this case is an administrative case, and as such, the County
14 allows anyone to cross-examine any witness. She said that at the proper time, she would ask for a show
15 of hands from those who would like to cross-examine, and each person would be called upon. She said
16 that those who merely cross-examine are not required to sign the witness register but will be asked to
17 clearly state their name before asking any questions. She noted that no new testimony was to be given
18 during the cross-examination. She said that attorneys who have complied with article 6.5 of the ZBA by-
19 laws are exempt from cross-examination.

20
21 Ms. Cunningham called Teresa Smith of 2294 County Road 2300E, St. Joseph, IL 61873, to the
22 microphone. Ms. Smith said the property is part of a larger plot of farmground, but within that is a
23 farmhouse with several outbuildings around it. Ms. Smith continued that when you come down the lane
24 on the north side of the lane, there is small pasture land. Ms. Smith stated that her whole life, her father
25 always had cattle, and most of her kids' lives there were also cattle. Ms. Smith added that when her dad
26 was no longer having cattle, they put it into corn and soybeans, which it currently is, but it's very small.
27 Ms. Smith stated she doesn't remember the exact size, but it's a little over two acres, but that area puts
28 the total at 5.275 acres. Ms. Smith said her son and daughter-in-law are purchasing the farmhouse and
29 would like to include a couple of acres as well. Ms. Smith added that her son intends to keep the land as
30 either corn or soybeans but is eventually looking to have feeder cattle for the family.

Ms. Cunningham asked if the Board or staff had any questions for Ms. Smith. Since no one had questions, Ms. Smith returned to her seat.

Mr. Andersen made the motion, seconded by Mr. Flesner, to close the witness register. The motion passed via voice vote.

Mr. Flesner made the motion, seconded by Mr. Holderfield, to move to the Findings of Fact. The motion passed via voice vote.

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **155-V-24** held on **January 30, 2025**, 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:**

Mr. Andersen said special conditions and circumstances **DO** exist which are peculiar to the land because the petitioner wants to divide off a lot containing the residence and farm buildings and include an approximately 2.2-acre pasture area. The proposed 5.275-acre lot will provide adequate setbacks for the existing structures and will not remove any land from agricultural production.

- 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. Andersen said that practical difficulties created by carrying out the strict letter of the regulations sought to be varied **WILL** prevent reasonable use of the land because without the proposed variance, the petitioner would not be able to keep the proposed pasture area on the same property as the house and agricultural buildings.

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

Mr. Randol said circumstances **DO NOT** result from actions of the applicant because the area of the proposed lot has been used as a farmstead since before the adoption of the Champaign County Zoning Ordinance. The proposed 2.2-acre pasture area was previously used as a pasture when animals were kept by the owner and their family.

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

Mr. Flesner 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.

1 **5. The requested variance {WILL / WILL NOT} be injurious to the neighborhood or**
2 **otherwise detrimental to the public health, safety, or welfare because:**
3

4 Mr. Randol said the requested variance **WILL NOT** be injurious to the neighborhood because relevant
5 jurisdictions have been notified of this case, and no comments have been received.
6

7 **6. The requested variance {IS / IS NOT} the minimum variation that will make**
8 **possible the reasonable use of the land/structure because:**
9

10 Mr. Andersen said the requested variance **IS** the minimum variation that will possible the reasonable use
11 of the land because it is the minimum lot size that will encompass all of the existing structures and
12 proposed pasture area of the farmstead.

13 **7. No Special Conditions are proposed.**
14

15 Mr. Andersen made the motion, seconded by Mr. Roberts, to close the Findings of Fact. The motion
16 passed via voice vote.
17

18 Mr. Roberts made the motion, seconded by Mr. Flesner to move on to Final Determination. Motion
19 passed via voice vote.
20

21 **FINAL DETERMINATION**
22

23 Mr. Randol made the motion, seconded by Mr. Holderfield, that the Champaign County Zoning Board
24 of Appeals finds that, based upon the application, testimony, and other evidence received in this case,
25 that the requirements for approval in Section 9.1.9.C **HAVE** been met, and pursuant to the authority
26 granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals
27 of Champaign County determines that:
28

29 The Variance requested in Case **155-V-24** is hereby **GRANTED** to the petitioner, Mary Schlueter, to
30 authorize the following:
31

32 **Authorize a variance for a proposed 5.275-acre lot in lieu of the maximum allowed 3**
33 **acres in area for a lot with soils that are best prime farmland in the AG-1**
34 **Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning**
35 **Ordinance.**
36

37 **Roll-Call Vote:**

38 **Andersen – Yes Holderfield – Yes Cunningham – Yes**
39 **Flesner – Yes Randol – Yes Roberts – Yes**
40

41 Ms. Cunningham thanked Ms. Smith for her time and said that Mr. Campo would be in touch.
42

Case 156-V-24

Petitioner: **Curtis & Maranna Binder and Patrice Bonnell**

Request: **Authorize the following variances:**

Part A: Authorize a variance for a proposed lot with an average lot width of 100 feet in lieu of the minimum required 150 feet average lot width in the AG-2 Agriculture Zoning District, per Section 4.3.4 of the Champaign County Zoning Ordinance.

Part B: Authorize a variance for a proposed lot with an average lot width of 100 feet in lieu of the minimum required 150 feet average lot width in the CR Conservation Recreation Zoning District, per Section 4.3.4 of the Champaign County Zoning Ordinance.

Location: **A proposed replat of Lot 155 of the Sixth Plat of Woodard's Heather Hills Subdivision and Lot 57 of the Third Plat of Woodard's Heather Hills Subdivision in the Southwest quarter of the Northwest Principal Meridian in St. Joseph Township with address 2244 Heather Hills Dr, St. Joseph.**

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

Ms. Cunningham informed the audience that this case is an administrative case, and as such, the County allows anyone 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 6.5 of the ZBA by-laws are exempt from cross-examination.

Ms. Cunningham calls Marana Binder of 2244 Heather Hills Drive, St. Joseph, IL 61873, to the microphone. Ms. Binder said they own a .4 acre lot while her mother purchased a larger lot directly to the north. Ms. Binder stated that her mom plans to build a dwelling on the front portion of the lot, which would align with the other houses in the neighborhood. Ms. Binder said the variance is to divide her mother's larger lot so that both parcels would go back to the Salt Fork River. Ms. Binder reiterated they are just dividing the parcel so it is more in line with everything else in the neighborhood.

Ms. Cunningham asked the Board and staff if they had any questions for the petitioner. Seeing none, Ms. Binder returned to her seat.

Mr. Andersen made the motion, seconded by Mr. Roberts, to close the witness registry. The motion passed via voice vote.

Mr. Hall pointed out that the petitioner is usually asked if they agree to the special conditions before moving on to Findings of Fact. Ms. Cunningham called Ms. Binder back to the microphone. Ms. Cunningham stated that the Zoning Administrator shall not issue a zoning use permit for a dwelling on the property until the applicant has received an approved permit for a private sewage disposal system from the Champaign County Health Department or other applicable agency. Ms. Cunningham stated that the special condition stated is required to ensure that any dwelling on the property conforms to county regulations for private sewage disposal systems. Ms. Cunningham asked Ms. Binder if she agreed to the special condition, and Ms. Binder agreed.

Mr. Flesner made the motion, seconded by Mr. Andersen, to move on to the Findings of Fact. The motion passed via voice vote.

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **156-V-24** held on **January 30, 2025**, 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:

Mr. Andersen said that special conditions and circumstances DO 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 regarding variance Part A, the proposed lot 201 will conform to Section 4.3.4 with regard to lot area but requires a variance for minimum average lot width and regarding variance Part B, the proposed lot 202 will conform to Section 4.3.4 and Section 5.2 with regard to lot area but requires a variance for average lot width. Mr. Andersen said both lots were platted prior to the adoption of the Champaign County Zoning Ordinance and the existing Lot 57 of the Third Plat of Woodard's Heather Hills Subdivision is located in the CR Zoning District and is close to but does not front the Salt Fork River.

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. Flesner 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 variance the petitioners would not be able to divide the 2.72-acre lot as proposed, giving both properties access to the Salt Fork River.

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

Mr. Randol said the special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant because the existing lots were platted prior to the adoption of the Zoning Ordinance and neither existing lot conforms very closely to the minimum lot requirements or intent of their respective zoning districts and the applicants had nothing to do with the original platting or existing zoning district regulations.

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

Mr. Randol said the requested variance SUBJECT TO THE PROPOSED CONDITION, IS in harmony with the general purpose and intent of the Ordinance because a special condition has been added to ensure that the undeveloped lot can accommodate onsite wastewater treatment and disposal and there is adequate light and air on the subject property, and sufficient distance to prevent conflagration.

- 1 5. The requested variance ***{SUBJECT TO THE PROPOSED CONDITION} {WILL /***
2 ***WILL NOT}*** be injurious to the neighborhood or otherwise detrimental to the public
3 health, safety, or welfare because:
4

5 Mr. Andersen said the requested variance SUBJECT TO THE PROPOSED CONDITION, WILL NOT
6 be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because
7 relevant jurisdictions have been notified of this case, and no comments have been received and
8 neighboring landowners were notified of the variance, and no comments have been received
9

- 10 6. The requested variance ***{SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT}***
11 the minimum variation that will make possible the reasonable use of the land/structure
12 because
13

14 Mr. Randol said the requested variance SUBJECT TO THE PROPOSED CONDITION, IS the
15 minimum variation that will make possible the reasonable use of the land/structure because it is the
16 minimum lot size that will create the rectangular lots desired by the petitioners while giving both
17 properties access to the Salt Fork River.
18

- 19 7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL***
20 ***CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR***
21 ***PURPOSES DESCRIBED BELOW:}***
22

- 23 A. **The Zoning Administrator shall not issue a Zoning Use Permit for a dwelling on the**
24 **property until the applicant has received an approved permit for a private sewage disposal**
25 **system from the Champaign County Health Department or other applicable agency.**
26

27 The special condition stated above is required to ensure the following:
28

29 **That any dwelling on the property conforms to County regulations for private sewage disposal**
30 **systems.**
31

32 Mr. Roberts makes the motion, seconded by Mr. Randol, to accept the Findings of Facts. The motion
33 passes via voice vote.
34

35 Mr. Flesner makes the motion, seconded by Mr. Andersen, to move to Final Determination. The motion
36 passes via voice vote.
37

FINAL DETERMINATION

Mr. Randol made the motion, 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 **156-V-24** is hereby **GRANTED WITH CONDITIONS** to the petitioners, **Curtis & Maranna Binder and Patrice Bonnell**, to authorize the following variances:

Part A: Authorize a variance for a proposed lot with an average lot width of 100 feet in lieu of the minimum required 150 feet average lot width for a lot without a connection to public water and sewer, in the AG-2 Agriculture Zoning District, per Section 4.3.4 of the Champaign County Zoning Ordinance.

Part B: Authorize a variance for a proposed lot with an average lot width of 100 feet in lieu of the minimum required 150 feet average lot width for a lot without a connection to public water and sewer, in the CR Conservation Recreation Zoning District, per Section 4.3.4 of the Champaign County Zoning Ordinance.

{SUBJECT TO THE FOLLOWING CONDITION(S):}

A. The Zoning Administrator shall not issue a Zoning Use Permit for a dwelling on the property until the applicant has received an approved permit for a private sewage disposal system from the Champaign County Health Department or other applicable agency.

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

That any dwelling on the property conforms to County regulations for private sewage disposal systems.

Roll-Call Vote:

Andersen – Yes	Holderfield – Yes	Cunningham – Yes
Flesner – Yes	Randol – Yes	Roberts – Yes

Ms. Cunningham thanked Ms. Binder for her time and said that Mr. Campo would be in touch.

7. New Public Hearings

Case 158-S-24

Petitioner: **Gregory Little**

Request: **Authorize a Special Use Permit for a Rural Home Occupation that exceeds the Ordinance limit on volatile liquids stored and used, in the AG-1 Agriculture Zoning District per Section 7.1.2. of the Zoning Ordinance.**

Location: **Two tracts of land comprising 2.5 acres located in the Northeast Corner of the West Half of the Northeast Quarter of Section 31, Township 17 North, Range 9 East of the Third Principal Meridian, Champaign County with PIN's 08-33-31-200-007 and 08-33-31-200-014 with an address of 1271 County Road 100N, Pesotum.**

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

Ms. Cunningham informed the audience that this case is an administrative case, and as such, the County allows anyone 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 6.5 of the ZBA by-laws are exempt from cross-examination.

Ms. Cunningham calls Greg Little of 1271 County Road 100 N, Pesotum, IL 61863, to the microphone. Mr. Little said he's in front of the Board to get approval to do body repairs and paint work at his address. Ms. Cunningham asked the Board and staff if they had any questions for Mr. Little. Mr. Little said he would stay at the microphone instead of returning to his seat.

Mr. Hall said that the petitioner still needs to go through the special conditions for the Special Use permit, and it would be easiest to go through them item by item.

Ms. Cunningham said the special conditions are required to ensure compliance with the criteria for Special Use permits and for the particular purposes described below:

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

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

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

Mr. Little agreed with the special condition.

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

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

6 **That the proposed use is in compliance with the Zoning Ordinance.**
7

8 Mr. Little agreed with the special condition.
9

- 10 C. **Prohibited activities of the Rural Home Occupation include:**

- 11 1. **The outdoor storage of any number of unlicensed vehicles**
12
13 2. **More than {TWO / AS DETERMINED BY THE BOARD} licensed vehicles**
14 **awaiting automobile or truck repair.**
15
16 3. **Junk yard or automobile salvage storage or operations.**
17
18 4. **Outdoor storage of any inoperable vehicle awaiting repair for more than 30**
19 **days.**
20

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

22 **That the proposed use is in compliance with the Zoning Ordinance.**
23

24 Mr. Hall said that the Board gets to decide whether two vehicles are enough, or the petitioner needs
25 more. Mr. Hall stated that if the petitioner agreed that two vehicles were good, that would be easy. Ms.
26 Cunningham asked Mr. Little if he needed more than two. Mr. Little said that, on occasion, he will have
27 more than two vehicles. Mr. Little continued that sometimes he is waiting on parts or waiting to hear
28 back from insurance. Mr. Little stated that he tries to keep the area tidy and not to be a nuisance to his
29 neighbors. Ms. Cunningham asked how close the neighbors are and if they can see his back area from
30 the road. Mr. Little said that the area is near the rear of the property.
31

32 Mr. Randol said he was in favor of making the number of vehicles allowed three to ensure Mr. Little is
33 covered in the case that he ends up with some of the issues he has mentioned. Mr. Little said he
34 currently has a car sitting outside because he does work for Diepholz (car dealership) and they brought
35 one car to him for minor body work. Mr. Little continued that when the body work was done, the car
36 was picked up and ended up being hit by a train on the way back to the dealership. Mr. Little stated that
37 the train was only going 15 miles per hour, so everyone was okay, and the car was returned to his place
38 on December 9th, but that it was three years ago. Mr. Little continued that no one from the dealership or
39 insurance company has come out to look at the car during that time, even though Mr. Little has
40 contacted the dealership more than two dozen times, but nothing happens. Mr. Little said he might just
41 drop the car off at the dealership and let them deal with it.
42

43 Mr. Flesner said that the Board is trying to ensure that Mr. Little is covered and if the three-car limit is
44 enough. Mr. Flesner stated that Mr. Little is likely only fixing around a dozen cars a month, but the
45 Board just wants to ensure that Mr. Little is covered. Mr. Little said if the limit was increased to four,
46 that would be great.
47

48 Ms. Cunningham, Mr. Randol, and Mr. Andersen all said she is okay with Mr. Little having four
49 vehicles.

1 Mr. Little agreed with the special condition.

- 2
3 **D. Outdoor automobile or truck repair operations are authorized and should be**
4 **screened by a Type D screen or buildings and take place on an improved surface**
5 **that prevents automotive fluids from contacting the soil.**
6

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

8 **Conformance with the Champaign County Zoning Ordinance**
9

10 Mr. Little agreed with the special condition.

- 11
12 **E. Volatile materials of the types and quantities listed below may be stored and used on**
13 **the property as part of the Rural Home Occupation:**

- 14 **1. Lacquer thinner - 10 gallons**
15 **2. Urethane thinner - 15 gallons**
16 **3. Urethane toners - 15 gallons**
17 **4. Two bottles of 75/25 Argon/CO2**
18 **5. One bottle of O2**
19 **6. One bottle Acetylene**
20 **7. Clear coat - 3 gallons**
21

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

23 **That the proposed use remains in conformance with the requirements of the**
24 **Special Use Permit.**
25

26 Mr. Little agreed with the special condition.

27
28 Mr. Randol asked what 75/25 Argon/CO2 is. Mr. Little said it is used for MIG welding, which requires a
29 combination of argon and C02.
30

- 31 **F. Waste materials should be stored and disposed of properly, on a regular basis, and**
32 **not allowed to accumulate on the property.**
33

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

35 **Conformance with the Champaign County Zoning Ordinance and the**
36 **Champaign County Nuisance Ordinance.**
37

38 Mr. Little agreed with the special condition.

- 39
40 **G. Inoperable vehicles currently on the property and stored outside (with the exception**
41 **of one inoperable vehicle that meets Section 3.3 B of the Nuisance Ordinance) will**
42 **be removed within six months of the approval date of the Special Use Permit.**
43

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

45 **Conformance with the Champaign County Zoning Ordinance and the**
46 **Champaign County Nuisance Ordinance.**
47

48 Mr. Little agreed with the special condition.
49

1 Mr. Holderfield made the motion, seconded by Mr. Flesner, to close the witness registry. The motion
2 passed via voice vote.

3
4 Mr. Andersen made the motion, seconded by Mr. Roberts, to move on to the Findings of Fact. The
5 motion passed via voice vote.

6
7 **FINDINGS OF FACT FOR CASE 158-S-24**

8
9 From the documents of record and the testimony and exhibits received at the public hearing for zoning
10 case **158-S-24** held on **January 30, 2025**, the Zoning Board of Appeals of Champaign County finds
11 that:

- 12
13 1. The requested Special Use Permit **{IS / IS NOT}** necessary for the public convenience at
14 this location because:

15
16 Mr. Randol said the requested Special Use Permit IS necessary for the public convenience at this
17 location because the petitioner has testified on the application that the Rural Home Occupation provides
18 a service for local customers to get vehicle and agricultural repairs nearby and the subject property is
19 located along CR 100N one mile south of County Highway 16 and approximately three miles west of
20 Illinois Route 130 and approximately four miles from the Village of Pesotum.

- 21
22 2. The requested Special Use Permit **{SUBJECT TO THE SPECIAL CONDITIONS**
23 **IMPOSED HEREIN}** is so designed, located, and proposed to be operated so that it
24 **{WILL NOT / WILL}** be injurious to the district in which it shall be located or otherwise
25 detrimental to the public health, safety, and welfare because:

26
27 Mr. Randol said the requested Special Use Permit SUBJECT TO THE SPECIAL CONDITIONS
28 IMPOSED HEREIN is so designed, located, and proposed to be operated so that it WILL NOT be
29 injurious to the district in which it shall be located or otherwise detrimental to the public health, safety,
30 and welfare because the street has ADEQUATE traffic capacity, and the entrance location has
31 ADEQUATE visibility because the proposed rural home occupation should not create significant
32 additional traffic due to its occasional use and notice was sent to the Crtittenden Township Supervisor
33 and Crtittenden Township Road Commissioner and no comments have been received.

34
35 Mr. Andersen said emergency services availability is ADEQUATE because the subject property is
36 located approximately 4.2 road miles from the Pesotum Fire Protection District station. Notice of this
37 zoning case was sent to the Fire Protection District, and no comments have been received.

38
39 Mr. Flesner said the special use will be compatible with adjacent uses because notices regarding this
40 case were sent to neighbors, and no comments or complaints have been received since the petitioners
41 established their businesses on the subject property.

42
43 Mr. Randol said surface and subsurface drainage will be ADEQUATE because there is no additional
44 impervious area being created that would affect drainage.

Mr. Andersen said public safety will be ADEQUATE because the subject property is located approximately 4.2 road miles from the Pesotum Fire Protection District station. Notice of this zoning case was sent to the Fire Protection District, and no comments have been received and notice was also sent to the Township Supervisor and Township Road Commissioner, and no comments have been received.

Mr. Randol said the provisions for parking will be ADEQUATE because sufficient off-street parking for business, employee and customers exists on the site.

Mr. Flesner said the property is BEST PRIME FARMLAND and the property with the proposed improvements IS WELL SUITED OVERALL because the subject property has been developed for residential and agricultural use since prior to the adoption of the Champaign County Zoning Ordinance.

- 3a. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS 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 CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}*** preserve the essential character of the DISTRICT in which it is located because:
- a. The Special Use will be designed to ***{CONFORM / NOT CONFORM}*** to all relevant County ordinances and codes.
 - b. The Special Use ***{WILL / WILL NOT}*** be compatible with adjacent uses.
 - c. Public safety will be ***{ADEQUATE / INADEQUATE}***.

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

4. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS 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 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.
 - 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 the Special Use is authorized in the District and the requested Special Use Permit IS necessary for the public convenience at this location, 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 the requested Special Use Permit SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located, and therefore is in harmony with the general purpose and intent of the Ordinance.

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

Ms. Cunningham said the requested Special Use IS NOT an existing nonconforming use,

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

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

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

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

- 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 the proposed use is in compliance with the Zoning Ordinance.

- C. **Prohibited activities of the Rural Home Occupation include:**

1. **The outdoor storage of any number of unlicensed vehicles**
2. **More than four licensed vehicles awaiting automobile or truck repair.**
3. **Junk yard or automobile salvage storage or operations.**
4. **Outdoor storage of any inoperable vehicle awaiting repair for more than 30 days.**

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

Conformance with the Champaign County Zoning Ordinance and the Champaign County Nuisance Ordinance.

- 1 D. **Outdoor automobile or truck repair operations are authorized and should be**
2 **screened by a Type D screen or buildings and take place on an improved**
3 **surface that prevents automotive fluids from contacting the soil.**

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

6 **Conformance with the Champaign County Zoning Ordinance**
7

- 8 E. **Volatile materials of the types and quantities listed below may be stored and**
9 **used on the property as part of the Rural Home Occupation:**

- 10 1. **Lacquer thinner - 10 gallons**
11 2. **Urethane thinner - 15 gallons**
12 3. **Urethane toners - 15 gallons**
13 4. **Two bottles of 75/25 Argon/CO2**
14 5. **One bottle of O2**
15 6. **One bottle Acetylene**
16 7. **Clear coat - 3 gallons**
17

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

19 **That the proposed use remains in conformance with the requirements of the**
20 **Special Use Permit.**
21

- 22 F. **Waste materials should be stored and disposed of properly, on a regular**
23 **basis, and not allowed to accumulate on the property.**
24

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

26 **Conformance with the Champaign County Zoning Ordinance and the**
27 **Champaign County Nuisance Ordinance.**
28

- 29 G. **Inoperable vehicles currently on the property and stored outside (with the**
30 **exception of one inoperable vehicle that meets Section 3.3 B of the Nuisance**
31 **Ordinance) will be removed within six months of the approval date of the**
32 **Special Use Permit.**
33

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

35 **Conformance with the Champaign County Zoning Ordinance and the**
36 **Champaign County Nuisance Ordinance.**
37

38 Mr. Flesner made the motion, seconded by Mr. Roberts, to adopt the Summary of Evidence, Findings of
39 Fact and Documents of Record. The motion passed via voice vote.
40

41 Mr. Roberts made the motion, seconded by Mr. Flesner to move to the Final Determination. The motion
42 passed by voice vote.
43

FINAL DETERMINATION FOR CASE 158-S-24

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

The Special Use requested in Case 158-S-21 is hereby GRANTED WITH SPECIAL CONDITIONS to the applicant, Gregory Little, to authorize the following:

Authorize a Special Use Permit for a Rural Home Occupation that exceeds the Ordinance limit on volatile liquids stored and used, in the AG-1 Agriculture Zoning District.

SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:

- A. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the Rural Home Occupation until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.
- B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.
- C. Prohibited activities of the Rural Home Occupation include:
 - 1. The outdoor storage of any number of unlicensed vehicles
 - 2. More than *FOUR* licensed vehicles awaiting automobile or truck repair.
 - 3. Junk yard or automobile salvage storage or operations.
 - 4. Outdoor storage of any inoperable vehicle awaiting repair for more than 30 days.
- D. Outdoor automobile or truck repair operations are authorized and should be screened by a Type D screen or buildings and take place on an improved surface that prevents automotive fluids from contacting the soil.
- E. Volatile materials of the types and quantities listed below may be stored and used on the property as part of the Rural Home Occupation:
 - 1. Lacquer thinner - 10 gallons
 - 2. Urethane thinner - 15 gallons
 - 3. Urethane toners - 15 gallons
 - 4. Two bottles of 75/25 Argon/CO2
 - 5. One bottle of O2
 - 6. One bottle Acetylene
 - 7. Clear coat - 3 gallons
- F. Waste materials should be stored and disposed of properly, on a regular basis, and not allowed to accumulate on the property.

1 **G. Inoperable vehicles currently on the property and stored outside (with the exception**
2 **of one inoperable vehicle that meets Section 3.3 B of the Nuisance Ordinance) will**
3 **be removed within six months of the approval date of the Special Use Permit.**
4

5 **Roll-Call Vote:**

6 **Andersen – Yes Holderfield – Yes Cunningham – Yes**
7 **Flesner – Yes Randol – Yes Roberts – Yes**
8

9 Ms. Cunningham thanked Mr. Little for his time and said Mr. Campo would be in touch.

10 Staff Reports – None
11

12 Other Business – Review of Docket
13
14

15 Mr. Randol asked about Case 147-V-24, which was continued to the 1/30/25 meeting. Mr. Hall said the
16 case was withdrawn at the previous ZBA meeting.
17

18 Mr. Flesner asked about Mr. Little's case and who set the limit for two bottles of argon, one bottle of
19 O2, and a bottle of acetylene. Mr. Flesner stated he was curious because if one is running a business,
20 you'd want to have one bottle being worked with and a spare on hand. Mr. Hall said that Mr. Little
21 submitted that information when applying for the Rural Home Occupation (RHO) permit, and he was
22 okay with those limits. Mr. Hall said the Board determined the limits because it is their call.
23

24 Mr. Flesner said acetylene tanks come in multiple models, some up to 80 pounds. Mr. Hall said the
25 Special Use permit allows up to the biggest bottle. Mr. Flesner noted that most farmers have two or three
26 80-pound tanks for assembly. Mr. Holderfield said that since Mr. Little is a one-man show, the items
27 listed are likely all he can afford. Mr. Holderfield continued that he has argon at home for welding race
28 cars, and filling one of the tanks is over \$120. Mr. Randol said he didn't know what half of the list Mr.
29 Little requested besides acetylene. Mr. Campo said the amounts specified were from the RHO permit
30 application, and Mr. Little claims this is what he needs for his day-to-day business. Mr. Flesner asked
31 about guidelines, and Mr. Campo said he goes off of what a petitioner said they use. Mr. Campo gave
32 the example of how many gallons of urethane thinner are needed.
33

34 Mr. Hall addressed the docket and upcoming ZBA meetings. Mr. Hall said that on 3/27/25 Mr. Roberts
35 will be absent, and Mr. Randol might be absent, depending on how quickly he recovers from surgery.
36 Mr. Hall continued that if Mr. Randol is out that day, the Board might be looking at four members being
37 present. Mr. Hall stated it is important to have at least four members for that meeting because a solar
38 farm project is on the docket. Mr. Flesner said his son's basketball team lost, so his Thursdays are now
39 free.
40

41 Mr. Randol stated that if only four board members could make that meeting, would it be possible to
42 continue the meeting until more members can attend? Mr. Hall said it is a good idea in any other
43 instance, but the petitioner is hoping for a decision that night because of a schedule they have with
44 MISO (Midcontinent Independent System Operator), and the petitioner wants to move onto the next
45 phase of approvals, which requires investment. Mr. Hall stated that the petitioner doesn't want to move
46 to that step without the Special Use permit. Mr. Hall continued that this scheduling pressure is a
47 petitioner problem, but it is the current situation.
48

1 Mr. Randol asked how the board could finalize that case since a zoning ordinance for BESS has yet to
2 be set. Mr. Hall said that at the last meeting, the Board stated they would be comfortable if they knew
3 the local fire protection district was comfortable. Mr. Hall said the board can change their opinions. Mr.
4 Hall stated that he has been in contact with the Sidney Fire Protection District, and they hope to have a
5 letter sent to the Board in time for that meeting. Mr. Hall continued that the fire protection district has
6 some concerns but is working through them.

7
8 Mr. Randol said he remembers the Board deferring to the fire protection district; he just wasn't sure if
9 they could do that without a proper ordinance. Mr. Hall said that since this application of the BESS is
10 for accessory use, he believes that the ordinance has more leeway with accessory uses. Mr. Hall
11 continued that if this BESS were for primary use, it wouldn't have been presented to the Board yet. Mr.
12 Hall stated the next text amendment hearing is 3/13/2025, but he isn't sure if it will be ready for final
13 action by then. Mr. Hall said a letter from the Sidney Fire Protection District in time for the 3/13/2025
14 meeting would be helpful, but that isn't the deadline they are working with.

15
16 Ms. Cunningham asked if BayWa r.e. is working with the Sidney Fire Protection District. Mr. Hall said
17 they are as much as they can. Mr. Hall continued that BayWa r.e. doesn't want to pressure the fire
18 protection district, and this is something the district has to work out among themselves. Mr. Hall said he
19 is under the impression that the chief has drafted a letter, and the board is reviewing it and trying to
20 ensure they agree.

21
22 Mr. Flesner said it doesn't help that NFPA has zero guidance in it for the fire dept, which might result in
23 them putting their neck out. Mr. Flesner continued that he went through the NFPA book this week and
24 asked the fire district to be okay without NFPA having anything in their book. Mr. Hall said that NFPA
25 has 855 on their website, and he went through the site to identify decision points that need to be made to
26 be consistent. Mr. Hall stated that within NFPA, there is a lot of information. Mr. Flesner said that
27 someone at the last meeting said that NFPA fluctuates back and forth all over the place and ends up
28 being more like an insurance policy and guidelines. Mr. Flesner says they follow most of their
29 recommendations at the U of I (University of Illinois at Urbana-Champaign).

30
31 Ms. Cunningham said it seems that if a BESS catches fire, all the fire district will do is protect the
32 neighboring structures and fields. Mr. Flesner said the fire chief is probably going through NFPA 855 to
33 ensure the district covers its tail before they agree to anything.

34
35 Mr. Randol asked about the solar farm in Bondville, which had issues. Mr. Hall said the Bondville solar
36 farm received final approval from the county, and they've been trying to comply with all the special
37 conditions, but they still haven't complied yet. Mr. Hall stated an issue with the land was resolved when
38 the developer purchased the final 80 acres. Mr. Hall said a remaining issue was the letter of credit, but
39 that is now with the state's attorney being reviewed, and the building permit won't be issued until the
40 letter of credit is ironed out.

41
42 Mr. Andersen motioned to adjourn the meeting, which Mr. Flesner seconded. The motion passed via
43 voice vote.

44
45 **10. Adjournment – 7:35 pm**