

MINUTES OF SPECIAL MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

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

DATE:	July 6, 2023	PLACE:	Shields-Carter Meeting Room
			1776 East Washington Street
			Urbana, IL 61802

MEMBERS PRESENT: Ryan Elwell, Larry Wood, Jim Randol, Lee Roberts, Tom Anderson

MEMBERS ABSENT: Nolan Herbert, Thaddeus Bates

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

OTHERS PRESENT: Stephen Lemke, Velma Lemke, Ross Mansfield, Jake Parduhn, Les Cotton, Vincent Sims, Emily Cotton, Heidi Blake, Cheryl Sims, Justin Blake, Robert Frazier, Dan Manolakes

1. Call to Order

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

2. Roll Call and Declaration of Quorum

The roll was called, and a quorum declared present.

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

3. Correspondence – None

4. Minutes – May 25, 2023

Mr. Randol moved, seconded by Mr. Roberts, to approve the May 25, 2023 minutes. The motion passed by voice vote.

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

6. Continued Public Hearings

Case 092-V-23

Petitioner: Stephen Lemke

Request: Authorize the following variance in the I-1 Light Industry Zoning District:

Part A: Authorize a variance for a lot area of 6,600 square feet in lieu of the minimum required 10,000 square feet in area as per Section 4.3.4 of the Zoning Ordinance.

Part B: Authorize an existing single-family home with a side yard of 0 feet in lieu of the minimum required 10 feet as per Section 5.3 of the Zoning Ordinance.

Part C: Authorize an existing detached storage shed with a side yard of 0 feet in lieu of the minimum required 10 feet side yard, as per Section 7.2.1 of the Zoning Ordinance.

Location: **Lots 141 and 142 in Wilber Heights Subdivision in the Southeast Quarter of the Southwest Quarter of Section 31, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township, and more commonly known as 318 Paul Ave, Champaign, Illinois.**

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

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

Mr. Stephen Lemke, 318 Paul Avenue, Champaign, said this is continued from the case from about a month ago now. He said he was hoping we could get this done with some restrictions that are there just because that’s the fastest, easiest, cheapest way to go without having to go through the City of Champaign, which the minimum time is two to three months, and there’s no guarantee of approval for that process either.

Mr. Elwell thanked Mr. Lemke and asked Mr. Hall to give the Board an update on the proposed special conditions and what has transpired since our last meeting.

Mr. Hall said that condition A proposes that the deck, which extends over the property line, and which the Board was concerned about previously, if Lots 141 and 142 are sold to anyone other than an immediate family member, separately from Lots 143 through 148, then that deck must either be removed or not replaced past the lot line if damaged, or there must be a change to the lot lines to accommodate the deck by the City of Champaign. He said the thinking was, is the concern about the deck less if the properties on both sides are owned by immediate members of the same family; maybe there’s less concern in that instance. He said if either property gets sold to someone outside of the immediate family, to be consistent with the Board’s concerns, that deck must either be removed or a change to the lot lines as we researched with the City of Champaign. He said again, the easiest change to the lot lines is probably the annexation agreement plus certificate of exemption, it takes two to three months, and that would put the property inside the City of Champaign – that’s the easiest and cheapest one. He said in any situation in which the Board approves this case with a condition like that, Staff recommends the second condition which would require that a miscellaneous document be filed with the Recorder of Deeds so that any prospective purchaser of either Lots 141 and 142 or Lots 143 through 148 would be made aware of the conditions on the variance. He said that is a condition that we have used in the past when it seemed appropriate and to Staff it seems appropriate. He said if you don’t go with the condition like the first one he discussed, if you

1 decided well, the deck is there and it's going to be apparent to anybody, then perhaps you don't need any
2 conditions at all. He said based on the concerns that the Board discussed at the first meeting, those two
3 conditions seem reasonable to propose.
4

5 Mr. Randol said he thinks one of the things we talked about was the fact that if Mr. Lemke's mother was
6 present, that would alleviate all of the questions.
7

8 Mr. Hall said another thing the Board was concerned about was that the application did not have Mrs.
9 Lemke's signature; it does now. He said to him that would mean she's aware of the variance and she has
10 signed on to the application. He said he thinks she's here tonight.
11

12 Mr. Randol said yes, she is.
13

14 Mr. Wood asked if she should be listed as one of the petitioners.
15

16 Mr. Hall said she is now, we've already advertised the case, so we probably should include her name on
17 the final determination just to be accurate. He said the case was advertised in Mr. Lemke's name, and
18 there's no way to take that back at this point.
19

20 Mr. Randol said as long as we have her signature, then that should eliminate a whole lot of the problem.
21

22 Mr. Hall said he believes so and that he's sorry we didn't have her signature at the last meeting.
23

24 Mr. Randol asked if we still need the special conditions if we have her signature.
25

26 Mr. Hall said that's up to the Board.
27

28 Mr. Randol said for his part, if we have her signature, she's the one who had to initiate all of that, he thinks
29 that it eliminates all of the questions. He said for his vote, he doesn't think there's anything we have to
30 worry about.
31

32 Mr. Wood said he thinks the special conditions were really revolving around what happens if something
33 happens to one of those pieces of property outside the family. He said that protects them, so they
34 understand what happens. He said it's not a really significant thing because it's just a deck, but it just
35 happens to go across the property line. He said that's all it deals with as far as he knows.
36

37 Mr. Hall said it occurs to him that based on Mr. Wood's comments, maybe a sufficient condition would
38 be one condition which would simply require the miscellaneous document to be recorded with the
39 Recorder of Deeds making any prospective purchaser aware that the deck extends across the property line.
40 He said that way at least there would be a paper trail that there is evidence that this is the way the property
41 was sold, and it would make any buyer aware of that, so you might consider that as an alternative.
42

43 Mr. Wood said he thinks that would be a good idea, and he doesn't think we need to have two, and at least
44 it gives the buyer the opportunity to negotiate something around that whole issue.
45

46 Mr. Elwell asked Mr. Hall if it hasn't been common practice that if it's a shed that is within five feet of
47 the property line that if it's 51% destroyed that it can't be rebuilt at that location.
48

49 Mr. Hall said we have used that in the past on occasion, he doesn't think we've used it in every instance,

1 but it is something that we have recommended in some cases.

2
3 Mr. Elwell asked if there were any questions for this witness. Seeing none, he asked if anyone in the
4 audience would like to cross-examine the petitioner. Seeing no one, he asked if there was a motion to
5 close the Witness Register for case 092-V-23.

6
7 **Mr. Roberts moved, seconded by Mr. Randol, to close the Witness Register for Case 092-V-23. The**
8 **motion carried by voice vote.**

9
10 **Mr. Wood moved that the Board require special condition B for the 30-day approval to have the**
11 **petitioner file with the Recorder of Deeds so that there is never any question, and he thinks that's**
12 **the only special condition that we would need.**

13
14 Mr. Hall read the revised special condition B to see if it would be acceptable to the Board as follows:

- 15
16 **A. Within 30 days of approval of Case 092-V-23, the petitioner shall file a Miscellaneous**
17 **Document with the Recorder of Deeds alerting any prospective purchaser of either**
18 **Lots 141 and 142 or Lots 143 through 148 of the deck that extends across the property**
19 **line.**

20
21 Mr. Randol said that's fine.

22
23 Mr. Hall said if you wanted to get more specific, which might be helpful in the future, you could add a
24 phrase at the end clarifying that the deck can be rebuilt if necessary or the deck shall not be rebuilt if
25 damaged to more than 50% of its value. He said or you could ignore that, but in the future that question
26 might come up; he can imagine the property sells, the deck is left in place because no one is greatly
27 concerned about it, and then it gets damaged and then the Zoning Administrator has to decide if that
28 variance actually authorize reconstruction of that deck or not.

29
30 Mr. Randol said if it was more than five feet from the property line, it really couldn't be rebuilt anyhow,
31 right. He said it wouldn't be different than any structure being at the property line if there was an issue
32 with it.

33
34 Mr. Hall said as it stands right now, if the variance is approved, the home has been approved with a 0-foot
35 side yard and so you could build a deck at least right up to the side yard. He said his view as the Zoning
36 Administrator is that going beyond that is between the property owners.

37
38 Mr. Randol said he just wanted to be sure it was clear there.

39
40 Mr. Elwell asked Mr. Randol if with his motion we are including the end statement.

41
42 Mr. Randol said yes, we need to include it.

43
44 Mr. Elwell asked if we're just going to include the revised condition B that would now be A.

45
46 Mr. Randol said right.

47
48 Mr. Elwell asked if it is his understanding that if it's 51% destroyed that it will or will not be reconstructed.

49

1 Mr. Randol said that's up to the property owners on either side.

2
3 Mr. Hall said the Board could specify that it can't be rebuilt. He said the way he would implement that in
4 the future is the Board was looking at a site plan with a deck with a 0-foot side yard and you could rebuild
5 that if necessary, unless the Board wants to include the condition like you mentioned earlier prohibiting
6 rebuilding.

7
8 Mr. Elwell asked if there was a second to Mr. Randol's motion.

9
10 **Mr. Wood seconded Mr. Randol's motion.**

11
12 Mr. Elwell said with the profession that he is in, those types of things are bothersome. He said the property
13 line is the property line. He said in the past we've done where if the shed is within the five feet of the
14 property line and it's destroyed to 51%, then it comes down, but we haven't said you can build it back.
15 He said he is for, they can have the deck, but it can only be built back within the property lines.

16
17 Mr. Randol said we already said that it could be rebuilt if the parties were agreeable to it; that's the purpose
18 of filing the paperwork with the Recorder of Deeds.

19
20 Mr. Hall asked Mr. Elwell if he is saying he would recommend a condition that the deck could not be
21 rebuilt if damaged to more than 51% of the value.

22
23 Mr. Elwell said not to where the deck currently is – it can be to the property line.

24
25 Mr. Hall said that is all the Board has control over.

26
27 Mr. Elwell said right, so it shouldn't be over the property line as it sets now.

28
29 Mr. Randol said that would be up to the parties that own the land. He said the Board is saying that it can't
30 go past the property line, but if the next-door neighbor says hey let's build it bigger and I'll help you pay
31 for it, then that's between the neighbors. He said he thinks Mr. Elwell is trying to make something too
32 difficult.

33
34 Mr. Elwell said he's trying to make it simplified. He asked if there was any other discussion. He called
35 for a vote.

36
37 **The motion carried by voice vote.**

38
39 Mr. Hall asked if Mr. Elwell wanted to check with the petitioner to see if he's in agreement.

40
41 Mr. Elwell told Mr. Lemke that he was going to read what was condition B and now it's going to be
42 condition A as follows:

- 43
44 **A. Within 30 days of approval of Case 092-V-23, the petitioner shall file a Miscellaneous**
45 **Document with the Recorder of Deeds alerting any prospective purchaser of either**
46 **Lots 141 and 142 or Lots 143 through 148 of the deck that extends across the property**
47 **line.**

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

1 **That potential future owners are aware of the structure overlapping the lot**
2 **line.**

3
4 Mr. Elwell asked Mr. Lemke if he agreed.

5
6 Mr. Lemke said yes.

7
8 Mr. Elwell entertained a motion to move to the Findings of Fact for case 092-V-23.

9
10 **Mr. Randol moved, seconded by Mr. Wood, to move to the Findings of Fact. The motion carried by**
11 **voice vote.**

12
13 Mr. Elwell told Mr. Lemke he would be reading from page 9 of 11.

14
15 **Findings of Fact for Case 092-V-23**

16 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
17 **092-V-23** held on **June 15, 2023 and July 6, 2023**, the Zoning Board of Appeals of Champaign County
18 finds that:

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

23
24 Mr. Wood said special conditions and circumstances DO exist which are peculiar to the land or structure
25 involved, which are not applicable to other similarly situated land and structures elsewhere in the same
26 district because: lots in Wilber Heights were created prior to zoning and are smaller than what zoning
27 ordinance requires. He said the road right-of-way in Wilber Heights is wider than what you may typically
28 find, which affects set back and yard sizes. He said regarding Part B, the P&Z Department issued a Zoning
29 Compliance Certificate for the house on the east side on January 20, 1999, which would mean the house
30 location and lot features were compliant with the Zoning Ordinance at that time. He said the petitioner
31 wishes to create a separate lot for a second single-family residence so it will be on different parcels for
32 inheritance purposes. He said the house on the east side is served by sanitary sewer, so making room on
33 the lot for septic is unnecessary. He said the front yard and setback along North Fourth Street are shorter
34 than typical at 18 feet and 48 feet, respectively, but are compliant with the Zoning Ordinance.

- 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.**

39
40 Mr. Randol said that 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, there is no additional surrounding land the property
43 owner can purchase to make the lot compliant with the zoning ordinance. He said regarding Part B, the
44 petitioner would have to move the home 10 feet to the east, which would encroach on the front yard and
45 setback requirements imposed in the I-1 Light Industry District, which would be quite expensive to do.
46 He said regarding Part C, the petitioner would have to move the detached storage shed 10 feet to the east,
47 which would encroach on the front yard and setback requirements imposed in the I-1 Light Industry
48 District, which could be costly because the shed might not easily be moved.

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

Mr. Wood said the special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant because: the petitioner did not own the home at the time of its placement, and the petitioner is currently in compliance with all setback requirements. The creation of a new lot necessitates variances for the single-family residence and detached shed.

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

Mr. Randol said the requested variance, subject to the proposed condition, IS in harmony with the general purpose and intent of the Ordinance because: the single-family residence and detached storage shed do not meet the side lot requirements but still meet the intent of adequate light, air, and space between buildings.

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

Mr. Wood said that the requested variance, subject to the proposed condition, WILL NOT be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because: relevant jurisdictions were notified of this case, and no comments have been received.

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

Mr. Randol said that the requested variance, subject to the proposed condition, IS the minimum variation that will make possible the reasonable use of the land/structure because: in order for Mr. Lemke to divide his house from his mother’s house, he could only divide off original Lots 141 and 142 because including Lot 143 would split the existing garage onto two separate properties.

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

- A. **Within 30 days of approval of Case 092-V-23, the petitioner shall file a Miscellaneous Document with the Recorder of Deeds alerting any prospective purchaser of either Lots 141 and 142 or Lots 143 through 148 of the deck that extends across the property line.**

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

- That potential future owners are aware of the structure overlapping the lot line.**

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

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

1 Mr. Elwell told Mr. Lemke that there were a couple of Board members absent, and that he needs four
2 affirmative votes. He offered Mr. Lemke the option of continuing to the vote tonight or waiting for another
3 meeting when the full Board could be present.

4
5 Mr. Lemke asked to proceed to the vote tonight.

6
7 Mr. Elwell entertained a motion to move to the Final Determination.

8
9 **Mr. Wood moved, seconded by Mr. Randol, to move to the Final Determination. The motion carried**
10 **by voice vote.**

11
12 **FINAL DETERMINATION FOR CASE 092-V-23**

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

18
19 **The Variance requested in Case 092-V-23 is hereby GRANTED WITH ONE CONDITION**
20 **to the petitioners, Stephen Lemke and Velma Lemke, to authorize the following variance in**
21 **the I-1 Light Industry Zoning District:**

22
23 **Part A: Authorize a variance for a lot area of 6,600 square feet in lieu of the minimum**
24 **required 10,000 square feet in area as per Section 4.3.4 of the Zoning Ordinance.**

25
26 **Part B: Authorize an existing single-family home with a side yard of 0 feet in lieu of**
27 **the minimum required 10 feet as per Section 5.3 of the Zoning Ordinance.**

28
29 **Part C: Authorize an existing detached storage shed with a side yard of 0 feet in lieu**
30 **of the minimum required 10 feet side yard, as per Section 7.2.1 of the Zoning**
31 **Ordinance.**

32
33 **SUBJECT TO THE FOLLOWING SPECIAL CONDITION:**

- 34
35 **A. Within 30 days of approval of Case 092-V-23, the petitioner shall file a Miscellaneous**
36 **Document with the Recorder of Deeds alerting any prospective purchaser of either**
37 **Lots 141 and 142 or Lots 143 through 148 of the existence of the deck that extends**
38 **across the property line.**

39
40 The vote was called as follows:

41 **Randol - Yes Roberts - Yes Anderson - Yes Herbert - absent**
42 **Elwell - Yes Wood - Yes Bates - absent**

43
44 **The motion carried by roll call vote.**

45
46 Mr. Elwell congratulated Mr. Lemke and said that Staff would be in touch.

47
48 Mr. Lemke asked how soon everything would get done so he could do the PIN split.

1 Ms. Burgstrom said she could get him some paperwork in the next couple of days.

2
3 Mr. Elwell entertained a motion to move Case 098-V-23 next on the agenda.

4
5 **Mr. Randol moved, seconded by Mr. Wood, to move Case 098-V-23 next on the agenda. The motion**
6 **carried by voice vote.**

7
8 **7. New Public Hearings**

9
10 **Cases 096-AM-23 and 097-S-23**

11 **Petitioners: Evergreen Cremation Services**

12
13 **Request:**

14 **Case 096-AM-23**

15 **Amend the Zoning Map to change the zoning district designation from the I-1 Light Industry**
16 **Zoning District to the AG-2 Agriculture Zoning District in order to establish and operate the**
17 **proposed Special Use in related Zoning Case 097-S-23, on the subject property described below.**

18
19 **Case 097-S-23**

20 **Authorize a Special Use to establish a crematory on land that is proposed to be rezoned to the AG-**
21 **2 Agriculture Zoning District in related zoning case 096-AM-23, with the following waivers, on the**
22 **subject property described below.**

23
24 **Waiver Part A: A lot area of 1.69 acres in lieu of the minimum required 10 acres for a crematory.**

25
26 **Waiver Part B: A setback of 72 feet from the street centerline of Tiffany Court in lieu of the**
27 **minimum required 100 feet for a crematory.**

28
29 **Location: Lot 3 of Stahly Subdivision in the Southeast Quarter of the Southeast Quarter of Section**
30 **8, Township 19 North, Range 8 East of the Third Principal Meridian in Champaign**
31 **Township with an address of 314 Tiffany Court, Champaign.**

32
33 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
34 the witness register for that public hearing. He reminded the audience that when they sign the witness
35 register, they are signing an oath.

36
37 Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County allows
38 anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a
39 show of hands from those who would like to cross-examine, and each person will be called upon. He said
40 that those who desire to cross-examine do not have to sign the Witness Register but will be asked to clearly
41 state their name before asking any questions. He noted that no new testimony is to be given during the
42 cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
43 exempt from cross-examination. He asked if the petitioners would like to outline the nature of their
44 request.

45
46 Vincent Sims, 2806 Susan Stone Dr, Urbana, said they would like to build a new crematory in an existing
47 building and also include refrigeration with that. He said he graduated from mortuary school in 1984. He
48 said they started Evergreen Cremation Services in 2021, so they're starting their third year of business.
49 He said right now they outsource the cremation. He said that they use a crematory either in Danville or in

1 Decatur. He said the reason for doing that is that they offer refrigeration there. He said if he picks up a
2 deceased person on a Friday afternoon, he knows that he won't have a doctor that will look at a death
3 certificate until at least Monday at a minimum, so he needs a place for the deceased person in the
4 meantime. He said the largest crematory here in Champaign does not offer refrigeration, so he thinks that's
5 important. He said right now they're doing a lot of traveling and have been in the last couple of years. He
6 said he turned 60 years old in 2020, and as people begin to ask him when he is going to retire, his thoughts
7 were he still has a dream, he wants to make a difference in peoples' lives. He said what they are doing
8 with their cremation business is they're offering a basic cremation at \$995 and also a \$100 permit must
9 be purchased from the coroner's office to cremate. He said the funeral homes around town are charging
10 \$3,000 to \$3,600 for the same basic cremation. He said there are other reasons they can benefit the
11 community. He said a lot of people don't realize as we went through this past pandemic, we are all familiar
12 with OSF hospital, large building up on University Avenue, what a lot of people don't know, and rightfully
13 so, is that their morgue at that hospital has a grand capacity for two people. He says a lot of people say are
14 you kidding, it's got to hold more than that – no, it's two people. He said that was not working out during
15 the pandemic and things like that don't work out if there's a large plane accident here in our county. He
16 said they're also putting in a refrigeration unit that if they were called into duty to help out with anything
17 with the county coroner's office, they could do their part to help out.
18

19 Mr. Sims said the cremation rate is rising. He said in 2018, right after he came to town, the coroner issued
20 986 permits to cremate during that year. He said last year they issued 1,309, so you can see a lot is going
21 on just right here in our county. He said all of those were not necessarily staying in Champaign County
22 because the permit begins in the county of death. He said you can have people who are here to receive
23 treatment at Carle or OSF or to be in a nursing home and they pass away here, the permit gets issued from
24 here. He said one of the other things they're able to help out with is right now funeral homes are demanding
25 payment first, because for many, many years they have been good servants and have taken on a lot of
26 things at a loss and they're no longer doing that anymore. He said he thinks back, he believes it was
27 Christmas of 2021, he got a call around 8 pm on Christmas night, and he was like the fourth call this lady
28 had made and she said she needed someone to pick up her mom at the nursing home and no one will do it
29 because they have to be paid first. He said but the nursing home is demanding that someone come out
30 there that night and pick her up. He said usually the way he operates is that folks will pay him when he
31 returns the cremains back to them, which most of the time gives them about a 5-day lead to get things
32 together. He said there are some people that are able to put like \$1,000 on a credit card; if they did not
33 have that option, and they had to go somewhere else, they may not have a credit card that has a \$3,000 or
34 \$4,000 limit on it. He said another way he has helped, and we're talking real current here, there's a
35 gentleman that passed away March 31st, and he was in the Champaign County coroner's office until June
36 30th, one day shy of three months. He said what was going on was his mother was within fifty miles of
37 here, but she didn't have the money to contact a funeral home, so she was out of this. He said the father
38 was incarcerated in Texas, so it took three months before a cousin heard about them, gave them a call, and
39 asked if they could help. He said they immediately went out to the coroner's office for someone who had
40 been there for three months. He said they're trying to keep things like that from even happening. He said
41 a lot of people can get with friends and family and come up with the funds, especially if they give them
42 five to seven days. He said they're trying to be a blessing and a help to the community.
43

44 Mr. Sims said in 2018, the cremation rate as a nation went higher than what the burial rate was for the first
45 time; it went 51% cremation, 49% burial. He said now it is even further, it's about 57% cremation, about
46 38% burial, and then the balance is like donating the body to science. He said so far in these two years, in
47 2022, they served 194 families and in the first six months of 2023, they are already past 150, so they are
48 on track to serve 300 families this year. He said the families love them, they do whatever they can for
49 them, they do not have to come into his office to make arrangements; he does a lot in their living room,

1 their kitchen table, wherever they want to meet. He said they're just trying to help out. He said right now
2 it's close to a 60% cremation rate and by 2035 it's going to be at 75% and that is projected by CANA,
3 which is the Cremation Association of North America. He said they are the leading experts, and he
4 believes the Board has some information in front of them from CANA. He said those are some of the ways
5 they can help the community. He said one of things that people get excited about is, besides just being
6 economical, is that a lot of them feel like they're in charge now. He said they'll get the cremation done,
7 get them the cremains back, and then a lot of them have a great story on what they're going to do. He said
8 some of the ones who may not necessarily have a lot say on Saturday night they're going to get together
9 at their house, put some hot dogs on the grill and people are going to come over and tell stories and have
10 a good time; they're doing what they want to do. He said they've had people who put in the newspaper
11 that they'll be at the Esquire from 1 to 5 Sunday, come on down for a drink and they're going to swap
12 some stories. He said other people will contact their pastor and they'll have a memorial service; they'll do
13 something very nice at the church. He said other people will scatter the cremains and go on vacation to
14 Pikes Peak or the Badlands, that kind of thing. He said they're just trying to help people fulfill what
15 they've got with the funds that they have, and they don't have to be embarrassed or anything like that. He
16 thanked the Board.

17

18 Mr. Elwell thanked Mr. Sims and asked if there were any questions from the Board.

19

20 Mr. Randol asked Mr. Sims if he was going to use the current building and modify it or was he going to
21 tear it down.

22

23 He said the current building is 40 feet by 60 feet, it has some office space in there, the other part is just
24 wide open, and they want to install a refrigeration unit in there and the crematory. He said they'll do a
25 little remodeling but it's in pretty good shape the way it sits right now. He said they might also notice that
26 the property has really been cleaned up; it's kind of been an incentive for the current owner, if you've
27 looked at pictures from the past it was pretty rough out there, but it looks a lot better right now. He said if
28 they have any concern about the public, all they're going to see is a garage door is going to go up, a van
29 will pull in, the garage door will go down, and that's pretty much all you're going to see.

30

31 Mr. Wood asked if there is an issue at all about odor or anything like that; we're basically talking about
32 an incinerator.

33

34 Mr. Sims said the next speaker is the expert on that, so he'll let him go with that. He said what he can tell
35 them is that he has been around to four crematories that he has installed, he has made from the ground up,
36 it's all American-made product, and he has gone around there while those crematories were running, got
37 his cell phone out and zoomed in on that smokestack and you're not seeing anything but blue sky and
38 some heat waves maybe.

39

40 Mr. Wood asked if most of the crematories that Mr. Sims knows about, are they all within city limits.

41

42 Mr. Sims said a couple are in the city limits; one is in Decatur, one is in Danville, but they're all from this
43 manufacturer that they're planning on using – it's a quality product.

44

45 Mr. Wood asked if the ones here in Champaign-Urbana are within the city limits as well.

46

47 Mr. Sims said there is one on Bradley Avenue here in Urbana, and he guesses that smokestack is maybe
48 50 feet from a whole row of houses on Mathews Street – it's right in their backyard.

49

1 Mr. Wood said technology for emission control has changed a lot. He said the reason for his question is
2 ten acres out in the country somewhere, like we have to hide this thing. He said apparently back then they
3 didn't have the type of emission control that they do now.
4

5 Mr. Sims said he is wondering, and he doesn't know because that was maybe 1970, but he's wondering if
6 that wasn't supposed to actually be 10 acres for a cemetery. He doesn't know, he was ten years old then.
7

8 Mr. Wood said he doesn't think staff knows either.
9

10 Ms. Burgstrom said the 1973 Zoning Ordinance lists cemetery or crematory, so it's both together; that's
11 the most we know about the background to why the ordinance is that way with ten acres as the minimum.
12

13 Mr. Randol said so at that time they assumed a cemetery was going to have its own crematory possibly.
14

15 Ms. Burgstrom said perhaps.
16

17 Mr. Randol asked Mr. Sims where his license comes from – he knows it comes from the State – is it the
18 EPA that controls that.
19

20 Mr. Sims asked if he was referring to a license to start a crematory.
21

22 Mr. Randol said yes.
23

24 Mr. Sims said that would come from the Comptroller's Office in Springfield.
25

26 Mr. Randol said okay, he'll ask the next gentleman where his license comes from.
27

28 Mr. Elwell asked if there were any other questions from the Board or Staff.
29

30 Mr. Wood asked just because it's the type of business, what he's read about it, obviously every time we
31 have things like this come up, we've got to do a little research, but there's also composting going on out
32 there, seems like it's a new thing. He asked if it is legal in Illinois to do that.
33

34 Mr. Sims said it's really very new, he thinks there's only one or two states and he's wanting to say it's
35 Oregon and Washington out that way.
36

37 Mr. Elwell asked if there were any other questions from the Board or Staff. Seeing none, he asked if
38 anyone would like to cross-examine this witness. Seeing no one, he thanked Mr. Sims.
39

40 Mr. Jake Parduhn, 15660 LaSalle Street, South Holland, Illinois, said he works for Cremation Systems.
41 He said they would be the equipment supplier to Mr. Sims. He said he is just here to help answer any
42 questions that the Board might have about environmental concerns. He said he would start off by briefly
43 saying they have been building furnaces for over 55 years now, and on the cremation side of things they
44 built a fuel-efficient, internet-connected, state-of-the-art cremation chamber that does keep the
45 environment and their customers' neighbors in the forefront of their minds. He said all of their emissions
46 are on file and approved by the State of Illinois under the ROSS program – Registration of Smaller
47 Sources. He said ROSS allows for a maximum emission limit of five tons of particulate matter per year,
48 and if you were to operate a crematory 24-7-365, they'd still fall well short of that limit ROSS sets. He
49 said that it does not sound like Mr. Sims plans on operating it 24-7-365. He said to kind of give an idea of

1 how advanced equipment is, there's actually more particulate matter emitted from just a wood fireplace
2 that a lot of us have in our homes than their machine in operation. He said as far as the odor, there is
3 absolutely no odor at all that's emitted. He said they contracted a third-party company called TRC to
4 conduct an EPA Method 9 Visible Emissions Study and they passed the test with flying colors – no visible
5 emissions were found during the test. He said they do need to get an air permit from ROSS, and they will
6 provide that permit for Mr. Sims on this project. He said he is happy to answer any other questions the
7 Board might have.

8
9 Mr. Wood asked if it is all natural gas that they use for fuel.

10
11 Mr. Parduhn said correct, it would be all natural gas or propane, but he believes they plan on using natural
12 gas for this location.

13
14 Mr. Hall asked Mr. Parduhn if all his various models are automated so that they are self-monitoring their
15 emissions, and if there's a problem they shut down, and likewise the actual cremation chamber only comes
16 on once the secondary chamber is at an appropriate temperature.

17
18 Mr. Parduhn said absolutely; their secondary chamber in Illinois needs to reach 1650 degrees Fahrenheit
19 before you can enter the case in the main chamber, so yes, that is correct. He said they also have a flash
20 drive that's entered into the retort that monitors the temperature every two minutes, so if the EPA were to
21 ever show up if a problem occurred, that data would be available for them to look at and monitor. He said
22 along with that they also have an opacity sensor in their stacks that monitors any smoke, so that sensor
23 does sense any smoke that's coming up, it will adjust the machine accordingly and add air so that there is
24 no smoke emitted.

25
26 Mr. Hall said that's good for the models Mr. Parduhn offers; to make this simple, are there cut-rate retorts
27 that people can buy that don't have those kinds of safeguards.

28
29 Mr. Parduhn said yes, there are some other manufacturers that don't quite have the same technology that
30 his company includes on every retort. He said their only model has everything that he has mentioned; they
31 don't sell anything that doesn't have what he has discussed at this meeting.

32
33 Mr. Hall said regarding concerns of neighbors, if there's a way that the Board could make sure that the
34 equipment that goes into the crematory does have all the safeguards that Mr. Parduhn described. He said
35 we would never limit it to just one manufacturer, but a condition so that the petitioner would know that
36 no matter which manufacturer he gets, if it has these things that come with it, it's going to be a good
37 system that will protect neighbors.

38
39 Mr. Parduhn said he would suggest that the secondary chamber set point is 1650 degrees at least, and then
40 the retort must be connected to the internet, that way the manufacturer could monitor everything remotely
41 if there ever was an issue; that is a feature that their machine will have. He said that should solve a lot of
42 the issues that Mr. Hall just brought up.

43
44 Mr. Hall said a friend who is in EPA, he is not in the Air Bureau, but is in the EPA, he called him and said
45 he saw a crematory case was coming up. He said he has been in the Bureau of Air in the past, and he said
46 he found anytime he had a complaint, and he did respond to complaints, apparently there are a lot of small
47 crematories used for pets and he said usually the problems he found was when the secondary chamber was
48 operating at less than 2000 degrees. He asked Mr. Parduhn if the 1650 degrees was a new development, a
49 more efficient system, or can he explain why there's a difference.

1 Mr. Parduhn said maybe the person got a little mixed up that it was over 2000 degrees, then that would
2 mean that there are some serious issues and that's where you could see potentially some smoke. He said
3 typically you don't want that temperature to go above 1800 degrees, so maybe he meant that the
4 afterburner chamber if there was an issue somewhere up top or below where the temperature was getting
5 exceedingly hot, then you could see some issues pop up.

6
7 Mr. Hall said but as long as you have the emission control on the stack, that's going to shut that down if
8 that problem comes up.

9
10 Mr. Parduhn said in addition to the emission control they also have a thermal couple that is a temperature
11 sensor in the stack as well, so if that temperature ever reaches an unsafe temperature, which he believes is
12 450 degrees, it will completely shut the retort down.

13
14 Mr. Hall said okay.

15
16 Mr. Wood said doesn't the State set the limits on temperature.

17
18 Mr. Parduhn said yes, states do set the limits on temperature.

19
20 Mr. Wood said he imagines other states have a lot of different requirements and standards.

21
22 Mr. Parduhn said that's absolutely correct; he said he knows off the top of his head he believes
23 Pennsylvania is 1800 degrees. He said every state is a little bit different; it's typically as low as 1400 and
24 as high as 1800 in the afterburner chamber.

25
26 Mr. Hall asked Mr. Parduhn if his company also provides a processor for dealing with the cremains.

27
28 Mr. Parduhn said yes, that is correct.

29
30 Mr. Hall asked if the dust from a processor primarily an issue for inside the crematory or can that dust
31 also be an issue for neighbors.

32
33 Mr. Parduhn said it will not be an issue for neighbors. He said they have an exhaust fan at the back of it.
34 He said but they do recommend that the operator does wear a mask when processing the remains, but it's
35 just in the area of that processor, the fan won't take it anywhere else. He said the fan doesn't lead outdoors,
36 it's all in the same building.

37
38 Mr. Hall said so it exhausts to the inside.

39
40 Mr. Parduhn said correct.

41
42 Mr. Elwell asked if there were any further questions from the Board.

43
44 Mr. Wood said he had a question for Staff. He said we're changing this to meet the current zoning
45 regulations by changing it back to AG-2, but this is an industrial procedure. He asked how long it would
46 take to just make a text amendment to change it.

47
48 Mr. Hall said text amendments generally take six months at a minimum. He said he agreed it would be
49 nice to have a text amendment; he never asks a petitioner would they like to wait while we amend our

1 ordinance because he wouldn't want to wait. He said but we do have that condition that allows this to be
2 rezoned back to I-1 if and when we ever make that text amendment. He said I-1 is a reasonable zoning for
3 the property. He said as far as he concerned, AG-2 is also.

4
5 Mr. Wood said it doesn't matter that the use is still an AG-2, but it really needs to be in I-1 as well.

6
7 Mr. Elwell said not seeing any more questions, would anyone like to cross-examine this witness.

8
9 Mr. Robert Frazier, 310 Tiffany Court, Champaign, said he's the neighbor next door that has to live with
10 them, for a long time he hopes, they want to stay in business. He said he's never been around a crematory
11 and he's sure no one else in here has either, so he went to the internet and did his research as much as he
12 could. He said it seems to him that there are issues that come out of a crematory; obviously you have a lot
13 of heat that has to go somewhere. He asked Mr. Parduhn what about the mercury and heavy metals, what
14 are they doing about them.

15
16 Mr. Parduhn said that the only place mercury is found in the human body is through an amalgam dental
17 filling.

18
19 Mr. Frazier said so people have fillings and there's mercury in their teeth.

20
21 Mr. Parduhn said that is correct, but specifically amalgam fillings. He said those types of fillings are
22 becoming increasingly more and more rare, and typically nowadays since mercury is such an issue if you
23 have those types of fillings, dentists...

24
25 Mr. Frazier interjected, asking if you can smell mercury at all.

26
27 Mr. Parduhn said no.

28
29 Mr. Elwell told Mr. Frazier that there was no testimony given today about mercury. He told Mr. Frazier
30 if he would like to bring that up when he calls him to testify, he would be more than welcome to ask those
31 questions.

32
33 Mr. Frazier said he was just asking a question.

34
35 Mr. Elwell said right, but that wasn't testified to from him this evening.

36
37 Mr. Frazier said okay, go ahead with your mercury.

38
39 Mr. Elwell said that wasn't testified to, so ask questions on what he testified to tonight, and if we're not
40 able to get to your questions then he can ask them under testimony.

41
42 Mr. Frazier said he thought he talked about dust.

43
44 Mr. Elwell said correct.

45
46 Mr. Frazier asked if there is any fine dust that comes. He said he was in the fireplace business called Bright
47 Ideas for over 30 years, and he burned a lot of stuff in a lot of stoves, and ash was always a byproduct of
48 anything he burned. He asked Mr. Parduhn to tell him about ash byproduct.

49

1 Mr. Parduhn said there is actually no ash in the cremation process; it's just you're left with the bone
2 fragments and then those are scraped out and put in the processor which is what turns to ash. He said
3 there's no dust at all in the cremation.

4
5 Mr. Frazier said so there's no fine ash.

6
7 Mr. Parduhn said only after it's processed, which he said he thinks we already talked about, where you
8 have the fan on the back.

9
10 Mr. Frazier asked if he said anything about smell. He said from what he understands on the internet there's
11 like an incense smell that comes out of these.

12
13 Mr. Parduhn said no, there's a main chamber and an afterburner chamber with two burners, and that
14 eliminates essentially all the particulate matter, basically creating almost perfect combustion so there is
15 no odor that is emitted from the retort.

16
17 Mr. Frazier said he thinks someone alluded to COVID and asked what's going on with diseases that people
18 have.

19
20 Mr. Parduhn said that cremated remains are completely sterile; there's no way to catch any disease from
21 a cremation.

22
23 Mr. Frazier asked if he had talked about power; machines run on power, so what happens in a power
24 failure.

25
26 Mr. Parduhn said the machine would completely shut down, and if there was a generator there, it would
27 just pick up the process and continue. He said if there were a power outage, everything would just stop
28 and in that rare occurrence you might see a poof of smoke for a temporary second, but after that the
29 remains would just be sitting inside.

30
31 Mr. Frazier said if there was just a poof of smoke, then in that poof of smoke there would be mercury and
32 fine dust.

33
34 Mr. Parduhn said only for an amalgam dental filling, and no COVID is emitted from a body.

35
36 Mr. Frazier said okay. He said he didn't think we had talked about the qualifications of people that run
37 these things.

38
39 Mr. Parduhn said you do need to be CANA certified in the State of Illinois, so there is a certification to be
40 an operator in the State of Illinois.

41
42 Mr. Frazier said okay, thank you.

43
44 Mr. Elwell thanked Mr. Frazier and asked if anyone else would like to cross-examine the witness.

45
46 Mr. Parduhn offered to finish his explanation about mercury. He said mercury could be found in an
47 amalgam dental filling; however, those fillings are increasingly becoming more and more rare. He said if
48 you had that type of filling, most of the time your dentist will remove that if they notice it. He said again,
49 it's such a miniscule amount, it's comparable to if a lightbulb were to break in front of you or if you were

1 consuming a large amount of tuna fish; it's very, very unlikely that it would cause any health effects at
2 all.

3
4 Mr. Wood said the odor that Mr. Frazier referred to, is that typically created by VOCs, and you burn those
5 in the secondary chamber.

6
7 Mr. Parduhn said correct, it's all burned through the secondary chamber with an afterburner, so
8 everything's hit additionally, and it goes around a baffle center wall, increasing the resonance time and
9 then that goes up 15 foot of stack that gets hit with air, so that's why there's no odor or anything like that.

10
11 Mr. Elwell thanked Mr. Parduhn and asked Mr. Frazier to testify.

12
13 Mr. Robert Frazier, 310 Tiffany Court, Champaign, said he lives and works in Tiffany Court, he's been
14 there for 40 years. He said in that area he ran a business called Bright Ideas, which was a fireplaces, spas,
15 and pools business for 20 years. He said he ran LEX Express, which was a bus business on that exact lot
16 that these people want to turn into a crematorium; he ran the business for ten years on that lot. He said he
17 knows that building and that lot like the back of his hand. He said now he is Frazier Properties right next
18 door with tenants that rent storage units and retail space. He said there's probably about 100 people that
19 come and go on his property, not every day, but they do come and go. He said let's start with the first
20 problem, which is the AG-2 District that was alluded to. He said it's an agricultural district and this is an
21 industrial district, and you want to change it to an agricultural district – an agricultural district in the
22 middle of town basically. He said it's right next to where gas stations and retail stores are at; he's not for
23 turning that into AG-2. He said the setback of the building is another issue; why you would allow that to
24 go he doesn't know. He said what we're talking about here is an old building; that building has been there
25 for over 40 years. He said none of you live or work out there, but that building floods in a big storm. He
26 said it is low; the concrete that they poured for that building is two foot lower than Route 10. He said when
27 it rains, the water comes over the ditch, comes right down around that building, and in a big storm it will
28 go into the building. He said he's seen it before, he knows it happens, and he doesn't think we want to
29 have a crematory that's flooded. He said what it needs to be if you're going to have a crematory is a new
30 state-of-the-art building, why they're not talking about tearing down the building that's just a shed and
31 build a state-of-the-art facility costing \$3 million etc., but they're not talking like that. He said they're
32 talking about cutting as much money out of this as they possibly can, buying an old shed, sticking in a
33 crematory, which probably isn't going to be the most expensive crematory they can buy, you never did
34 actually get established what exactly they're going to put in there. He said but we do know they're going
35 to put some refrigerators in so we're going to hold bodies. He said now we have refrigeration going on,
36 we've got a crematory going on, we've got dead bodies going on that are sitting there 24 hours a day it
37 sounds like. He asked how many; no one has even said. He said how many can they have; how many
38 should they have – should they have any that are sitting. He said he thought the door went up, the van
39 rolled in, they pulled the body out, they burned it, they gave the ashes and off it goes. He said but now it
40 sounds like the hospital doesn't have a place to put it or another place doesn't have a place to put it, well
41 just bring it on out to Tiffany Court. He said well that's great, but he lives out there folks, it's like you
42 living next door to it too. He said you wouldn't want that; none of you are going to sit here and vote for
43 your neighbor to have a crematory. He said it's personal. He said he's not against cremation. He said he
44 thinks whoever wrote those laws in 1973 was actually smart; put a crematory next to a cemetery or in the
45 cemetery, have ten acres around it so nobody's going to have a problem with it, and go about your
46 business. He said why is that such a problem. He said he doesn't understand that. He said there's a
47 beautiful cemetery two miles down the road and his mom, dad and brother are buried there – we'd love to
48 have a crematory there or next to it. He asked why it has to be what he considers to be the middle of
49 Champaign where people are living and working. He asked would you allow a strip club to go in there;

1 no, you're not going to allow a strip club to go in there. He said so there's businesses that you allow and
2 businesses that you don't allow. He said he thinks crematories get into a very specialty item of business
3 and he thinks there are problems with running the crematory. He said yes, you look on the internet and
4 you'll see what happens when the power goes off and this puff of smoke comes out. He said the puff of
5 smoke could turn out to be a lot of smoke, and in that smoke there are heavy metals as testified by this
6 gentleman. He said mercury is a product that is deadly; you breathe it in your lungs, it stays in your lungs
7 until you die from that mercury – mercury poisoning is what it is. He said you can't even smell it, you
8 don't even know that you've had it. He said but this crematory is going to produce mercury; what levels
9 of mercury depends on the levels that they're burning the bodies – they're not saying they just take the
10 teeth out of them before they burn them, they're saying they just stick them in there and burn them. He
11 said so we are obviously going to have metals coming out. He said that's fine if you're on a ten-acre lot
12 out in the middle of the country, but we're not out on a ten-acre lot in the middle of the country, we're on
13 a 1.6-acre lot in an industrial park. He said it's not zoned for that particular type of business. He said even
14 if you wanted to change it, that would be up to you, but he thinks you would see a lot of resistance from
15 people if you allowed that type of thing to happen. He said there is fine dust that comes out of that smoke.
16 He said where there is smoke, there is going to be fine dust. He said fine dust is super fine, you don't even
17 understand how thin small particles dust can become. He said you're going to breathe in that dust. He said
18 that's coming from the bodies or the casket, who knows where it's coming from. He said but it's a
19 chimney; something has to come out of that chimney. He said they're certainly going to get it as clean as
20 they possibly can unless there's a human error. He said don't tell him there's no human error, please – the
21 Titanic went down due to human error. He said remember the ship couldn't sink; it was impossible to sink
22 the Titanic. He said first voyage, the ship goes down – why – human error. He said so now we're going
23 to have to sit here and think is there a possibility that the person running the machine can make a mistake.
24 He said you'd better darn-well believe that the person running the machine can make a mistake. He said
25 so what are the parameters of how we deal with mistakes – just say oh well, we thought there wasn't going
26 to be a problem, but there is. He said okay, in the meantime Bob is over there breathing all of this stuff in.
27 He said he's not liking that, not liking that one little bit. He said he's the one that gets to suffer out of all
28 of that. He said the best solution is to keep the zoning the way it is – ten acres, near a cemetery, or
29 wherever, ten acres of farmland – and have a state-of-the-art facility, not one that's going to flood, not an
30 old building, one that's brand new, and make sure it's away from populated areas. He said that's his case.

31

32 Mr. Elwell thanked Mr. Frazier and asked if there were any questions from the Board or Staff.

33

34 Mr. Hall said he just wanted to say that Mr. Frazier does live in an industrial district, and that's his choice.
35 He said it's not clear to him that someone who lives in an industrial district has the same expectations as
36 someone who lives in a residential district. He said that being said, Mr. Frazier's concerns are well-
37 founded about dust; it remains to be seen how the Board can structure a condition that would minimize
38 the chances of that happening. He said he just wanted to add that.

39

40 Mr. Elwell asked if anyone would like to cross-examine this witness. Seeing no one, he thanked Mr.
41 Frazier.

42

43 Mr. Elwell invited Mr. Sims to testify.

44

45 Mr. Vincent Sims, 2806 Susan Stone Dr, Urbana, said they welcome questions like that, they thought
46 someone would be here tonight to try to get some answers. He mentioned state-of-the-art facility; he said
47 the city has several state-of-the-art funeral homes, 6,000 to 8,000 square feet and they're covering their
48 area of the cremation just fine. He said he's not here to say anything negative about a funeral home, but
49 they've got their price. He said he's not going to go out and spend a couple million dollars to do that –

1 how is he going to offer to the people that need a cremation, some sort of disposition for their loved one
2 for around \$1,000, he can't do that if he's sitting in a \$2 million building. He said he thinks the questions
3 have been answered. He said another thing we can look at too are the crematories that are in town. He said
4 we can talk about one over on Philo Road that's in a garage and it's in a neighborhood with apartment
5 buildings on more than one side and there's no issue there. He said the largest crematory in town on
6 Springer Drive, the business right next to them is just a matter of feet, just a few feet. He said again, there's
7 a crematory on Bradley Avenue that he's guessing is maybe 50 feet from the back yard, the back fence,
8 of several houses on Mathews. He said he could talk about other towns too, where they're in more
9 residential areas than what they are by far. He said with the equipment that they have, they've toured their
10 facility, they've seen what they can do with the internet and with these machines. He said at their factory,
11 he pulled up someone's crematory that was running 100 miles away, and he said if he pushed a certain
12 button, he could actually open the door to their crematory, or if he pushed another button, he could shut it
13 down. He could see that they were burning at X degrees, and if that gets out of hand, they can shut it down,
14 besides the electronic components that will shut it down also, but he could manually do it. He said to him
15 the issue of location is moot because first, all the crematories here in town, none of them are on ten acres.
16 He said they're with a funeral home, they have neighbors, they have apartment buildings, he just doesn't
17 think it's a concern. He said with their building, they're trying to stay affordable to families. He said they
18 want to be a benefit to folks in this county because not everyone can afford a full priced funeral with
19 burial. He said they're trying to fill that need for those people, and believe him, it's quite touching when
20 you complete that transaction, you go to the house to deliver the cremains, you've met the family, you're
21 in their living room, you've petted their dog, the whole deal, and now they feel you're a part of their family
22 and they're thanking you, they're hugging you, thanks a lot, we don't know what we would have done
23 without you. He said he really doesn't think it's fair to try to take away that option for those folks; there's
24 people that need help. He said thank you.

25
26 Mr. Elwell thanked Mr. Sims and asked if there were any questions from the Board or Staff.

27
28 Mr. Wood said that one issue that Mr. Frazier raised had to do with drainage around that and flooding,
29 and he hasn't looked at the property and whether there's something we need to do. He asked if there is
30 storm sewer out there.

31
32 Mr. Randol said there is not storm sewer out there. He said the closest sanitary sewer is for the gas station.

33
34 Mr. Hall said there is a storm sewer that runs from Mr. Frazier's property over to the detention basin for
35 the subdivision. He said he believes the drainage is from Route 10 to that basin and of course that basin is
36 being used as a yard for storage of equipment from the business to the north. He said there are drainage
37 issues in that subdivision. He said he's had many complaints over the years, but we don't go around
38 retrofitting drainage systems in the subdivisions.

39
40 Mr. Elwell asked if there were any questions from the Board or Staff. Seeing none, he called Mr. Frazier
41 to testify.

42
43 Mr. Frazier, 310 Tiffany Ct, Champaign, said that storm drainage is a serious, serious issue on Tiffany
44 Court. He said he brought that up so many times nobody cares to listen about it. He said S&K Fencing
45 took a two-acre drainage pond that was built into Stahly Subdivision, and you can look on your maps and
46 see it, it's on all the maps, filled it in and put their equipment on top of it. He said so every time there's a
47 large rainstorm, it ends up backing up over the whole street of Tiffany Court; it's completely flooded, at
48 least a foot of water. He said he had videos if anyone is ever curious to see them. He said that water backs
49 all the way up; the State of Illinois culvert that goes underneath Tiffany Court is only two-foot around. He

1 said you have that entire area, the gas station, that whole area draining into that two-foot culvert, which
2 gets clogged with debris – full of leaves, sticks, trash. He said it overflows. He said he had built a berm
3 along the front to keep the water from flowing into the building when he owned the property. He said
4 Steve Koester came along and bought the property after him; he should have bought the property, but he
5 didn't. He said Steve Koester came along and tore the berm down and the first big rain the building flooded
6 like crazy, and he realized what the berm was all about: keeping as much water as possible in the ditch
7 and not having it pour down into what is basically a low land. He said that building should be torn down
8 or raised, concrete should be raised up at least a foot if not two foot above the ground to keep the water
9 from getting in there. He said they're talking about refrigeration, talking about people that 24 hours a day
10 you have a dead body in there in refrigeration and we have a storm at night, now there's no power, there's
11 going to be water running into this building, it's going to be a mess – it's a mess without all that. He said
12 that is what he is saying – there is storm detention. He said the County doesn't have to worry about that
13 because the City of Champaign annexed that part where the drainage ditch goes, so it's really not the
14 County's problem anymore. He said Mr. Hall had actually come out to his property once on an inspection
15 and they looked at what was going on, so Mr. Hall got first-hand knowledge as to why there is no drainage
16 basin there. He said if there was a drainage basin there, then all the water that comes onto Tiffany Court
17 would go into the pond the way it's supposed to go and it wouldn't back up, but that's not the case. He
18 said the city isn't going to do anything about it, it's sort of like they inherited it from the County. He said
19 the County should have done something about it years ago, but they didn't do anything about it, so it's
20 just one of those things that's gotten dropped. He said if he was the farmer, he'd be totally upset because
21 all that water ends up on the farmland next to us and he doesn't know why he's never said anything.

22
23 Mr. Elwell thanked Mr. Frazier. He asked if anyone else would like to testify in this case. Seeing no one,
24 he asked if there was a motion to close the Witness Register.

25
26 **Mr. Randol moved, seconded by Mr. Roberts, to close the Witness Register. The motion carried by**
27 **voice vote.**

28
29 Mr. Elwell asked Mr. Sims to return to the microphone. He said there is one special condition for Case
30 096-AM-23 on page 16 of 20 of Attachment H. He told Mr. Sims to indicate if he agreed with the
31 condition.

32
33 A. **Should a text amendment allowing a crematory in I-1 Light Industry Zoning District**
34 **be approved in the future, the zoning for the subject property shall revert to the I-1**
35 **District.**

36
37 The special condition stated above is required to ensure the following:
38 **That zoning for the subject property reflects the general intent of the Zoning**
39 **Districts.**

40
41 Mr. Elwell asked Mr. Sims if he agreed with the condition.

42
43 Mr. Sims said yes.

44
45 Mr. Elwell said he would now be reading from Supplemental Memo #1 on page 2 regarding the conditions
46 for Case 097-S-23.

47
48 A. **The Special Use is subject to the approval of Case 097-AM-23.**

49

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

That it is consistent with the intent of the ordinance and the ZBA recommendation for Special Use.

Mr. Elwell asked Mr. Sims if he agreed with the condition.

Mr. Sims said yes.

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

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

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

Mr. Elwell asked Mr. Sims if he agreed with the condition.

Mr. Sims said yes.

C. 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 uses are in compliance with the Zoning Ordinance.

Mr. Elwell asked Mr. Sims if he agreed with the condition.

Mr. Sims said yes.

D. The petitioners shall apply for a Change of Use Permit within 30 days of approval of Zoning Case 096-AM-23.

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

That the use complies with permitting requirements in the Zoning Ordinance.

Mr. Elwell asked Mr. Sims if he agreed with the condition.

Mr. Sims said yes.

E. The petitioners shall provide documentation to the Zoning Administrator of the approved IEPA Air Permit prior to commercial use of the crematory.

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

That air quality meets IEPA requirements.

Mr. Elwell entertained a motion to move to the Summary Findings of Fact for Case 096-AM-23.

1 Mr. Randol moved, seconded by Mr. Wood, to move to the Findings of Fact for Case 096-AM-23.
2 The motion carried by voice vote.

3
4 **FINDING OF FACT FOR CASE 096-AM-23**

5
6 From the documents of record and the testimony and exhibits received at the public hearing conducted on
7 **July 6, 2023**, the Zoning Board of Appeals of Champaign County finds that:

8
9 1. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the Land Resource
10 Management Plan because:

11 A. Regarding Goal 3:

12 (1) Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of the
13 Goal 3 objectives, the proposed rezoning will allow the petitioners to establish a
14 business for which there is significant demand.

15
16 (2) Based on achievement of the above and because it will either not impede or is not
17 relevant to the other Objectives and Policies under this goal, the proposed map
18 amendment **WILL HELP ACHIEVE** Goal 3 Prosperity.

19
20 C. The proposed amendment will **NOT IMPEDE** the following LRMP goal(s):

- 21 • Goal 1 Planning and Public Involvement
- 22 • Goal 2 Governmental Coordination
- 23 • Goal 4 Agriculture
- 24 • Goal 5 Urban Land Use
- 25 • Goal 6 Public Health and Public Safety
- 26 • Goal 7 Transportation
- 27 • Goal 8 Natural Resources
- 28 • Goal 9 Energy Conservation
- 29 • Goal 10 Cultural Amenities

30
31 D. Overall, the proposed map amendment will **HELP ACHIEVE** the Land Resource
32 Management Plan.

33
34 2. The proposed Zoning Ordinance map amendment **IS** consistent with the LaSalle and Sinclair
35 factors because of the following:

36 A. This area has a mix of land uses and the subject property has been a storage and parking
37 area for many years.

38
39 B. It is impossible to establish property values without a formal real estate appraisal, which
40 has not been requested nor provided, and so any discussion of values is necessarily general.

41
42 C. The gain to the public of the proposed rezoning is positive because it will allow a business
43 to establish for which there is significant demand in Champaign County.

44
45 D. The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** the
46 Champaign County Land Resource Management Plan.

47
48 3. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the purpose of the
49 Zoning Ordinance because:

1 A. Establishing the AG-2 District at this location **WILL** help classify, regulate, and restrict
2 the location of the uses authorized in the AG-2 District (Purpose 2.0 (i), see Item 21.G.).

3
4 B. The proposed rezoning and proposed Special Use **WILL NOT** hinder the development of
5 renewable energy sources (Purpose 2.0(r), see Item 21.M).

6
7 4. The following is a proposed special condition of approval:

8
9 A. **Should a text amendment allowing a crematory in I-1 Light Industry Zoning District**
10 **be approved in the future, the zoning for the subject property shall revert to the I-1**
11 **District.**

12
13 The special condition stated above is required to ensure the following:

14 **That zoning for the subject property reflects the general intent of the Zoning**
15 **Districts.**

16
17 Mr. Wood said he didn't believe they were required to read these findings for Case 096-AM-23; or they
18 accept them as presented.

19
20 Mr. Hall said Staff didn't find any decision points, so the Board can either accept it as proposed or if they
21 take any issue with those, we can revise them.

22
23 **Mr. Wood moved, seconded by Mr. Randol, that the Board accept the Findings of Fact for Case**
24 **096-AM-23 as presented. The motion carried by voice vote.**

25
26 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings
27 of Fact as amended for Case 096-AM-23.

28
29 **Mr. Wood moved, seconded by Mr. Randol, to adopt the Summary of Evidence, Documents of**
30 **Record and Findings of Fact as amended for Case 096-AM-23. The motion carried by voice vote.**

31
32 Mr. Elwell told Mr. Sims that a full Board was not present, and that four affirmative votes are needed to
33 be granted the case. He asked Mr. Sims if he wanted to proceed with the vote tonight or continue the case
34 to another meeting when a full Board could be present.

35
36 Mr. Sims said to proceed tonight.

37
38 Mr. Elwell said the one question that is lingering in his head going forward is the issue with water. He
39 asked how he could work through that.

40
41 Mr. Wood said they're not making any changes to the structures or adding any new structures unless they
42 decide to rebuild the building, which might make a difference but you get into drainage issues like this, if
43 they don't do a good plan with respect to the drainage issues and water issues that historically have been
44 in that area, then they basically risk the investment that they make there to whatever damage it could
45 possibly cause. He said it's a concern of his based on some of the issues Mr. Frazier brought up, but that's
46 a risk management issue not a zoning issue he didn't think.

47
48 Mr. Elwell said okay. He entertained a motion to move to Final Determination for Case 096-AM-23.
49

1 Mr. Randol moved, seconded by Mr. Roberts, to move to Final Determination for Case 096-AM-23.
2 The motion carried by voice vote.

3
4 **FINAL DETERMINATION FOR CASE 096-AM-23**

5 Mr. Wood moved, seconded by Mr. Randol, that pursuant to the authority granted by Section 9.2
6 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County
7 recommends that:

8
9 The Map Amendment requested in Case 096-AM-23 should *BE ENACTED* by the County
10 Board in the form attached hereto.

11
12 **SUBJECT TO THE FOLLOWING SPECIAL CONDITION:**

13 A. Should a text amendment allowing a crematory in I-1 Light Industry Zoning District
14 be approved in the future, the zoning for the subject property shall revert to the I-1
15 District.

16
17 Mr. Elwell requested a roll call vote.

18
19 The vote was called as follows:

20 **Randol - Yes Roberts - Yes Anderson - Yes Herbert - absent**
21 **Elwell - Yes Wood - Yes Bates - absent**

22
23 Mr. Elwell entertained a motion to move to the Findings of Fact for Case 097-S-23.

24
25 Mr. Randol moved, seconded by Mr. Roberts, to move to the Findings of Fact for Case 097-S-23.
26 The motion carried by voice vote.

27
28 **FINDINGS OF FACT FOR CASE 097-S-23**

29 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
30 097-S-23 held on July 6, 2023, the Zoning Board of Appeals of Champaign County finds that:

31
32 1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this
33 location because:

34
35 Mr. Randol said the requested Special Use Permit IS necessary for the public convenience at this location
36 because: the subject property is centrally located in the petitioner’s service area, and the subject property
37 is approximately 2.2 miles from the I-72 interchange at University Avenue in Champaign.

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

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

45
46 Mr. Wood said the street has ADEQUATE traffic capacity and the entrance location has ADEQUATE
47 visibility.

48
49 b. Emergency services availability is *{ADEQUATE / INADEQUATE}* *{because*}*:

1 Mr. Wood said emergency services availability is ADEQUATE because: the subject property is located
 2 approximately 2.8 road miles from the Bondville fire station. Notice of these zoning cases was sent to
 3 Bondville Fire, and no comments have been received.

4
 5 **c. The Special Use {WILL / WILL NOT} be compatible with adjacent uses {because*}:**

6
 7 Mr. Wood said the Special Use WILL be compatible with adjacent uses because: the petitioners will make
 8 use of the existing building and no new construction is proposed. P&Z Staff has not received any
 9 information from the petitioners on environmental factors such as odor and air quality other than what we
 10 heard tonight.

11
 12 **d. Surface and subsurface drainage will be {ADEQUATE / INADEQUATE} {because*}:**

13
 14 Mr. Wood said surface and subsurface drainage will be ADEQUATE because: no new construction is
 15 proposed and the subject property is not in the Special Flood Hazard Area but they would be advised to
 16 look at that as an issue for them.

17
 18 **e. Public safety will be {ADEQUATE / INADEQUATE} {because*}:**

19
 20 Mr. Wood said public safety will be ADEQUATE because: the Township Highway Commissioner, IDOT,
 21 and Bondville Fire have been notified of this case, and no comments have been received.

22
 23 **f. The provisions for parking will be {ADEQUATE / INADEQUATE} {because*}:**

24
 25 Mr. Wood said the provisions for parking will be ADEQUATE because: the proposed site plan appears to
 26 include more than enough area to accommodate all required off-street parking.

27
 28 **g. The property {IS/IS NOT} WELL SUITED OVERALL for the proposed
 29 improvements because*:**

30
 31 Mr. Wood said the property IS WELL SUITED OVERALL for the proposed improvements because: the
 32 petitioners are using the existing building and no other construction is proposed.

33
 34 **h. Existing public services {ARE/ARE NOT} available to support the proposed
 35 SPECIAL USE without undue public expense because*:**

36
 37 Mr. Wood said that existing public services ARE available to support the proposed special use without
 38 undue public expense because: all services are in place for this property, and no new public services are
 39 needed.

40
 41 **i. Existing public infrastructure together with the proposed development {IS/IS NOT}
 42 adequate to support the proposed development effectively and safely without undue
 43 public expense because*:**

44
 45 Mr. Wood said that existing public infrastructure together with the proposed development IS adequate to
 46 support the proposed development effectively and safely without undue public expense because: adjacent
 47 roads have sufficient capacity to handle traffic volumes with no improvements necessary since they're all
 48 considered Class A roads, and no new utilities are required.

49

1 Mr. Wood said the requested Special Use Permit will NOT be injurious to the district in which it shall be
2 located or otherwise detrimental to the public health, safety, and welfare.

3
4 **3a. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED
5 HEREIN} {DOES / DOES NOT} conform to the applicable regulations and standards of the
6 DISTRICT in which it is located.**

7
8 Mr. Randol said the requested Special Use Permit DOES conform to the applicable regulations and
9 standards of the DISTRICT in which it is located.

10
11 **3b. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED
12 HEREIN} {DOES / DOES NOT} preserve the essential character of the DISTRICT in which
13 it is located because:**

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

16
17 Mr. Randol said the Special Use will be designed to CONFORM to all relevant County ordinances and
18 codes.

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

21
22 Mr. Randol said the Special Use WILL be compatible with adjacent uses.

23
24 **c. Public safety will be {ADEQUATE / INADEQUATE}.**

25
26 Mr. Randol said public safety will be ADEQUATE.

27
28 Mr. Randol said the requested Special Use Permit DOES preserve the essential character of the DISTRICT
29 in which it is located.

30
31 **4. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED
32 HEREIN} {IS / IS NOT} in harmony with the general purpose and intent of the Ordinance
33 because:**

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

35
36 **b. The requested Special Use Permit {IS/ IS NOT} necessary for the public convenience
37 at this location.**

38
39 Mr. Wood said the requested Special Use Permit IS necessary for the public convenience at this location.

40
41 **c. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS
42 IMPOSED HEREIN} is so designed, located, and proposed to be operated so that it
43 {WILL / WILL NOT} be injurious to the district in which it shall be located or
44 otherwise detrimental to the public health, safety, and welfare.**

45
46 Mr. Wood said the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
47 IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be
48 injurious to the district in which it shall be located or otherwise detrimental to the public health, safety,
49 and welfare.

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

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

Mr. Wood said therefore 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. ***SUBJECT TO THE FOLLOWING WAIVER OF STANDARD CONDITIONS:***

- A. **Regarding the waiver of the standard condition in Section 6.1.3 of the Zoning Ordinance for a lot area of 1.69 acres in lieu of the minimum required 10 acres:**
 - (1) **The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because:**

Mr. Randol said the waiver IS in accordance with the general purpose and intent of the Zoning Ordinance and WILL NOT be injurious to the neighborhood or to the public health, safety, and welfare because: the requested waiver is 16.9% of the minimum required, for a waiver of 83.1%. Relevant jurisdictions have been notified, and no comments have been received. P&Z Staff has not received any information from the petitioners on environmental factors such as odor and air quality and therefore cannot evaluate potential environmental impacts. A neighboring landowner contacted the P&Z Department on June 20, 2023 with concerns about air quality and odor. They believe the proposed facility should be in a less busy area.

- (2) **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. Randol said 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: the petitioners have demonstrated through their interest in this particular property that a crematory does not need a large lot area.

- (3) **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 waiver, the petitioners could not locate the crematory on the subject property.

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

1 Mr. Randol said the special conditions, circumstances, hardships, or practical difficulties DO NOT result
2 from actions of the applicant because: the petitioner was not aware of the 10-acre minimum when they
3 contracted to purchase the property.

4
5 **(5) The requested waiver {IS / IS NOT} the minimum variation that will make**
6 **possible the reasonable use of the land/structure.**
7

8 Mr. Randol said the requested waiver IS the minimum variation that will make possible the reasonable
9 use of the land/structure.

10
11 **B. Regarding the waiver of the standard condition in Section 6.1.3 of the Zoning**
12 **Ordinance for a setback of 72 feet from street centerline in lieu of the minimum**
13 **required 100 feet:**

14 **(1) The waiver {IS/ IS NOT} in accordance with the general purpose and intent of**
15 **the Zoning Ordinance and {WILL/ WILL NOT} be injurious to the**
16 **neighborhood or to the public health, safety, and welfare because:**
17

18 Mr. Wood said the waiver IS in accordance with the general purpose and intent of the Zoning Ordinance
19 and WILL NOT be injurious to the neighborhood or to the public health, safety, and welfare because: the
20 requested waiver is 72% of the minimum required, for a waiver of 28%. Relevant jurisdictions have been
21 notified, and no comments have been received. P&Z Staff has not received any information from the
22 petitioners on environmental factors such as odor and air quality and therefore cannot evaluate potential
23 environmental impacts. A neighboring landowner contacted the P&Z Department on June 20, 2023 with
24 concerns about air quality and odor. They believe the proposed facility should be in a less busy area.

25
26 **(2) Special conditions and circumstances {DO / DO NOT} exist which are peculiar**
27 **to the land or structure involved, which are not applicable to other similarly**
28 **situated land and structures elsewhere in the same district because:**
29

30 Mr. Wood said special conditions and circumstances DO exist which are peculiar to the land or structure
31 involved, which are not applicable to other similarly situated land and structures elsewhere in the same
32 district because: the petitioners have demonstrated through their interest in this particular property that a
33 crematory does not need a setback of 100 feet. The existing setback of 72 feet exceeds the typical 55 feet
34 minimum setback requirement for a building on a local road.

35
36 **(3) Practical difficulties or hardships created by carrying out the strict letter of**
37 **the regulations sought to be varied {WILL / WILL NOT} prevent reasonable or**
38 **otherwise permitted use of the land or structure or construction because:**
39

40 Mr. Wood said practical difficulties or hardships created by carrying out the strict letter of the regulations
41 sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or
42 construction because: without the proposed waiver, the petitioners would have to move the building 28
43 feet east or would not be able to establish the crematory on the subject property.

44
45 **(4) The special conditions, circumstances, hardships, or practical difficulties {DO**
46 **/ DO NOT} result from actions of the applicant because:**
47

48 Mr. Wood said the special conditions, circumstances, hardships, or practical difficulties DO NOT result
49 from actions of the applicant because: the petitioners were apparently not aware of the 100-foot minimum

1 setback when they contracted to purchase the property.

2
3 (5) The requested waiver *{IS / IS NOT}* the minimum variation that will make
4 possible the reasonable use of the land/structure.
5

6 Mr. Wood said the requested waiver IS the minimum variation that will make possible the reasonable use
7 of the land/structure.
8

9 **7. SPECIAL CONDITIONS ARE IMPOSED HEREIN AND ARE REQUIRED TO ENSURE**
10 **COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE**
11 **PARTICULAR PURPOSES DESCRIBED BELOW:**
12

13 A. The Special Use is subject to the approval of Case 096-AM-23.
14

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

16 That it is consistent with the intent of the ordinance and the ZBA
17 recommendation for Special Use.
18

19 B. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the
20 proposed construction until the petitioner has demonstrated that the proposed
21 Special Use complies with the Illinois Accessibility Code.
22

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

24 That the proposed Special Use meets applicable State requirements for
25 accessibility.
26

27 C. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until
28 the petitioner has demonstrated that any new or proposed exterior lighting on the
29 subject property will comply with the lighting requirements of Section 6.1.2.
30

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

32 That the proposed uses are in compliance with the Zoning Ordinance.
33

34 D. The petitioners shall apply for a Change of Use Permit within 30 days of approval of
35 Zoning Case 096-AM-23.
36

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

38 That the use complies with permitting requirements in the Zoning Ordinance.
39

40 E. The petitioners shall provide documentation to the Zoning Administrator of the
41 approved IEPA Air Permit prior to commercial use of the crematory.
42

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

44 That air quality meets IEPA requirements.
45

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

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

3
4 Mr. Elwell told Mr. Sims that a full Board was not present, and that four affirmative votes are needed to
5 be granted the case. He asked Mr. Sims if he wanted to proceed with the vote tonight or continue the case
6 to another meeting when a full Board could be present.

7
8 Mr. Sims said to proceed tonight.

9
10 Mr. Elwell entertained a motion to move to Final Determination for Case 097-S-23.

11
12 **Mr. Randol moved, seconded by Mr. Roberts, to move to Final Determination for Case 097-S-23.**
13 **The motion carried by voice vote.**

14
15 Mr. Elwell informed the petitioner that he was going to be reading from page 24 of 24 from Attachment
16 I, Final Determination for Case 097-S-23.

17
18 **FINAL DETERMINATION FOR CASE 097-S-23**

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

23
24 **The Special Use requested in Case 097-S-23 is hereby *GRANTED WITH SPECIAL***
25 ***CONDITIONS* to the applicants, Justin and Heidi Blake, Les and Emily Cotton, and Vincent**
26 **and Cheryl Sims, d.b.a. Evergreen Cremation Services Inc., to authorize the following:**

27
28 **Authorize a Special Use to establish a crematory on land that is proposed to be**
29 **rezoned to the AG-2 Agriculture Zoning District in related zoning case 096-AM-23,**
30 **with the following waivers:**

31
32 **Waiver Part A: A lot area of 1.69 acres in lieu of the minimum required 10**
33 **acres for a crematory.**

34
35 **Waiver Part B: A setback of 72 feet from the street centerline of Tiffany Court**
36 **in lieu of the minimum required 100 feet for a crematory.**

37
38 ***{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:}***

- 39
40 **A. The Special Use is subject to the approval of Case 097-AM-23.**
41
42 **B. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the**
43 **proposed construction until the petitioner has demonstrated that the proposed**
44 **Special Use complies with the Illinois Accessibility Code.**
45
46 **C. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until**
47 **the petitioner has demonstrated that any new or proposed exterior lighting on the**
48 **subject property will comply with the lighting requirements of Section 6.1.2.**
49

1 D. The petitioners shall apply for a Change of Use Permit within 30 days of approval of
2 Zoning Case 096-AM-23.

3
4 E. The petitioners shall provide documentation to the Zoning Administrator of the
5 approved IEPA Air Permit prior to commercial use of the crematory.
6

7 Mr. Elwell requested a roll call vote.

8
9 The vote was called as follows:

10	Randol - Yes	Roberts - Yes	Anderson - Yes	Herbert - absent
11	Elwell - Yes	Wood - Yes	Bates - absent	

12
13 Mr. Elwell congratulated the petitioner on receiving five affirmative votes on both cases and said Staff
14 would be in touch with next steps.

15
16 Mr. Sims thanked the Board.

17
18 **Case 098-V-23**

19 Petitioner: **Ross Mansfield**

20
21 Request: **Authorize a variance for an existing 5-acre tract in lieu of the maximum allowed 3**
22 **acres in area for a lot with soils that are best prime farmland in the AG-1 Agriculture**
23 **Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.**

24
25 Location: **An existing 5-acre tract in the North Half of the Southwest Quarter of the Northwest**
26 **Quarter of Section 4, Township 21 North, Range 8 East of the Third Principal Meridian**
27 **in Condit Township, with an address of 2974 CR 800E, Dewey.**

28
29 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
30 the witness register for that public hearing. He reminded the audience that when they sign the witness
31 register, they are signing an oath.

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

40
41 Mr. Ross Mansfield, 701 Northwood Dr, Mahomet, said this lot was sold to him last year as a build-ready
42 5-acre property. He said his intent was to use it as a tree farm and to continue on with what he has in
43 Effingham, where he also has a tree farm. He said the issue was he also wanted to build a house so he can
44 be with the farm, it's quite a bit of work. He said he's probably been out there one to two times a day
45 during the last drought they've had and not being able to live out there has been a very large inconvenience.
46 He said he just wants to build on that lot.

47
48 Mr. Elwell thanked Mr. Mansfield and asked if the Board had any questions.
49

1 Mr. Wood asked what happened to the trees.

2

3 Mr. Mansfield said they're out there, they are just small. He said he started with about 8-to-10-inch trees.
4 He said he has put about 400 in the lot, and he has about 200 in pots for next year.

5

6 Mr. Wood asked if there was already a building on the property.

7

8 Mr. Mansfield said yes; last year he got approval to build a storage shed to hold all the supplies necessary
9 to manage the farm.

10

11 Mr. Elwell asked if there were any more questions. Seeing none, he asked if anyone would like to cross-
12 examine the witness. Seeing no one, he entertained a motion to close the Witness Register.

13

14 **Mr. Roberts moved, seconded by Mr. Wood, to close the Witness Register for Case 098-V-23. The**
15 **motion carried by voice vote.**

16

17 **Mr. Randol moved, seconded by Mr. Wood, to move to the Findings of Fact for Case 098-V-23. The**
18 **motion carried by voice vote.**

19

20 **Findings of Fact for Case 098-V-23**

21 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
22 **098-V-23** held on **July 6, 2023**, the Zoning Board of Appeals of Champaign County finds that:

23

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

27

28 Mr. Wood said special conditions and circumstances DO exist which are peculiar to the land or structure
29 involved, which are not applicable to other similarly situated land and structures elsewhere in the same
30 district because: the five-acre lot was created in 2006 in compliance with the Illinois Plat Act, so its
31 creation did not require a Plat of Subdivision, but this lot exceeds the 2005 Zoning Ordinance requirement
32 for maximum 3-acre lot size on Best Prime Farmland.

33

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

37

38 Mr. Randol said that practical difficulties or hardships created by carrying out the strict letter of the
39 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
40 structure or construction because: without the proposed variance, no Zoning Use Permit for construction
41 could be approved.

42

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

45

46 Mr. Wood said the special conditions, circumstances, hardships, or practical difficulties DO NOT result
47 from actions of the applicant because: the 5-acre lot was created in 2006, and the petitioner bought that in
48 2022.

49

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

3
 4 Mr. Randol said the requested variance, subject to the proposed condition, IS in harmony with the general
 5 purpose and intent of the Ordinance because: most of the subject property will be used as a tree farm.

6
 7 **5. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{WILL / WILL*
 8 ***NOT}* be injurious to the neighborhood or otherwise detrimental to the public health, safety,**
 9 **or welfare.****

10
 11 Mr. Wood said that the requested variance, subject to the proposed condition, WILL NOT be injurious to
 12 the neighborhood or otherwise detrimental to the public health, safety, or welfare because: relevant
 13 jurisdictions were notified of this case, and no comments have been received.

14
 15 **6. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* the**
 16 **minimum variation that will make possible the reasonable use of the land/structure.**

17
 18 Mr. Randol said that the requested variance, subject to the proposed condition, IS the minimum variation
 19 that will make possible the reasonable use of the land/structure because: the lot cannot be further
 20 subdivided without a variance and a Plat of Subdivision.

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

23
 24 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings
 25 of Fact as amended.

26
 27 **Mr. Wood moved, seconded by Mr. Roberts, to adopt the Summary of Evidence, Documents of**
 28 **Record and Findings of Fact as amended. The motion carried by voice vote.**

29
 30 Mr. Elwell told Mr. Mansfield that there were a couple of Board members absent, and that he needs four
 31 affirmative votes. He offered Mr. Mansfield the option of continuing to the vote tonight or waiting for
 32 another meeting when the full Board could be present.

33
 34 Mr. Mansfield asked to proceed to the vote tonight.

35
 36 Mr. Elwell entertained a motion to move to the Final Determination.

37
 38 **Mr. Roberts moved, seconded by Mr. Randol, to move to the Final Determination. The motion**
 39 **carried by voice vote.**

40
 41 **FINAL DETERMINATION FOR CASE 098-V-23**

42 **Mr. Wood moved, seconded by Mr. Roberts, that the Champaign County Zoning Board of Appeals**
 43 **finds that, based upon the application, testimony, and other evidence received in this case, that the**
 44 **requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority**
 45 **granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of**
 46 **Appeals of Champaign County determines that:**

47
 48 **The Variance requested in Case 098-V-23 is hereby GRANTED to the petitioner, Ross**
 49 **Mansfield, to authorize a variance for an existing 5-acre tract in lieu of the maximum allowed**

1 **3 acres in area for a lot with soils that are best prime farmland in the AG-1 Agriculture**
2 **Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.**

3
4 The vote was called as follows:

5 **Randol - Yes Roberts - Yes Anderson - Yes Herbert - absent**
6 **Elwell - Yes Wood - Yes Bates - absent**

7
8 **The motion carried by roll call vote.**

9
10 Mr. Elwell congratulated Mr. Mansfield and said that Staff would be in touch.

11
12 Mr. Mansfield thanked the Board.

13
14 **8. Staff Report – None**

15
16 **9. Other Business**

17 **A. Review of Docket**

18
19 Mr. Randol asked if a residence is allowed in that structure (referring to Mr. Frazier’s business at 310
20 Tiffany Court).

21
22 Mr. Hall said it is only allowed as a caretaker’s dwelling.

23
24 Mr. Randol said he was just curious because none of that ever came up in previous discussions about
25 him living there.

26
27 Mr. Elwell asked if there would be any absences coming up and there were none.

28
29 **10. Adjournment**

30
31 Mr. Elwell entertained a motion to Adjourn.

32
33 **Mr. Roberts moved, seconded by Mr. Wood, to adjourn the meeting. The motion carried by voice**
34 **vote.**

35
36 The meeting adjourned at 8:32 pm.

37
38 Respectfully Submitted,

39
40
41
42 Secretary of the Zoning Board of Appeals
43
44
45
46
47
48
49