

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

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

DATE:	May 30, 2024	PLACE:	Shields-Carter Meeting Room
			1776 East Washington Street
TIME:	6:30 p.m.		Urbana, IL 61802

MEMBERS PRESENT: Brian Andersen, Chris Flesner, Lee Roberts, Cindy Cunningham

MEMBERS ABSENT: Thaddeus Bates, Ryan Elwell, Jim Randol

STAFF PRESENT: John Hall, Charlie Campo, Jacob Hagman

OTHERS PRESENT: Rebecca Kesler, Frank LeFever, Rita Armes

1. Call to Order

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

2. Roll Call and Declaration of Quorum

The roll was called, and a quorum was declared present.

Mr. Hall said that an interim chair was needed due to Mr. Elwell's absence. Mr. Flesner nominated Ms. Cunningham, seconded by Mr. Andersen. The motion was carried by voice vote.

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

3. Approval of Minutes – March 28, 2024

Mr. Flesner made the motion to approve the March 28, 2024, minutes, seconded by Mr. Roberts. The motion carried by voice vote.

4. Correspondence – None

5. Audience participation concerning matters other than cases pending before the Board -None

6. Continued Public Hearings

Cases 129-AM-24

Petitioner: Troy Parkhill

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

1 Location: **A 1.81-acre tract in the Northeast Quarter of the Southeast Quarter of Section 15,**
2 **Township 20 North Range 1 East of the Third Principal Meridian in Mahomet**
3 **Township with an address of 503 South Lake of the Woods Rd, Mahomet.**
4

5 Mr. Hall said that Mr. Parkhill isn't present at the meeting. Mr. Campo said that a continuance could be
6 done for the hearing after the other cases. Mr. Hall said it would be a shame for a possible witness for the
7 case to wait until the end of the meeting and encouraged the Board to take action on the case. Mr. Flesner
8 said that he has questions about Mr. Parkhill's case because of outstanding questions about where the
9 septic tank was located and how it would be utilized and that information is missing from the packets of
10 information for the board. Mr. Flesner expressed pity on the possible witness for being present while Mr.
11 Parkhill wasn't.
12

13 Ms. Cunningham said this would be the second meeting where the Board had met, and Mr. Parkhill was
14 not present. Mr. Hall and Mr. Campo confirmed that Mr. Parkhill emailed to ask for a continuance, but he
15 didn't provide a date that would work for him.
16

17 **Mr. Flesner motioned for case 129-AM-24 to be continued until July 11th, 2024, and seconded by**
18 **Mr. Roberts. The motion was approved by voice vote.**
19

20 Mr. Hall reminded the board that they did receive a memo from Ms. Kesler protesting the approval of case
21 129-AM-24.
22

23 **7. New Public Hearings**
24

25 **Cases 137-V-24**

26 Petitioner: **Gordon Gilly**
27

28 Requests: **Authorize a variance for a lot with an access strip width of 10 ft. in lieu of the required**
29 **20 ft., in the R-1 Single Family Residence Zoning District, per Section 4.3.4 F. of the**
30 **Champaign County Zoning Ordinance.**
31

32 Location: **Lot 3 of Mitchell Subdivision, Section 10, Township 19 North, Range 10 East of the**
33 **Third Principal Meridian in St. Joseph Township, with an address of 1651 CR 2200E,**
34 **St. Joseph.**
35

36 Mr. Hall told the board that Mr. Gilly's property has been annexed by the Village of Saint Joseph, so the
37 village now handles all zoning and subdivision issues. Mr. Hall said that the Board is able to dismiss this
38 cause with no prejudice.
39

40 **Mr. Andersen motioned to dismiss case 137-V-24 without prejudice, seconded by Mr. Flesner. The**
41 **motion was passed by voice vote. Case 137-V-24 has been dismissed without prejudice.**
42

43 **Cases 138-V-24**

44 Petitioner: **Frank LeFever & Rita Armes**
45

46 Requests: **Authorize a variance for a proposed 9.56-acre lot in lieu of the maximum allowed 3**
47 **acres in area for a lot with soils that are best prime farmland in the AG-1 Agriculture**
48 **Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.**
49

1 Location: **A proposed 9.56-acre tract in the Southeast Quarter of the Northwest Quarter and**
2 **the Southwest Quarter of the Northeast Quarter of Section 33, Township 22 North,**
3 **Range 14 West of the Second Principal Meridian in Kerr Township, with an address**
4 **of 2749 CR 3075 N, Penfield.**
5

6 Ms. Cunningham informed the audience that anyone wishing to testify in this case must sign the witness
7 register. She reminded the audience that when they sign the witness register, they are signing an oath.
8

9 Ms. Cunningham informed the audience that these cases are administrative cases, and as such, the county
10 allows anyone the opportunity to cross-examine any witness. She said that at the proper time, she would
11 ask for a show of hands from those who would like to cross-examine, and each person would be called
12 upon. She said that those who merely cross-examine are not required to sign the witness register but will
13 be asked to clearly state their name before asking any questions. She noted that no new testimony was to
14 be given during the cross-examination. She said that attorneys who have complied with article 7.6 of the
15 ZBA by-laws are exempt from cross-examination.
16

17 Mr. Frank LeFever of 1284 Sebring Ct, Elgin, Illinois, and Ms. Rita Armes of 30608 Cedar St Box 51
18 Unit #2, Armstrong, Illinois approached the microphone. Mr. LeFever said that he and Ms. Armes are
19 brother and sister. Mr. LeFever said that they come before the Board tonight to ask that their variance be
20 granted. Mr. Lefever continued that he and his sister are likely starting the process of selling their farm
21 because they are no longer able to be farmers due to their age. Mr. LeFever said they are trying to keep
22 the surrounding buildings, their orchard, as well as their well pump together. Mr. LeFever said their
23 orchard consists of 4 apple trees and 2 cherry trees from the original orchard started by their grandparents.
24 Mr. LeFever provided a brief history of the property stating that the farmhouse was built in 1896 and still
25 stands today, which makes it 128 years old. Mr. LeFever continued the history by sharing that their father
26 and uncle served in the armed forces for many years, and another uncle was deputy sheriff for Champaign
27 County for between 25 and 30 years. Mr. LeFever added that their mother purchased a small herd of sheep
28 to help keep the field in the outer portion of the property at a reasonable height because she wasn't able
29 to keep up with the yard maintenance, both physically and financially, as she got older.
30

31 Mr. LeFever mentioned that the University of Illinois at Urbana-Champaign has an agriculture class come
32 out to the property every spring to attend to the sheep. The students trim the hoves and deworm and address
33 any health issues that the sheep may have. Ms. Armes added that this experience with the University has
34 been happening for the past four years, and Ms. Armes is glad to see students come out to the property
35 and get that experience.
36

37 Mr. LeFever referenced Ms. Armes and said that while they are both no longer farmers, the goal of doing
38 the variance is to preserve their history and heritage. Mr. LeFever continued that the well pump was
39 located in one of the original chicken houses, and similar well pumps were located in several of the
40 previous outbuildings on the property so their grandfather wouldn't need to carry water to the livestock.
41 At this time, Ms. Armes walked around with a board featuring pictures of the farm and showed those
42 pictures to those who were present at the meeting. Mr. LeFever said they currently have sixteen head of
43 sheep that help keep the grass on the outlots down. Mr. LeFever referenced a building on the property that
44 still has the original well pump located within its walls.
45

46 Mr. LeFever reiterated that the goal is to keep the orchard and outbuildings on the same lot so they can
47 remain in the family if and when the rest of the land they own is sold. Mr. LeFever also addressed the
48 small house on the property and stated that no permit was ever received for the structure because they

1 built the structure when their parents were taking care of their grandparents when they got elderly because
2 it was the best option for them at the time.

3
4 Mr. Flesner had a question for Mr. LeFever. Mr. Flesner asked if both houses on the property have separate
5 wells and septic. Mr. LeFever confirmed that to be true.

6
7 Mr. Hall asked if they planned to sell the lot if the Board approved the variance. Mr. LeFever said they
8 have no plans to sell the lot and they want to keep it in their family. Mr. LeFever said that his son lives in
9 one house and his nephew lives in the other house. Mr. Hall clarified that if either house is destroyed to
10 an extent of more than 50% of its value, with the property as it is being proposed, that house could not be
11 rebuilt. If the homeowner wanted to rebuild the house, it would need to happen on a separate lot, and they
12 have plenty of land to do that. Mr. LeFever confirmed that he understood.

13
14 Mr. Hall continued to provide additional background by stating that when the second house was built, the
15 Department of Planning and Zoning had different standards than it has today, so it is no surprise that no
16 permit existed for the second home. Mr. Hall also said that he would not recommend any enforcement
17 action be taken by the Department of Planning and Zoning, and that there will be plenty of land to create
18 an additional lot, so he believes that the Board should be comfortable in taking action on the case before
19 them.

20
21 Mr. LeFever offered to show the Board the original survey of the property done by Mr. Moore out of
22 Paxton, Illinois. Mr. LeFever said it is hard to keep track of what was done over 40 years ago with their
23 parents doing what they did compared to what they should have done.

24
25 Ms. Cunningham asked if the Board had any additional questions. There were no additional questions.
26 Ms. Cunningham asked if there was anyone who wished to cross-examine the witnesses, but no one
27 wanted to cross-examine the witnesses. Ms. Cunningham thanked Mr. LeFever and Ms. Armes and said
28 they could return to their seats.

29
30 **Mr. Roberts made the motion to close the witness registry, seconded by Mr. Flesner. The motion**
31 **passed by voice vote.**

32
33 **Mr. Flesner made the motion to move on to the Draft Summary Findings of Fact, seconded by Mr.**
34 **Roberts. The motion passed by voice vote.**

35
36 **SUMMARY DRAFT FINDINGS OF FACT FOR CASE 138-V-24**

37
38 From the documents of record and the testimony and exhibits received at the public hearing for zoning
39 case **138-V-24** held on **May 30, 2024**, the Zoning Board of Appeals of Champaign County finds that:

- 40
41 **1. Special conditions and circumstances {DO/DO NOT} exist which are peculiar to the land or**
42 **structure involved, which are not applicable to other similarly situated land and structures**
43 **elsewhere in the same district because:**
44

45 Mr. Flesner said special conditions and circumstances DO exist which are peculiar to the land because
46 the petitioners want to create a lot that will provide adequate setbacks for the existing structures as well
47 as encompass the existing well, pasture and orchard, currently on the property. No land is proposed to be
48 removed from production.

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

Mr. Flesner said that practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or construction because without the proposed variance, the petitioners would need to reconfigure their property in order to provide adequate setbacks for the existing improvements and would be left with an irregular shaped lot.

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

Mr. Flesner said the special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant because the existing improvements on the property were not made by the petitioner. The petitioners inherited the property in 2022.

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

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

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

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

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

Mr. Andersen said the requested variance IS the minimum variation that will make possible the reasonable use of the land/structure because it is the minimum lot size that will provide adequate setbacks for existing structures and encompass the existing well, pasture and orchard.

Mr. Flesner makes the motion to adopt the Summary of Evidence, Documents of Record and Findings of Facts, seconded by Mr. Roberts. The motion is approved by voice vote.

Mr. Roberts makes the motion to move on to the Final Determination, seconded by Mr. Flesner. The motion is approved by voice vote.

FINAL DETERMINATION FOR CASE 138-V-24

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval in Section 9.1.9.C {HAVE/HAVE NOT} been met, and pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

1
2 The Variance requested in Case 138-V-24 is hereby *{GRANTED/GRANTED WITH*
3 *CONDITIONS/DENIED}* to the petitioners, Frank LeFever & Rita Armes, to authorize the
4 following:

5
6 **Authorize a variance for a proposed 9.56-acre lot in lieu of the maximum allowed 3 acres in**
7 **area for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning**
8 **District, per Section 5.3 of the Champaign County Zoning Ordinance.**
9

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

15
16 **The Variance requested in Case 138-V-24 is hereby GRANTED to the petitioners, Frank**
17 **LeFever & Rita Armes, to authorize the following:**

18
19 **Authorize a variance for a proposed 9.56-acre lot in lieu of the maximum allowed 3 acres in**
20 **area for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning**
21 **District, per Section 5.3 of the Champaign County Zoning Ordinance.**
22

23 Ms. Cunningham requested a roll call vote.

24
25 The vote was called as follows:

26
27 **Andersen – YES Flesner – YES Roberts – YES Cunningham – YES**
28

29 **The motion passed.**

30
31 Case 138-V-24 passed. Ms. Cunningham thanked the petitioners for their time and congratulated them on
32 the approval.

33
34 **8. Staff Report**

35
36 Due to the number of solar farm requests received by the Department of Planning and Zoning, Mr. Hall
37 has yet to send a request to the Illinois Fire Institute about case 130-AT-24.

38
39 Mr. Hall said that with no additional information, he recommended moving the case to July 11th, 2024.
40 Mr. Andersen motioned to move Case 130-AT-24 to July 11th, 2024, seconded by Mr. Roberts. The motion
41 was passed by voice vote.

42
43 **9. Other Business**

44
45 **Mr. Andersen motioned to cancel the Zoning Board of Appeals meeting on June 13th, 2024 due to**
46 **no pending or new cases, seconded by Mr. Flesner. The motion was passed by voice vote.**

47
48 **10. Adjournment**
49

1 **Mr. Roberts motioned to adjourn, seconded by Mr. Andersen. The motion passed by voice vote.**

2

3 The meeting adjourned at 7:04 p.m.

4

5 Respectfully Submitted,

6

7

8 Secretary of the Zoning Board of Appeals