

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

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

**DATE: October 17, 2024 PLACE: Shields-Carter Meeting Room
1776 East Washington Street
Urbana, IL 61802**

MEMBERS PRESENT: Thaddeus Bates, Cindy Cunningham, Jim Randol, Lee Roberts

MEMBERS ABSENT: Brian Andersen, Ryan Elwell, Chris Flesner

STAFF PRESENT: Stephanie Berry, Charlie Campo, John Hall

OTHERS PRESENT: Terence Conlon, Angi Meharry, Thomas Meharry,

1. Call to Order

The meeting was called to order at 6:40 p.m.

2. Roll Call and Declaration of Quorum

The roll was called, and a quorum declared present.

Mr. Hall stated they were without their appointed chair tonight, so the Board would have to elect an interim chair and entertained a motion.

Mr. Bates moved, seconded by Mr. Roberts to appoint Ms. Cunningham as the interim chair. The motion passed by voice vote.

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

3. Correspondence – None

4. Minutes – None

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

6. Continued Public Hearings – None

7. New Public Hearings -

Mr. Hall said the petitioners for the first case 147-V-24 have not arrived, so he would recommend revising the agenda to go to the second case.

Mr. Bates moved, seconded by Mr. Roberts, to move to Case 150-AM-24. The motion passed by voice vote.

CASE 150-AM-24

Petitioner: Terence Conlon

Request: Amend the Zoning Map to change the zoning district designation from I-2 Heavy Industry Zoning District to the B-4 General Business Zoning District.

Location: A 2.0-acre tract of land in the Southeast Quarter of the Northwest Quarter of Section 06, Township 19 North, Range 9 East of the Third Meridian in Urbana Township with an address of 2306 Oak Street, Urbana.

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

Terence Conlon, 204 Wilsey Lane, Sidney, stated that he is wanting to change the zoning to allow trailer sales, so he can get a dealer’s license with the State of Illinois, and changing the zoning district to B-4 would allow him to obtain the dealer’s license.

Ms. Cunningham said that anyone who wishes to provide cross-examination can ask for cross-examination, but there is no one here, so they clearly don’t need that. She asked if the Board had any questions for the petitioner.

Mr. Bates asked Mr. Hall if there is anything they have seen recently that would restrict the reason why they couldn’t do this.

Mr. Hall said no, it’s well documented that the county’s zoning districts don’t really match up well to the City of Urbana’s zoning districts, the City of Urbana by large allows more commercial type uses into their industrial zoning districts than what the County allows in the County industrial zoning districts, that is why Mr. Conlon is here. He said around this location there are largely industrial uses, it seems unlikely anybody would want to put a retail use there. He said other things that are possible in the B-4 Zoning District probably wouldn’t want to locate to this location, so that would be the only concern. He said the other thing is what is the City of Urbana going to think about this and at this point the City doesn’t have any comments. He said City staff contacted the Planning and Zoning Department today, they said they don’t really have anything to say at this point, but they may have comments later. He said before the County Board votes on this, there could very well be a protest, but they have no indication that will happen. He said it’s one of the risks that Mr. Conlon is facing if the City of Urbana decides they feel it doesn’t match with their surrounding uses and he may have to deal with a municipal protest, which would trigger the number of County Board votes required, but at this point they don’t have that or anything that suggests that is going to happen.

Mr. Bates asked if there was any thought that the property would be annexed.

Mr. Hall said it could be annexed, but the City of Urbana hasn’t expressed any interest, he doesn’t know what Mr. Conlon may have discussed with City of Urbana staff.

Mr. Conlon said they only discussed preliminarily, but they didn’t pursue it any and he didn’t take it any further than that.

Mr. Bates said it’s in alignment with everything else that’s happened in the area.

1
2 Mr. Randol asked if there was water and sewer there already.
3
4 Mr. Conlon said correct.
5
6 Mr. Randol said there is no issue about having to worry about a septic tank or anything like that.
7
8 Mr. Conlon said correct.
9
10 Mr. Hall asked him if there was sewer there.
11
12 Mr. Conlon said there is a working septic system and private well.
13
14 Mr. Randol said the property isn't on city water and sewer.
15
16 Mr. Conlon said yes that is correct.
17
18 Mr. Hall said there is really no public sewer that is accessible enough to require connection.
19
20 Mr. Conlon said that is correct.
21
22 Mr. Randol said that is probably why the City of Urbana isn't interested, it costs too much money. He
23 asked him if it is utility trailers that he is wanting to sell.
24
25 Mr. Conlon said correct.
26
27 Mr. Randol asked him if the trailers were open, enclosed, or both.
28
29 Mr. Conlon said both.
30
31 Ms. Cunningham asked if there were any more questions from the Board. Seeing none, she asked if there
32 were any questions from Staff. Seeing none, she entertained a motion to close the Witness Register and
33 move to the Finding of Fact for Case 150-AM-24.
34
35 **Mr. Bates moved, seconded by Mr. Randol, to close the Witness Register and move to the Finding**
36 **of Fact for Case 150-AM-24. The motion passed by voice vote.**
37
38 Ms. Cunningham told Mr. Conlon that he could stay where he was at or he could go sit down, whichever
39 he wishes. Ms. Cunningham said there is a procedure that they have to go through.
40
41 Mr. Conlon asked if there were any more questions for him.
42
43 Ms. Cunningham said no.
44
45 Mr. Conlon thanked the Board.
46
47 Ms. Cunningham referred to Attachment I, page 21 of 23.
48
49 **DRAFT SUMMARY FINDING OF FACT AND SPECIAL CONDITION FOR CASE 150-AM-24**

1 From the documents of record and the testimony and exhibits received at the public hearing conducted on
2 **October 17, 2024**, the Zoning Board of Appeals of Champaign County finds that:

3
4 Ms. Cunningham said this is different than usual.

5
6 Mr. Hall said they don't get a lot of map amendments, he believes if he is remembering correctly in their
7 last map amendment, the summary finding of fact might not even have been read, it might have just been
8 voted upon en masse.

9
10 Mr. Bates moved to adopt the Summary Finding of Fact en masse and move to the Final Determination
11 for Case 150-AM-24.

12
13 Mr. Hall said there is one special condition and normally the Board asks the petitioner if they agree with
14 the special condition, and in this situation, they could not find a permit for the buildings that are on the
15 property and the buildings have been there since before 1988, so when you get back that far it's not clear
16 if they're just not finding the permit if it was approved, but for commercial projects like this their files are
17 pretty reliable. He said the Zoning Ordinance says that they can't give a permit on a property unless all
18 the permits necessary have been received, so he doesn't know if Mr. Conlon had a chance to read the
19 special condition.

20
21 Mr. Bates said for his information, then on the special condition it would be Mr. Conlon applying or
22 paying for the permit.

23
24 Mr. Hall said applying and paying.

25
26 Mr. Bates asked if they knew what that cost would be.

27
28 Mr. Hall said it would be based on the square footage of the buildings.

29
30 Mr. Bates asked if the permit would be issued if he would just pay for the permits.

31
32 Mr. Hall said yes, they don't see any issues with the buildings except that they can't find any permits.

33
34 Mr. Bates said that someone built them prior to his ownership.

35
36 Mr. Hall said yes, which is not terribly surprising in this this area, but actually there have been several
37 permits granted on neighboring properties, but they couldn't find one on this property.

38
39 Mr. Bates moved to adopt the Preliminary Draft, Finding of Fact, and Special Condition for Case 150-
40 AM-24, and he doesn't know if Mr. Conlon needs to come back up to the testimony microphone to accept
41 that special condition.

42
43 Mr. Hall said the normal protocol is to make sure the petitioner agrees with the special condition,

44
45 Mr. Conlon said he did run into this when he was considering building on the property and he thought that
46 had come up to where they had to pay for those before they could get issued a new permit, so he wants to
47 say that the permitting has been taken care of.

48
49 Ms. Berry said that she could check the withdrawn permit tomorrow, but thinks maybe it was, however,

1 either way he paid such a significant amount for the withdrawn permit, that he can use that fee towards
2 this building permit.

3
4 Mr. Bates asked Mr. Hall if Mr. Conlon accepts the special condition, whether he has paid for it or not, he
5 is agreeing that he will pay for it, if they find out he has paid for it, it is taken care of.

6
7 Mr. Hall said correct.

8
9 Ms. Cunningham told Mr. Conlon that they basically need him to agree that he would pay for a Zoning
10 Use Permit and applicable fees for the existing office, storage buildings, and document the change of use
11 on the property.

12
13 Mr. Conlon agreed.

14
15 Ms. Cunningham thanked him.

16
17 Mr. Conlon thanked them.

18
19 Ms. Cunningham entertained a motion to adopt the Finding of Fact and special condition of approval for
20 Case 150-AM-24

21
22 **Mr. Randol moved, seconded by Mr. Roberts, to adopt the Finding of Fact and Special Condition**
23 **of approval for Case 150-AM-24. The motion passed by voice vote.**

24
25 Ms. Cunningham entertained a motion to move to the Final Determination for Case 150-AM-24.

26
27 **Mr. Roberts moved, seconded Mr. Bates, to move to the Final Determination for Case 150-AM-24.**
28 **The motion passed by voice vote.**

29
30 Ms. Cunningham referred to Attachment I, page 21 of 23.

31
32 **FINAL DETERMINATION FOR CASE 150-AM-24**

33 **Mr. Randol moved, seconded by Mr. Bates, that pursuant to the authority granted by Section 9.2 of**
34 **the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**
35 **recommends that:**

36
37 **The Zoning Ordinance Amendment requested in Case 150-AM-24 BE ENACTED by the**
38 **County Board in the form attached hereto.**

39
40 The vote was called as follows:

41
42 **Andersen – Absent Bates – Yes Cunningham – Yes Elwell – Absent**
43 **Flesner – Absent Randol – Yes Roberts – Yes**

44
45 Ms. Cunningham congratulated Mr. Conlon on Case 150-AM-24 being approved and to work with staff
46 on the permit.

47
48 Mr. Hall said this will go to the November 7, 2024, Environment and Land Use Committee, and then
49 presumably for County Board determination on November 21, 2024.

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Ms. Cunningham stated that the petitioners are still not here for Case 147-V-24.

Mr. Bates moved, seconded by Mr. Randol, to move to Case 151-V-24. The motion passed by voice vote.

CASE 151-V-24

Petitioner: **Thomas Meharry**

Request: **Authorize a variance for a proposed 3.84-acre lot in lieu of the maximum allowed 3 acres in area for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.**

Location: **An existing 3-acre tract plus .84 acres totaling 3.84 acres in the Southeast quarter of the Southwest quarter of Section 29, Township 18 North, Range 9 East of the Third Principal Meridian, in Philo Township, with an address of 1340 CR 700N, Tolono.**

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

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

Tom Meharry, 1340 County Road 700 North, Philo, stated that he had purchased this ground from the landowner that owns the one-half section in that area, he didn't pay too much attention and thought it was a pretty cut and dry deal, but he didn't realize it was only the three acres, and he wasn't getting the rest of what he mows and has mowed for years since that is where he grew up. He said it is approximately 0.84-acre, but that it will be surveyed, but it will be close to one-acre that he will be requesting to purchase from the landowner and attain the rest of the land thought he should have.

Ms. Cunningham asked him if he wanted this whole portion to be his homestead area, so he is asking for a variance to go over the three-acre maximum for lots on soil that is considered Best Prime Farmland.

Mr. Meharry said that is correct.

Ms. Cunningham asked Mr. Meharry if he had anything else.

Mr. Meharry said no, he thinks it is pretty cut and dry.

Ms. Cunningham thanked him and asked if the Board had any questions.

Mr. Bates asked Mr. Meharry if he was taking any more land out of farming production.

1
2 Mr. Meharry said no.
3
4 Mr. Bates asked him if it was the same lot lines that the homestead site sits on.
5
6 Mr. Meharry said yes.
7
8 Mr. Bates asked him if nothing is changing other than the transition of ownership.
9
10 Mr. Meharry said no, nothing has changed.
11
12 Mr. Bates asked him how long the property has been like it is.
13
14 Mr. Meharry said longer than his grandfather could remember.
15
16 Mr. Randol referred to two of the maps from the variance packet and asked him if his current property is
17 the one that has the irregular boundary.
18
19 Mr. Meharry said the irregular boundary is what he is proposing to do, the current boundary is the one
20 that looks more square.
21
22 Mr. Randol said right.
23
24 Mr. Meharry said when he found out he could only obtain three-acres at that time, they at least let him
25 pick the three-acres he could obtain and that is what they came up with, but the remainder of that irregular
26 shape is already there.
27
28 Mr. Bates said the irregular shape that he qualified as mowing is not tillable farmland now.
29
30 Mr. Meharry said no.
31
32 Mr. Bates asked if he was taking any more farmland out of production.
33
34 Mr. Meharry said there is no tillable farmland being taken out of production at all. He said the rear of the
35 property borders a waterway, and east and west goes to the tillable ground.
36
37 Ms. Cunningham asked if the property is in grass currently.
38
39 Mr. Meharry said yes, it's all in sod.
40
41 Ms. Cunningham asked if there were any other questions from the Board or Staff. Seeing none, she
42 entertained a motion to close the Witness Register for Case 151-V-24.
43
44 **Mr. Roberts moved, seconded by Mr. Bates, to close the Witness Register for Case 151-V-24. The**
45 **motion passed by voice vote.**
46
47 Ms. Cunningham entertained a motion to move to the Finding of Fact for Case 151-V-24.
48
49 **Mr. Roberts moved, seconded by Mr. Bates, to move the Finding of Fact for Case 151-V-24. The**

1 **motion passed by voice vote.**
2

3 Ms. Cunningham referred to Attachment H on pages 9 of 10.
4

5 **FINDING OF FACT FOR CASE 151-V-24**

6 From the documents of record and the testimony and exhibits received at the public hearing for zoning
7 case **151-V-24** held on **October 17, 2024**, the Zoning Board of Appeals of Champaign County finds that:
8

9 **1. Special conditions and circumstances {DO / DO NOT} exist which are peculiar to the land or**
10 **structure involved, which are not applicable to other similarly situated land and structures**
11 **elsewhere in the same district because:**
12

13 Mr. Bates said the special conditions and circumstances **DO** exist which are peculiar to the land or
14 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
15 the same district, because the petitioner wants to expand their property to include the surrounding grass
16 area and trees. He said the proposed 3.84-acre lot will provide adequate setbacks for the existing structures
17 and will not remove any land from agricultural production.
18

19 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**
20 **sought to be varied {WILL / WILL NOT} prevent reasonable or otherwise permitted use of**
21 **the land or structure or construction because:**
22

23 Mr. Randol said the practical difficulties or hardships created by carrying out the strict letter of the
24 regulations sought to be varied **WILL NOT** prevent reasonable or otherwise permitted use of the land or
25 structure or construction, because without the proposed variance, the petitioners would not have access to
26 the full area that has been used as part of the farmstead for many years, and the surrounding farmland
27 would be left with an area that is not practical for farming.
28

29 **3. The special conditions, circumstances, hardships, or practical difficulties {DO / DO NOT}**
30 **result from actions of the applicant because:**
31

32 Mr. Bates said the special conditions, circumstances, hardships, or practical difficulties **DO NOT** result
33 from actions of the applicant, because the area of the proposed lot has been used as a farmstead prior to
34 the adoption of the Champaign County Zoning Ordinance. He said the petitioner purchased the maximum
35 of three acres that is allowed by the Zoning Ordinance and seeks to add the additional area of the farmstead
36 to their property through the variance process.
37

38 **4. The requested variance {IS / IS NOT} in harmony with the general purpose and intent of the**
39 **Zoning Ordinance because:**
40

41 Mr. Bates said the requested variance **IS** in harmony with the general purpose and intent of the Zoning
42 Ordinance because no land is proposed to be taken out of production.
43

44 **5. The requested variance {WILL / WILL NOT} be injurious to the neighborhood or otherwise**
45 **detrimental to the public health, safety, or welfare because:**
46

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

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

Mr. Randol said the requested variance **IS** the minimum variation that will make possible the reasonable use of the land and structure, because it is the minimum lot size that will encompass all of the grass area and trees of the existing farmstead area.

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

Ms. Cunningham entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings of Fact for Case 151-V-24.

Mr. Bates moved, seconded by Mr. Randol, to adopt the Summary of Evidence, Documents of Record, and Findings of Fact for Case 151-V-24. The motion passed by voice vote.

Ms. Cunningham entertained a motion to move to the Final Determination for Case 151-V-24.

Mr. Bates moved, seconded by Mr. Randol, to move to the Final Determination for Case 151-V-24. The motion passed by voice vote.

Ms. Cunningham referred to Attachment H on pages 10 of 10.

FINAL DETERMINATION FOR CASE 151-V-24

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

The Variance requested in Case 151-V-24 is hereby GRANTED to the petitioner, Thomas Meharry, to authorize the following:

Authorize a variance for a proposed 3.84-acre lot in lieu of the maximum allowed 3 acres in area for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.

The vote was called as follows:

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

Ms. Cunningham congratulated Mr. Meharry on his Case 151-V-24 being approve. She said if there is anything else, Staff will help him with that.

Ms. Cunningham said the Hay’s were still not present for Case 147-V-24.

Mr. Bates asked if a motion to reschedule Case 147-V-24 was needed.

1 Mr. Hall said in the situation where no one shows up, it is within the Board’s discretion to dismiss or
2 continue the Case.

3
4 Mr. Bates asked what the Staff recommends they do.

5
6 Mr. Hall said he wouldn’t see an issue with continuing to a different meeting date and asked Mr. Campo
7 if he found out anything.

8
9 Mr. Campo said yes, that was Ms. Hay on the phone and her husband is still at work, he was the one
10 planning to attend the meeting, and Ms. Hay is sick and at home with the kids, so neither of them can
11 make it right now. He said she left a message on the office phone after 4:30p.m., so it went to voicemail.

12
13 Mr. Bates made a motion to move to Case 147-V-24 to the next meeting date, which he would take
14 recommendations from staff on what would be the best date.

15
16 Mr. Hall asked the Board if they thought they could fit it in on October 31, 2024.

17
18 Ms. Cunningham said these are all cases similar to what they did tonight.

19
20 Mr. Hall said yes.

21
22 Ms. Cunningham said if they could do it October 31, 2024, oh you know what, they’re not going to be
23 able to come, because they have kids and it’s Halloween.

24
25 Ms. Cunningham asked what the chances that Mr. Parkhill will be here on November 14, 2024.

26
27 Mr. Bates asked if they have to decide tonight or can staff contact the Petitioner about meeting date that
28 would work for them.

29
30 Mr. Hall said no, they need to continue to a date certain.

31
32 Mr. Randol said then why don’t they try November 14, 2024. Mr. Bates and Ms. Cunningham agreed.

33
34 **Mr. Bated moved, seconded by Mr. Randol, to move Case 147-V-24 to the November 14, 2024,**
35 **meeting. The motion passed by voice vote.**

36
37 **8. Staff Report –**

38
39 Ms. Cunningham asked if there was a staff report this evening.

40
41 Mr. Hall said there is none.

42
43 **9. Other Business**
44 **A. Review of Docket**

45
46 Mr. Bates said his term is coming up on November 1, 2024, he believes.

47
48 Mr. Hall said usually it’s the end of November.

49

1 Mr. Bates said he is happy to continue on and make sure they have a Board that's intact. He said he knows
2 they have some other things going and has seen some things come out through Farm Bureau that they are
3 looking for individuals to serve on the Board, so he doesn't know if that is for replacement or for the open
4 seat. He said he is happy to continue on if there is a spot for him, but not interested in filling out paperwork
5 if he is going to be replaced. He asked if there was any insight on that from Mr. Summers.

6
7 Mr. Hall said he wouldn't know if there was or not.

8
9 Mr. Bates said his intent is not to leave the Board short, he would love to continue on, but he has no desire
10 to meet the fate of the two individuals that they were on the Board with that were replaced. He said he is
11 open to suggestions and doesn't want to leave the Board short.

12
13 Mr. Hall said the only way to not leave the Board short is to submit an application, again, he may be doing
14 that for not, he doesn't know.

15
16 Mr. Bates said that is fair, he said he will submit an application in good faith that he will be reappointed,
17 if it doesn't happen, it doesn't happen.

18
19 Mr. Hall said he'll have more Thursday evenings.

20
21 Mr. Randol said if it doesn't happen, he is resigning.

22
23 Mr. Bates said fair enough, he'll apply for his spot. He told Mr. Hall that he could expect his application
24 to be reappointed.

25
26 Mr. Hall said he can pass that message along to Mr. Summers, that he is doing this for the Board.

27
28 Mr. Bates said yes, but if the intent is that they have somebody else to replace him, then he fully
29 understands and appreciates the information.

30
31 Mr. Hall thanked him.

32
33 Ms. Cunningham asked if there was any other business.

34
35 **10. Adjournment**

36
37 Ms. Cunningham entertained a motion to adjourn.

38
39 **Mr. Roberts moved, seconded by Mr. Randol, to adjourn the meeting. The motion carried by voice**
40 **vote.**

41
42 The meeting adjourned at 7:12p.m.

43
44 Respectfully Submitted,

45
46 Secretary of the Zoning Board of Appeals