

## **CASE NO. 073-V-22**

*PRELIMINARY MEMORANDUM*

*November 22, 2022*

**Petitioners: Eastern Illini Electric Cooperative, via Agent Paul Crutcher**

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

**Authorize a variance for an existing structure with a front yard of 18 feet and a setback from the centerline of CR700N of 38 feet in lieu of the minimum required 25 feet front yard and 55 feet setback, per Section 4.3.4 of the Zoning Ordinance, on the subject property described below:**

**Subject Property: An existing 1.08-acre parcel located in Tolono Township in the North Half of the Northeast Quarter of the Northeast Quarter of Section 34 of Township 18 N, Range 8 E of the Third Principal Meridian with an address of 981 CR, Tolono, on land that is East of the Premier Cooperative grain elevator at 949 CR 700N, Tolono.**

**Site Area: 1.08 acres (47,045 square feet)**

**Time Schedule for Development: Already in use**

**Prepared by: Trevor Partin, Associate Planner  
Susan Burgstrom, Senior Planner  
John Hall, Zoning Administrator**

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## **BACKGROUND**

The petitioner requests a variance for an existing control building that resides within an electrical substation that does not meet the minimum setback and front yard requirement along CR 700N, Tolono. They would like to have the existing control building remain where it currently is to avoid having to re-route and re-do all the existing underground work.

The electrical substation was built under ZUPA #302-15-01 approved on May 18, 2016, to provide the neighboring Premier Cooperative facility with reliable electricity. The approved Site Plan from ZUPA #302-15-01 (Attachment D) was the approved site plan from Case 788-S-14 dated November 13, 2014, and that Site Plan showed the control building at the back of the substation where there was no issue with setback or front yard requirements. However, in the review of that permit, P&Z Staff apparently overlooked a more recent site plan that had been submitted on April 4, 2016 (Attachment E), that placed the control building at the front of the lot. This newer site plan should have been the basis for review of ZUPA #302-15-01 and it would have prompted the variance for front yard and setback in 2016. The petitioners constructed the control building at the front of the substation where they thought it had been approved.

The petitioner states the current placement of the control building saved costs with wire and conduit, and labor as opposed to placing the control building in the southwest corner of the substation. The petitioner states that the current location of the building is in a more suitable location for the operation of the substation as it is closer to the electrical equipment while maintaining the driveway of the substation, which abuts the control building.

The substation and control building have been in use for many years and have received no complaints. The control building does not impede traffic safety, visibility, or traffic flow.

No other comments have been received from relevant jurisdictions or the public.

### **EXTRATERRITORIAL JURISDICTION**

The subject property is located within the one and one-half mile extraterritorial jurisdiction of the Village of Tolono, a municipality with zoning. Municipalities do not have protest rights on a variance and are not notified of such cases.

The subject property is located in Tolono Township, which does not have a Plan Commission. Townships with Plan Commissions have protest rights on a variance and are notified of such cases.

### **EXISTING LAND USE AND ZONING**

**Table 1. Land Use and Zoning in the Vicinity**

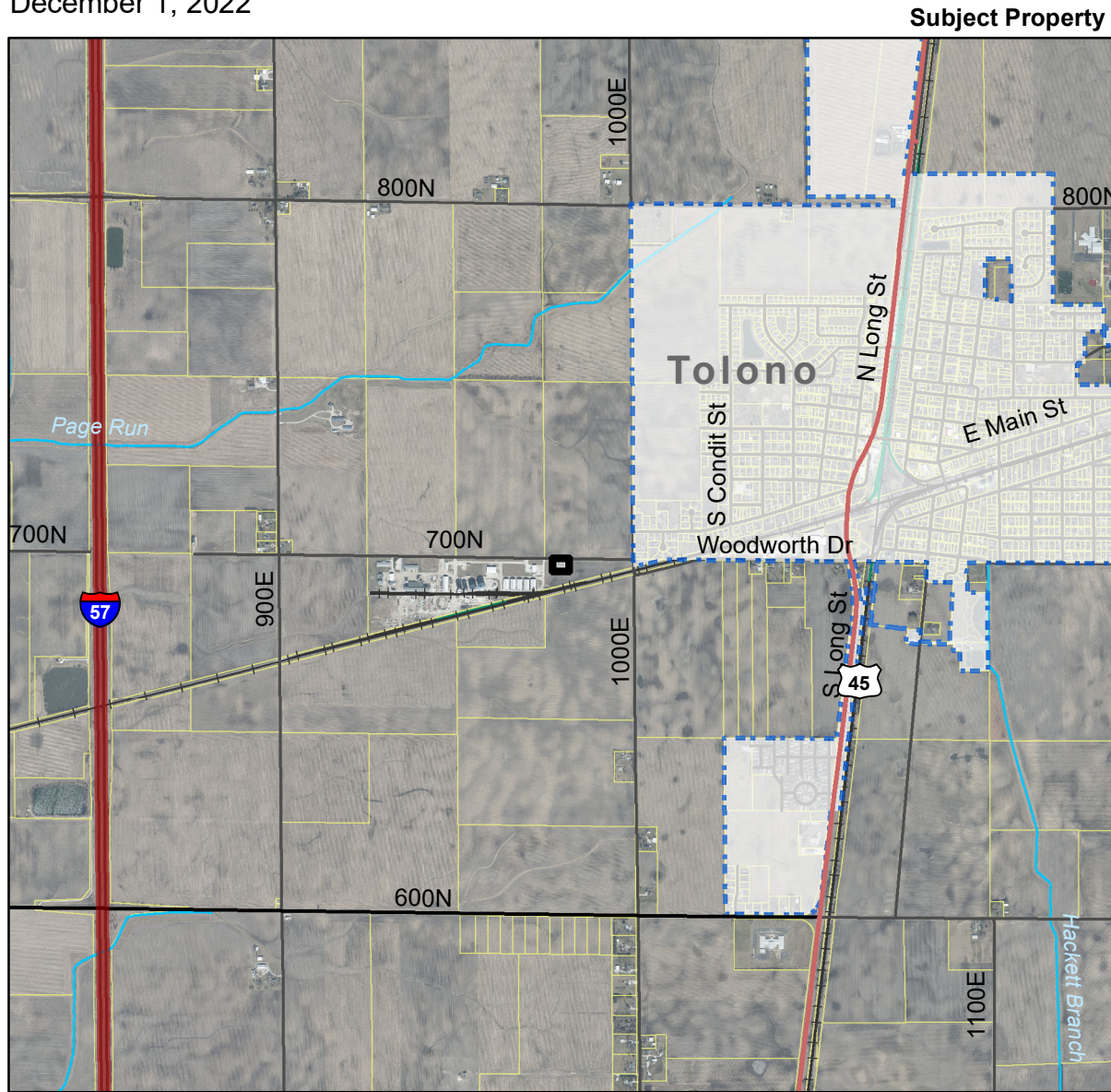
Direction	Land Use	Zoning
Onsite	Commercial	I-1 Light Industry
North	Agriculture	AG-1 Agriculture
South	Agriculture	I-1 Light Industry
East	Agriculture	I-1 Light Industry
West	Premier Cooperative	I-1 Light Industry

### **ATTACHMENTS**




- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received September 1, 2022
- C Annotated 2020 Aerial Photo created by P&Z Staff on November 17, 2022
- D Approved Site Plan from ZUPA #302-15-01 approved May 18, 2016
- E Site Plan dated April 4, 2016
- F Email from petitioner received and dated November 3, 2022
- G Images of subject property taken September 30, 2022
- H Draft Summary of Evidence, Finding of Fact, and Final Determination dated December 1, 2022

# Location Map

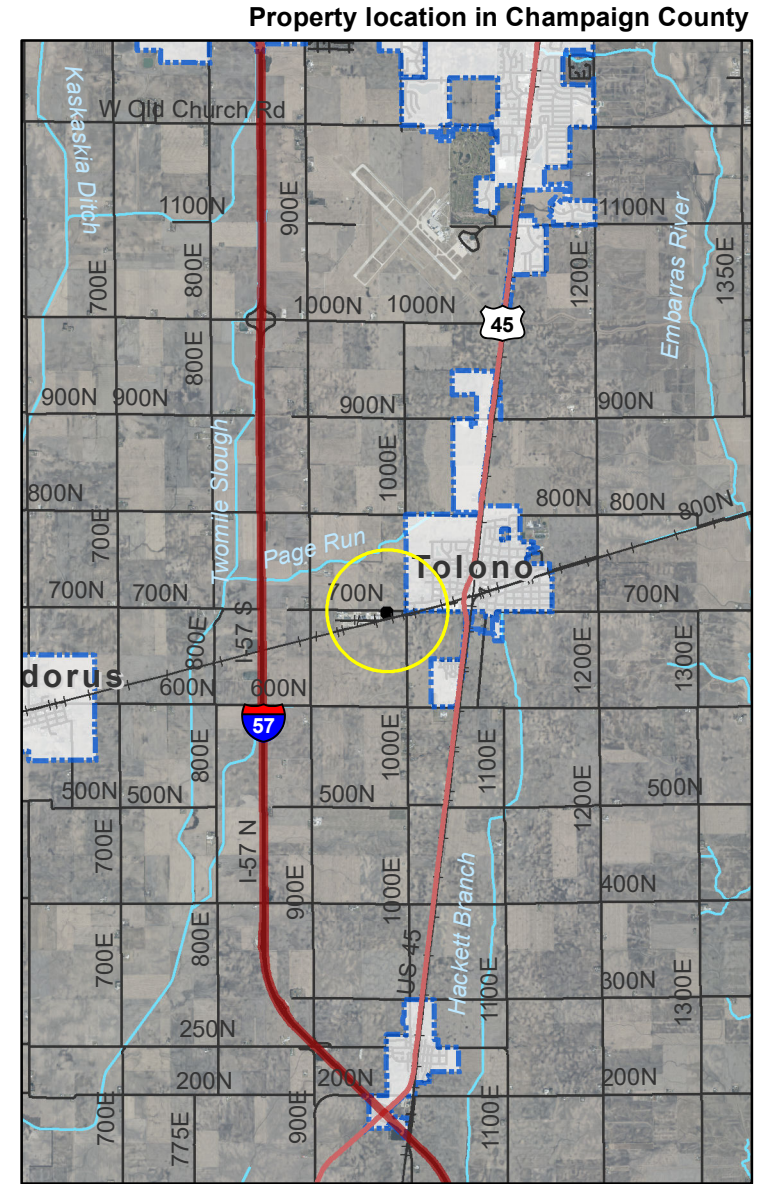
Case 073-V-22  
December 1, 2022



Subject Property

- Legend**
-  Subject Property
  -  Parcels
  -  Municipal Boundary

0 0.1250.25 0.5 Miles



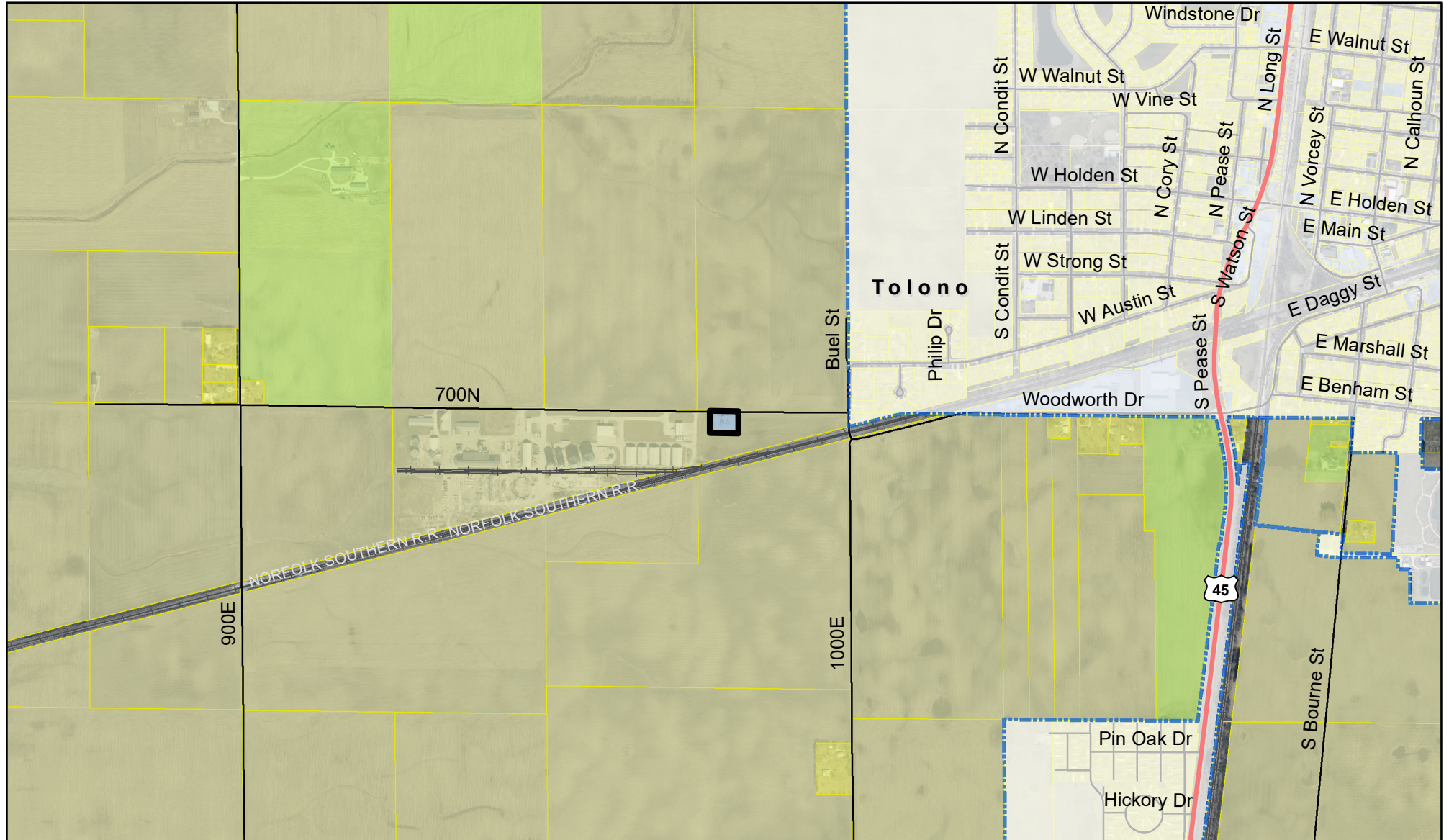
Property location in Champaign County

0 0.5 1 2 Miles



# Land Use Map

Case 073-V-22  
December 1, 2022



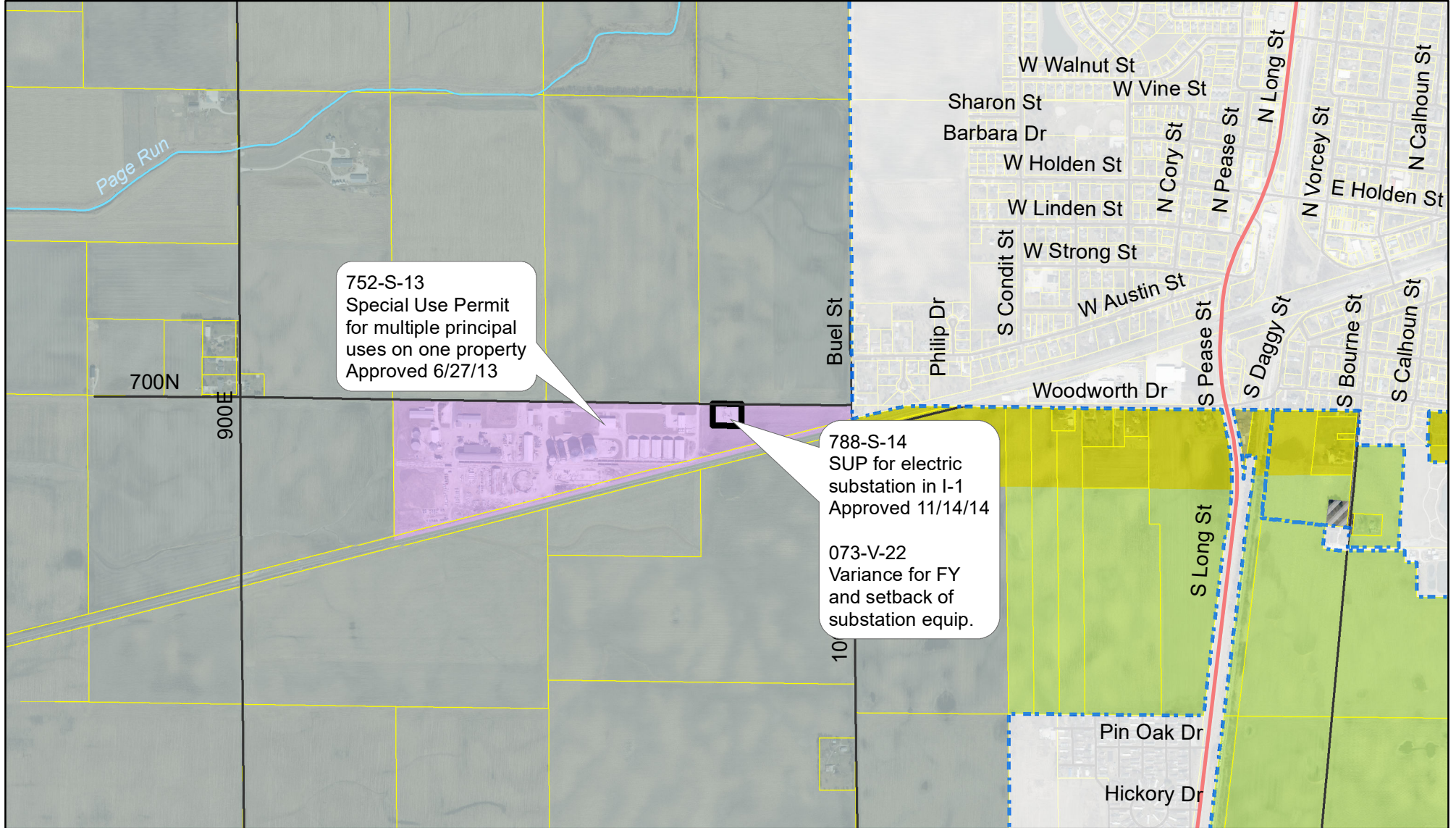
- Subject Property
- Parcels
- Agriculture
- Ag/Residential
- Residential
- Commercial

0 300 600 1,200 Feet

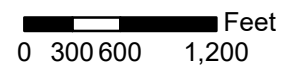
Champaign County  
Department of  
PLANNING &  
ZONING

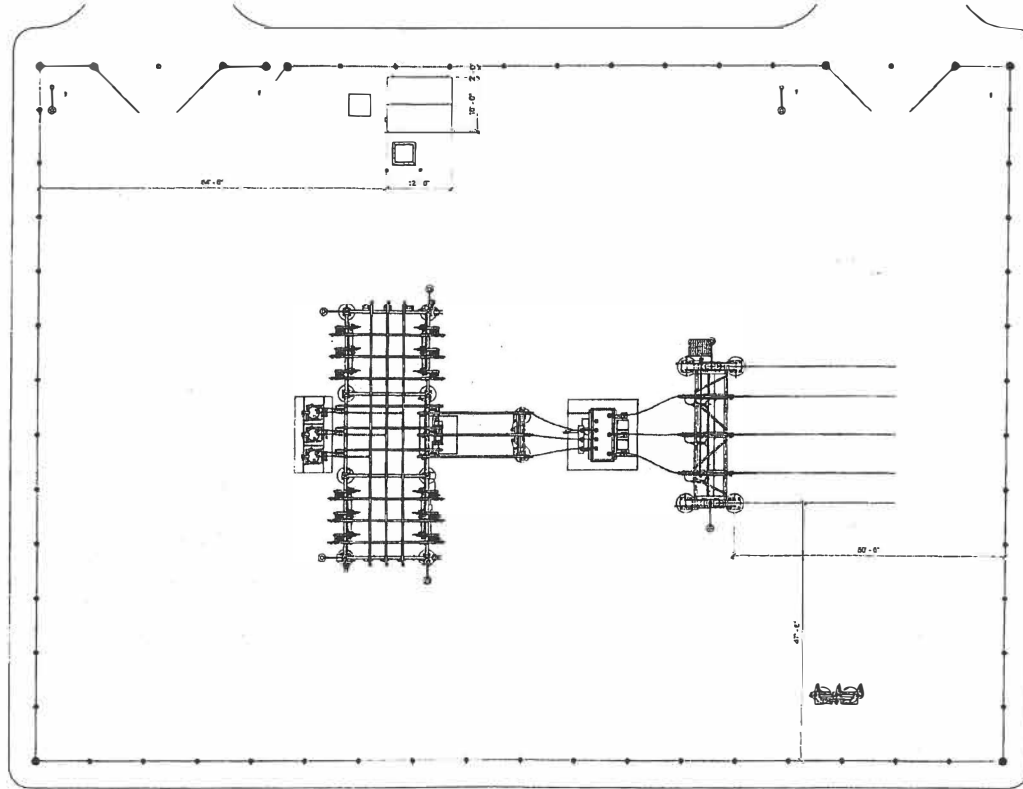
# Zoning Map

Case 073-V-22  
December 1, 2022



- Municipal Boundary
- Subject Property
- Parcels
- CR Conservation Recreation
- AG-1 Agriculture
- AG-2 Agriculture
- R-1 Single-Family Residence
- R-2 Single-Family Residence
- R-4 Multi-family Residence
- I-1 Light Industry
- Annex Agreement





1 OVERALL PLAN VIEW

**RECEIVED**

SEP 01 2022

CHAMPAIGN CO. P & Z DEPARTMENT

AN EFFORT HAS BEEN MADE IN THE REVISION OF THESE RECORD DRAWINGS TO ACCOUNT FOR INSTANCES IN WHICH THE INSTALLATION DEPARTED SIGNIFICANTLY FROM THE ENGINEER'S DESIGN. HOWEVER, THE INFORMATION IN THESE RECORD DRAWINGS IS UNVERIFIED AND THE ENGINEER CANNOT AND DOES NOT WARRANT THEIR ACCURACY. IT IS RECOMMENDED THAT UNDERGROUND FACILITIES BE LOCATED BEFORE DODGING.

RECORD DRAWING



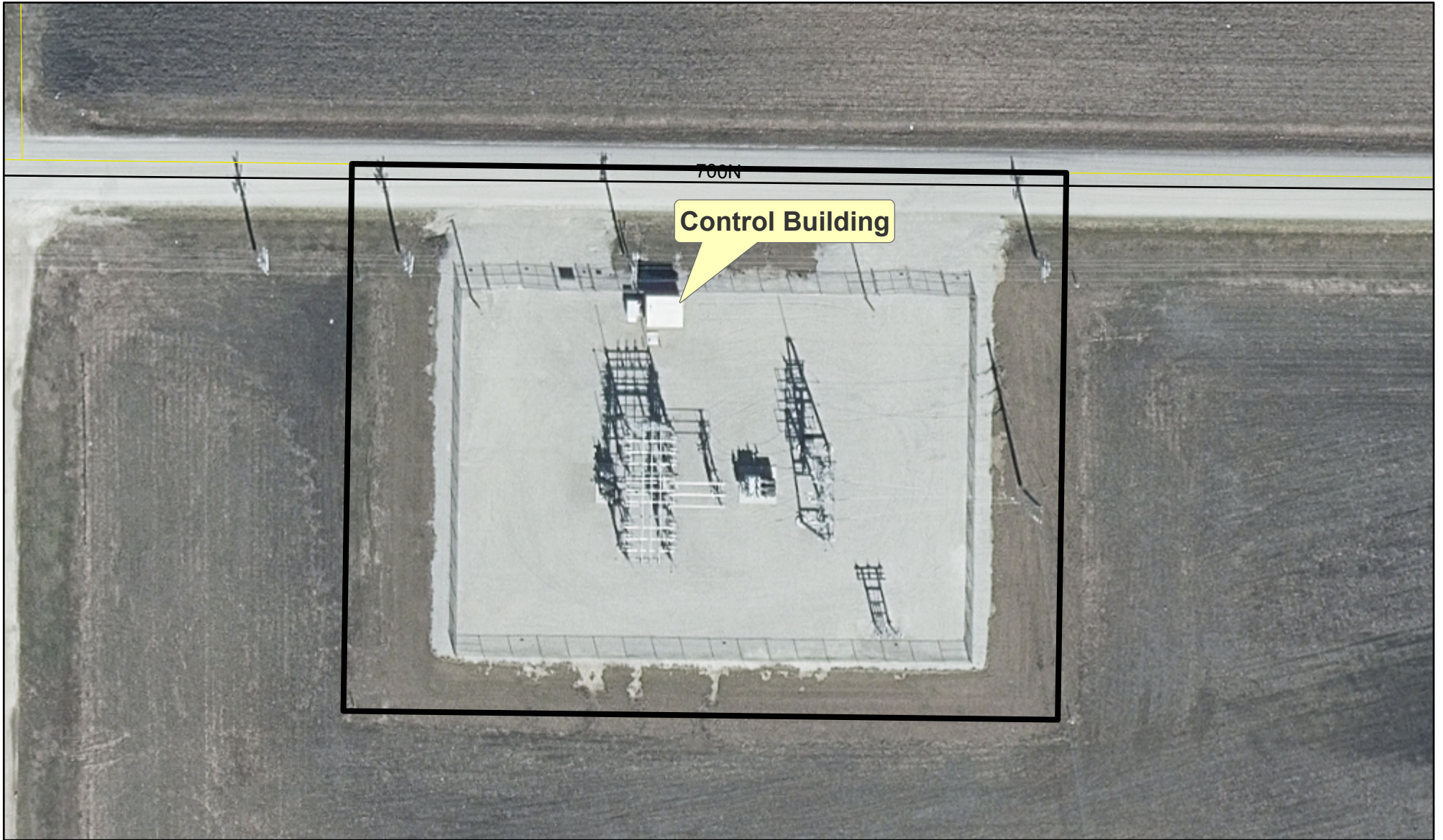
DATE	REVISION	#
02/15/18	DESIGNED FOR CONSTRUCTION	0
06/15/18	REVISED FOR CONSTRUCTION	1
12/21/18	RECORD DRAWING	1

**ATOTM**  
**ASSOCIATES**  
 600 S. WASHINGTON, SUITE 200  
 SPRINGFIELD, ILLINOIS 62762  
 PH: 618-682-6143 FAX: 618-682-6127  
 WWW.ATOTM.COM  
 LICENSED PROFESSIONAL ENGINEER  
 STATE OF ILLINOIS  
 LICENSE NO. 057292518


PROJECT	TOLONO 69 KV SUBSTATION
CLIENT	PRAIRIE POWER, INC SPRINGFIELD, ILLINOIS ILLINOIS-63-MACON
LOCATION	801 COUNTY ROAD 100 N, TOLONO, IL 61880
TITLE	OVERALL PLAN VIEW
DATE	E-101

# Annotated 2020 Aerial

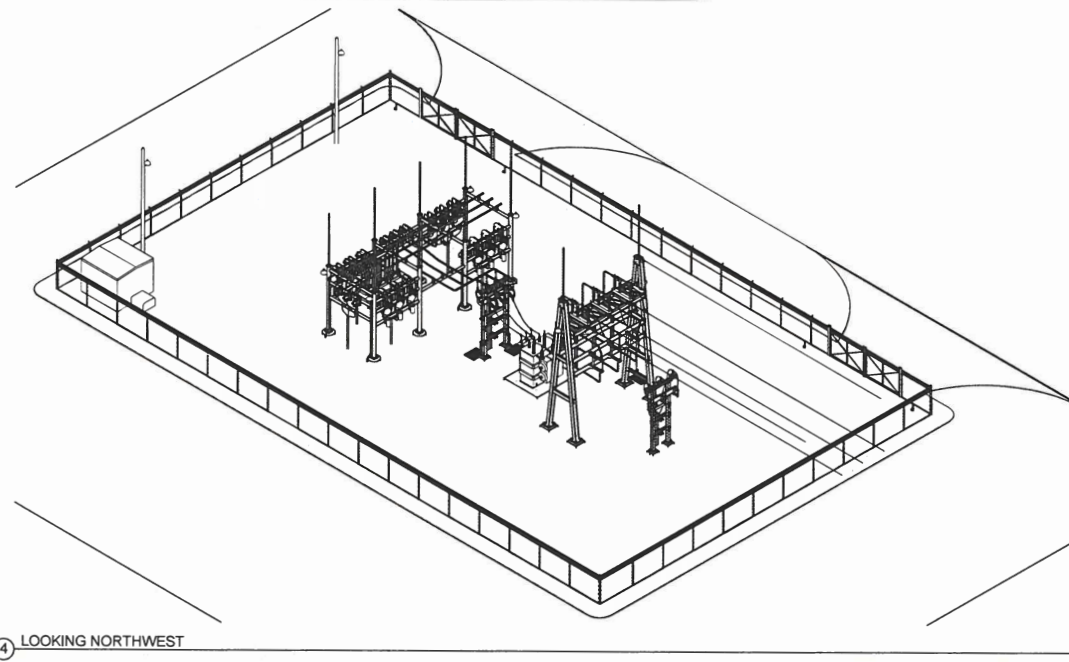
Case 073-V-22  
December 1, 2022



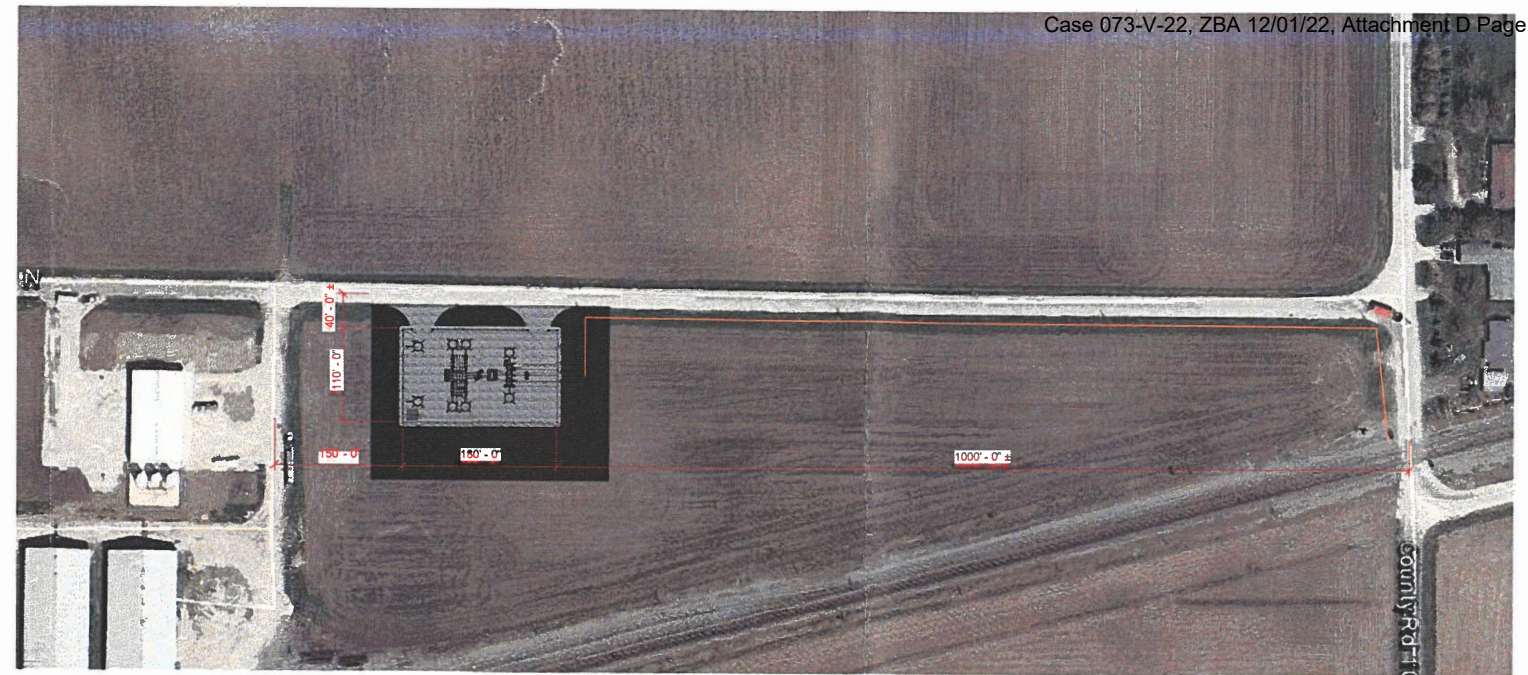
 Subject Property

 Feet  
0 10 20 40

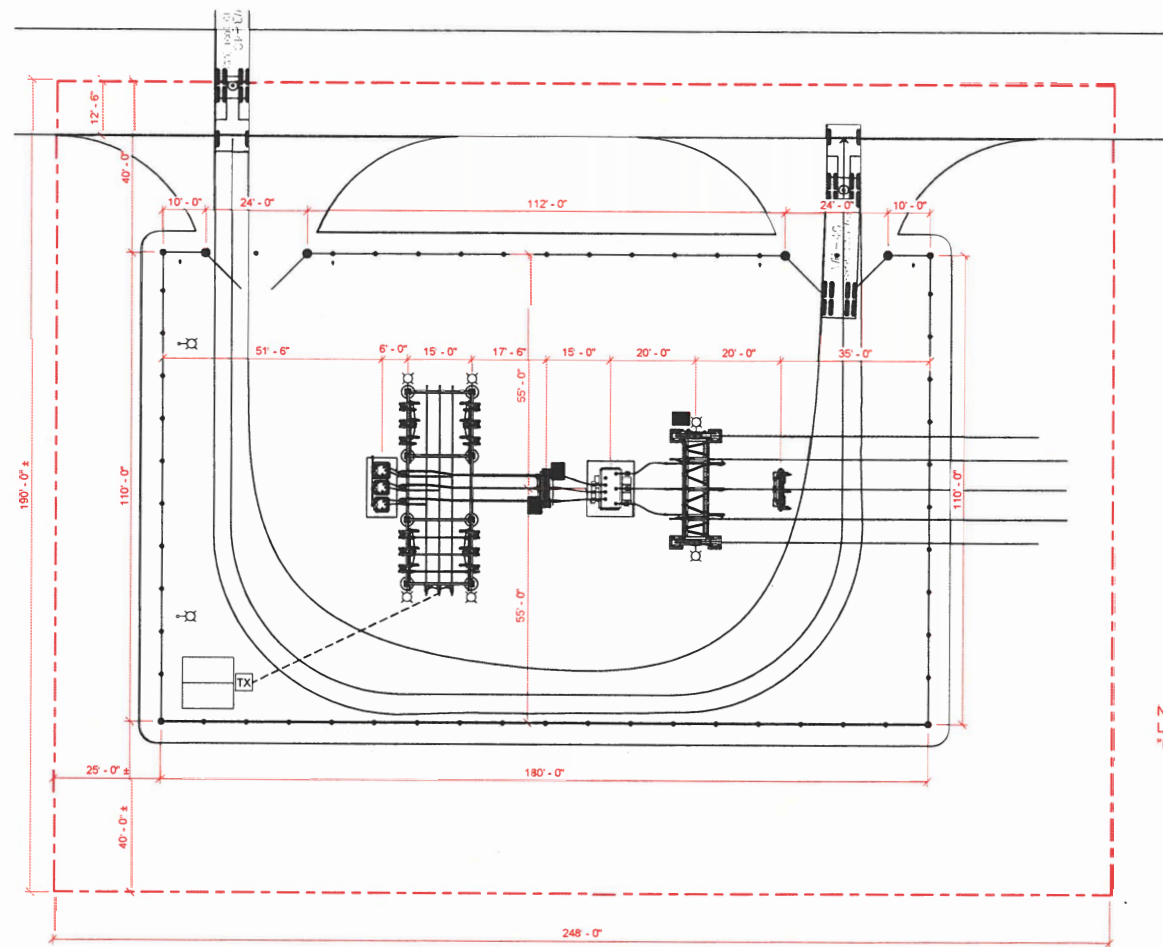
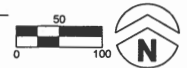




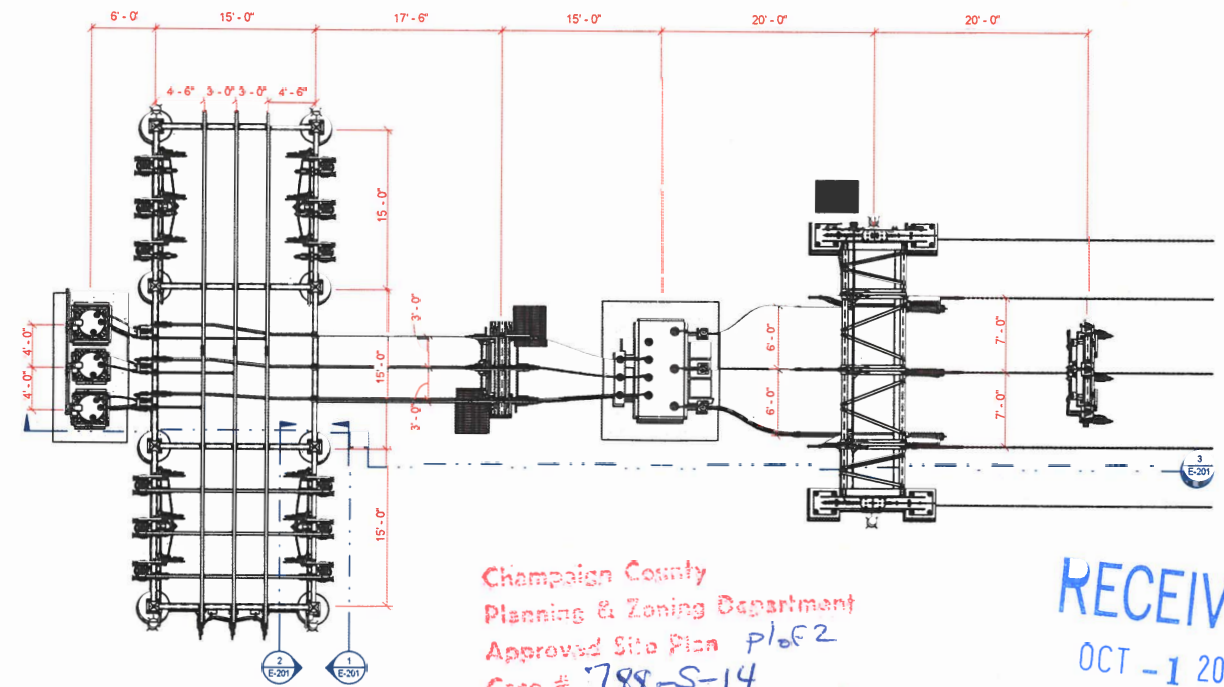
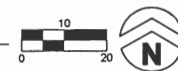
4 LOOKING NORTHWEST



3 CONCEPTUAL SITE PLAN  
1" = 100'-0"



2 OVERALL PLAN VIEW  
1" = 20'-0"



NOTE ALL YARD AREA LIGHTING TO BE IESNA "FULL CUTOFF" FIXTURES

1 ENLARGED PLAN VIEW  
1/8" = 1'-0"



Champaign County  
Planning & Zoning Department  
Approved Site Plan p1 of 2  
Case # 788-S-14  
Date: 11/13/14

RECEIVED  
OCT - 1 2014  
CHAMPAIGN CO. P & Z DEPARTMENT

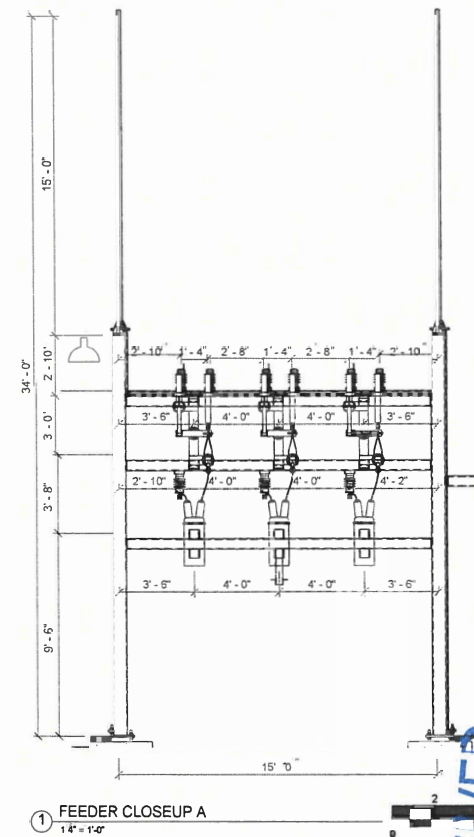
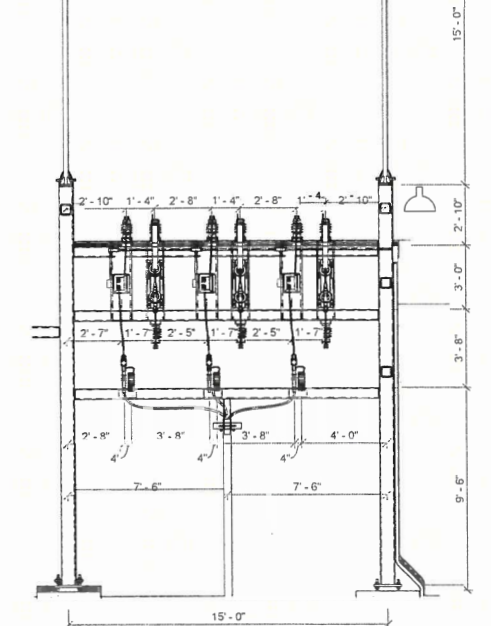
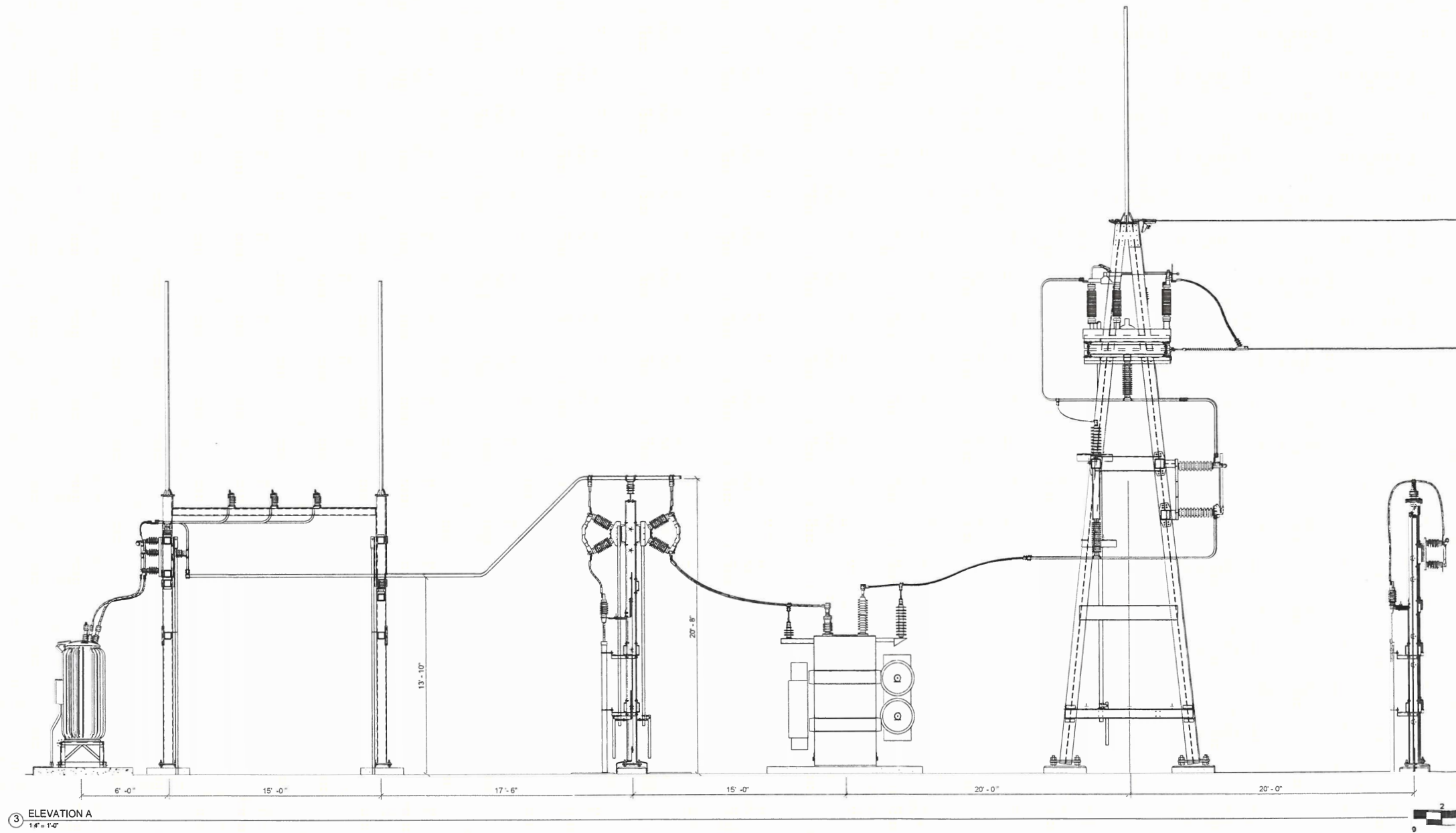
PRELIMINARY  
NOT FOR  
CONSTRUCTION

DATE	REVISION	#	DRAWN BY	PROJECT
			AJH	TOLONO SUBSTATION
			CHKD BY: NTM	LOCATION:
			APPRD BY: DCF	CLIENT:
			DATE: 08/04/14	EASTERN ILLINOIS ELECTRIC COOPERATIVE PAXTON, ILLINOIS ILLINOIS - 53 - CHAMPAIGN
			SCALE: AS NOTED	TITLE:
			© 2014 Toth and Associates, Inc. Drawings and specifications are not intended for use on other projects at this site or other sites without written approval of the engineer.	PLAN VIEW
			Graphic scale may change due to drawing reproduction	E-101



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9/19/2014 3:17:59 PM



**PRELIMINARY  
NOT FOR  
CONSTRUCTION**

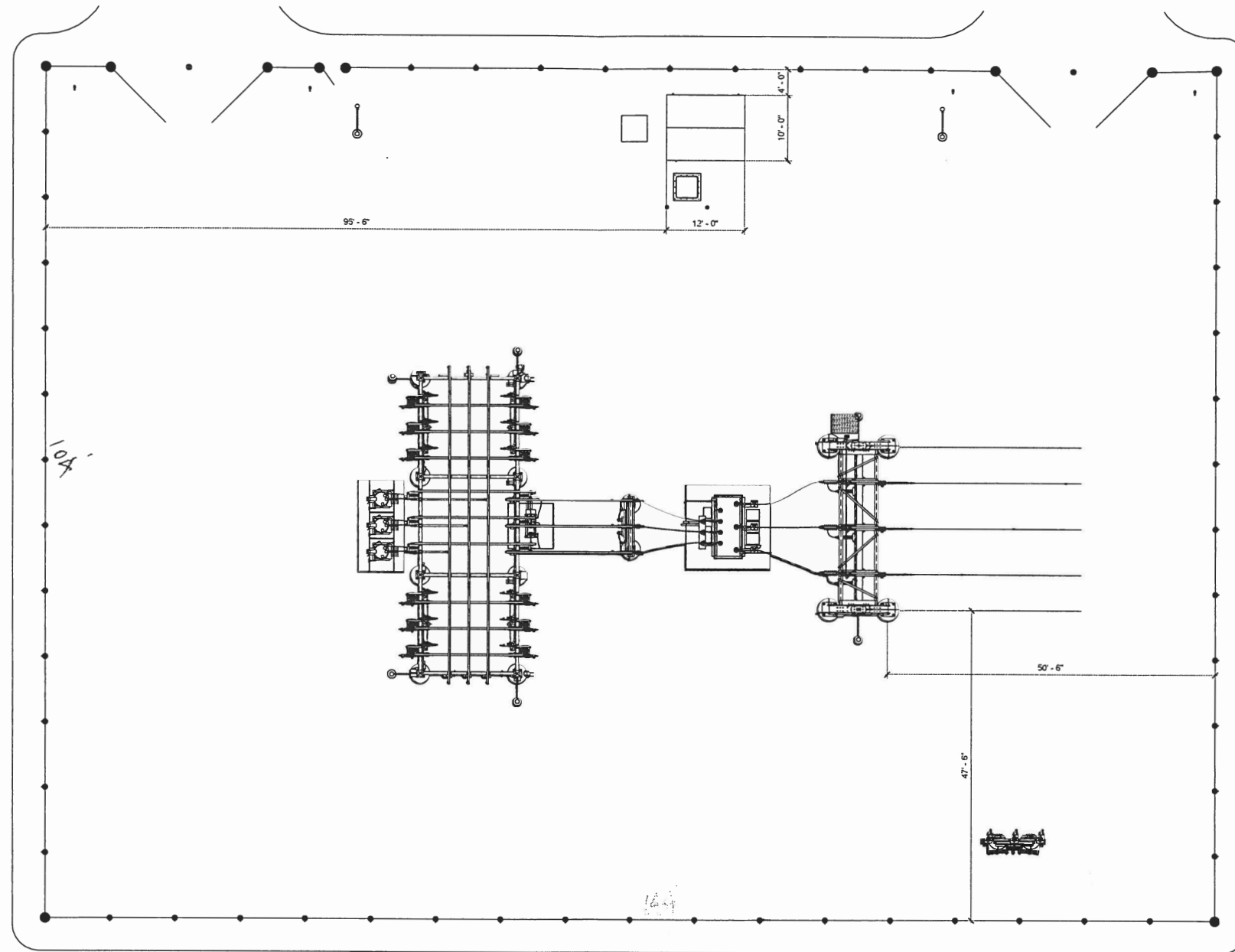
DATE	REVISION	#

**Toth & Associates, Inc.**  
CONSULTING ENGINEERS  
830 E PRIMROSE SUITE 200  
SPRINGFIELD, MO 65807  
Ph: 417-888-0545 Fax: 417-888-0557  
www.tothassoc.com  
CERTIFICATE OF AUTHORITY  
IL# 184004776  
© 2014 Toth and Associates, Inc.

DRAWN BY: Author  
CHKD BY: Checker  
APPD BY: Approver  
DATE: 09/18/14  
SCALE: AS NOTED  
Graphic scale may change due to drawing reproduction

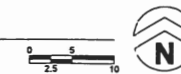
PROJECT:	TOLONO SUBSTATION
LOCATION:	EASTERN ILLINOIS ELECTRIC COOPERATIVE PAXTON, ILLINOIS ILLINOIS - 53 - CHAMPAIGN
TITLE:	ELEVATIONS
SHEET NO:	E-201

**RECEIVED**  
 OCT 1 2014  
 CHAMPAIGN COUNTY PLANNING & ZONING DEPARTMENT  
 Approved Site Plan  
 Zone # 788 S-14  
 Date: 11/13/14  
 Approved Site Plan  
 Zone # 302-15-01  
 Date: 5/18/14



RECEIVED  
 APR 04 2016  
 CHAMPAIGN CO P & Z DEPARTMENT

1 OVERALL PLAN VIEW  
 1" = 10'-0"



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10/7/2015 10:03:19 AM

PRELIMINARY  
 NOT FOR  
 CONSTRUCTION

DATE	REVISION	#

**TOTH & ASSOCIATES**  
 830 E PRINCIPLE, SUITE 200  
 SPRINGFIELD, MO 65807  
 Ph: 417-888-0645 Fax: 417-888-0657  
 www.tothassociates.com  
 CERTIFICATE OF AUTHORITY  
 CR# Not Required  
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DESIGNED BY: AJH CHECKED BY: NTM APPROVED BY: DCF DATE: 05/20/2015 SCALE: AS SHOWN DRAWING REPRODUCTION: Graphic scale may change due to drawing reproduction	PROJECT: TOLONO 69 KV SUBSTATION LOCATION: LAT: 39.961131, LONG: -89.278997, CHAMPAIGN COUNTY, IL CLIENT: PRAIRIE POWER, INC. SPRINGFIELD, ILLINOIS ILLINOIS-53-MACON TITLE: OVERALL PLAN VIEW SHEET NO: E-101
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**Susan Burgstrom**

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**From:** Paul Crutcher <paul.crutcher@eiec.coop>  
**Sent:** Thursday, November 3, 2022 3:07 PM  
**To:** Trevor Partin  
**Cc:** Brad Smith; Paul Crutcher  
**Subject:** RE: Upcoming Variance Case for EIEC

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

RECEIVED

NOV 03 2022

CHAMPAIGN CO. P & Z DEPARTMENT

**CAUTION:** External email, be careful when opening.

Hello Trevor,

I'll be happy to help as much as possible. I joined EIEC as the electrical engineer in 2018, and the decision to re-locate the control building pre-dates my involvement. In fact, it pre-dates all of the current management team at EIEC.

We've reached out to those involved at the time, Alan included, who have since retired to ask the same questions in the variance application that we filed. Unfortunately, there weren't very many memories of the project.

I have documentation concerning the permit application and the drawing submitted to the county on October 1<sup>st</sup>, 2014. The next drawing set I have is 6/16/2016 with the control building being relocated to the north fence line. Unfortunately, the project binder doesn't have anything about specifically why the building was re-located. I had hoped to find evidence of an underground obstruction or soil condition that showed additional benefit to relocating the building.

I do know that the current placement of the building saved quite a bit of wire and conduit, digging, and labor, as opposed to the SW corner of the substation. The placement is more centrally located to the electrical equipment while maintaining our driveway around the back (south side) of the structure.

Additionally, this was the third in a series of distribution substations that EIEC build in the time period, so we were also able to save quite a bit of design labor and drawing preparation. Furthermore, utilizing the same layout again was more efficient for the construction contractor, being able to follow familiar plans rather than following a novel layout.

I hope this is an adequate answer. If you'd like to discuss this information ahead of the board meeting, my direct line is 217-379-0437. My hours are 6:30 to 3:30 Monday through Friday.

I've copied my boss on the email as well, since he'll also be attending the variance meeting. Are we scheduled to appear at the November or December meeting?

Thanks,  
Paul Crutcher  
Eastern Illini Electric Cooperative  
217-379-0437

**From:** Trevor Partin <tpartin@co.champaign.il.us>  
**Sent:** Tuesday, November 1, 2022 4:47 PM  
**To:** Paul Crutcher <paul.crutcher@eiec.coop>  
**Subject:** Upcoming Variance Case for EIEC

**\*\*EXTERNAL E-MAIL\*\***

Good afternoon Paul,

I am with the Champaign County Department of Planning and Zoning and I am preparing your upcoming Variance Case 073-V-22 to allow for shorter setbacks than allowed in the Zoning Ordinance for a Control Building.

In preparing the case I was wondering if there was any structural and/or infrastructure related reason for the control building being built on the north end of the lot? As opposed to the south side of the lot where the original site plan in 2014 indicated it would be.

Looking forward to your response. I am easiest to reach via email.

Best,  
Trevor Partin

**Trevor Partin**  
Associate Planner

Champaign County Department of Planning & Zoning  
1776 East Washington Street  
Urbana, IL 61802  
[tpartin@co.champaign.il.us](mailto:tpartin@co.champaign.il.us)

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### 073-V-22 Site Images



**From CR 700N adjacent to subject property, facing SW to existing substation, monopole, and control building (small structure near road) Premier Co-op is pictured towards the west.**



**From 700N adjacent to subject property, facing SW to existing substation, monopole, and control building (small structure near road). Premier Co-op is pictured towards the West.**

### 073-V-22 Site Images



**From CR 700N adjacent to subject property, facing SE to existing substation, monopole, and control building**



**From CR 700N adjacent to subject property, facing SE to existing substation and control building**

**PRELIMINARY DRAFT**

**073-V-22**

**SUMMARY OF EVIDENCE, FINDING OF FACT  
AND FINAL DETERMINATION  
of  
Champaign County Zoning Board of Appeals**

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Final Determination: ***{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED}***

Date: ***{December 1, 2022}***

Petitioner: **Eastern Illini Electric Co-op, via agent Paul Crutcher**

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

**Authorize a variance for an existing structure with a front yard of 18 feet and a setback from the centerline of CR 700N of 38 feet in lieu of the minimum required 25 feet front yard and 55 feet setback, per Section 4.3.4 of the Zoning Ordinance.**

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**Case 073-V-22 Final Determination ..... 12**

**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **December 1, 2022**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioner Eastern Illini Electric Co-op, 330 West Ottawa, Paxton, Illinois, owns the subject property.
2. The subject property is an existing 1.08-acre parcel located in the North Half of the Northeast Quarter of the Northeast Quarter of Section 34 of Township 18 N, Range 8 E of the Third Principal Meridian in Tolono Township with an address of 981 CR 700N, Tolono, on land that is east of the Premier Cooperative grain elevator at 949 CR 700N, Tolono.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - A. The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the Village of Tolono, a municipality with zoning. Municipalities do not have protest rights on a variance and are not notified of such cases.
  - B. The subject property is located within Tolono Township, which does not have a Plan Commission. Townships with Plan Commissions have protest rights on a variance and are notified of such cases.

**GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY**

4. Land use and zoning on the subject property and in the vicinity are as follows:
  - A. The subject property is a 1.08-acre lot and is zoned I-1 Light Industry. Land use is an electric substation.
  - B. Land to the north is zoned AG-1 Agriculture and is agricultural in use.
  - C. Land to the south and east is zoned I-1 Light Industry and is agriculture in use.
  - D. Land to the west is zoned I-1 Light Industry and is used by Premier Cooperative.

**GENERALLY REGARDING THE PROPOSED SITE PLAN**

5. Regarding the site plan for the subject property:
  - A. The Petitioner's Site Plan received September 1, 2022, indicates the following:
    - (1) The following are existing structures on the subject property:
      - a. An electric substation surrounded by a 110 feet by 180 feet fence.
      - b. One 10 feet by 12 feet (120 square feet) control building.
      - c. One 10-foot by 10-foot (100 square feet) monopole 100 feet in height, recently constructed under ZUPA #199-22-03.
    - (2) There is no proposed construction.



- B. Prior Zoning Use Permits for the subject property include:
- (1) An electrical substation constructed under ZUPA# 302-15-01.
    - a. The electrical substation was built under ZUPA #302-15-01 approved on May 18, 2016, to provide the neighboring Premier Cooperative facility with reliable electricity. The approved Site Plan from ZUPA #302-15-01 was the approved site plan from Case 788-S-14 dated November 13, 2014, and that Site Plan showed the control building at the back of the substation where there was no issue with setback or front yard requirements. However, in the review of that permit, P&Z Staff apparently overlooked a more recent site plan that had been submitted on April 4, 2016, that placed the control building at the front of the lot. This newer site plan should have been the basis for review of ZUPA #302-15-01 and it would have prompted the variance for front yard and setback in 2016. The petitioners constructed the control building at the front of the substation where they thought it had been approved.
  - (2) Land Disturbance Erosion Control Permit # 302-15-01.
  - (3) ZUPA #199-22-03 was approved on September 1, 2022, to construct a 100-foot-tall monopole tower.
- C. Prior Zoning Cases for the subject property include:
- (1) Case 788-S-14 was approved on November 13, 2014, for Eastern Illini Electric Cooperative to construct an Electric Substation in the I-1 Light Industry Zoning District.
  - (2) The following are previous Zoning Cases in the vicinity:
    - a. Case 752-S-13 was approved June 27, 2013, for multiple principle uses on one property located at the Premier Cooperative facility at 949 CR 700N, Tolono.
- D. The required variance is as follows:
- (1) Authorize a variance for an existing structure with a front yard of 18 feet and a setback from the centerline of CR 700N of 38 feet in lieu of the minimum required 25 feet front yard and 55 feet setback, per Section 4.3.4 of the Zoning Ordinance.

**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES**

6. Regarding authorization for the proposed variance:
- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Variance (capitalized words are defined in the Ordinance):
    - (1) “ACCESSORY STRUCTURE” is a STRUCTURE on the same LOT within the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, subordinate to and USED for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE or the main or principal USE.

***PRELIMINARY DRAFT***

- (2) “BUILDING RESTRICTION LINE” is a line usually parallel to the FRONT, side, or REAR LOT LINE set so as to provide the required YARDS for a BUILDING or STRUCTURE.
- (3) “FRONTAGE” is that portion of a LOT abutting a STREET or ALLEY.
- (4) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
- (5) “LOT LINE, FRONT” is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.
- (6) “RIGHT-OF-WAY” is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
- (7) “SETBACK LINE” is the BUILDING RESTRICTION LINE nearest the front of and across a LOT establishing the minimum distance to be provided between a line of a STRUCTURE located on said LOT and the nearest STREET RIGHT-OF-WAY line.
- (8) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (9) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
  - (a) MAJOR STREET: Federal or State highways.
  - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
  - (c) MINOR STREET: Township roads and other local roads.
- (10) “STRUCTURE” is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.
- (11) “STRUCTURE, DETACHED” is a STRUCTURE not connected to another STRUCTURE.
- (12) “VARIANCE” is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or the Zoning BOARD of Appeals are permitted to grant.

**PRELIMINARY DRAFT****Case 073-V-22**

Page 5 of 12

- (13) “YARD” is an OPEN SPACE, other than a COURT, of uniform width or depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.
  - (14) “YARD, FRONT” is a YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each abut a STREET RIGHT-OF-WAY both such YARDS shall be classified as FRONT YARDS.
- B. The I-1 Light Industry DISTRICT is established to provide for storage and manufacturing USES not normally creating a nuisance discernible beyond its PROPERTY lines.
- C. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
    - a. That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
    - b. That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
    - c. That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
    - d. That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
    - e. That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
  - (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9 D.2.
- D. Regarding the proposed variance:
- (1) Minimum setback from the centerline of a minor street for a structure in the I-1 Light Industry Zoning District is established in Section 4.3.4 of the *Zoning Ordinance* as 55 feet.

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- (2) Minimum front yard from the street right of way of a minor street to a structure in the I-1 Light Industry Zoning District is established in Section 4.3.4 of the Zoning Ordinance as 25 feet.

**GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT**

7. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
- A. The Petitioner has testified on the application, **“This site is used as an electrical substation with limited and infrequent activity, situated on a country road with good visibility in both directions. The control building and all facilities are existing in their current locations.”**
- B. The Petitioner stated in an email received on November 3, 2022, **“The current placement of the building saved quite a bit of wire and conduit, digging, and labor, as opposed to the southwest corner of the substation. The placement is more centrally located to the electrical equipment while maintaining our driveway around the back (south side) of the structure.”**

**GENERALLY REGARDING ANY PRACTICAL DIFFICULTIES OR HARDSHIPS RELATED TO CARRYING OUT THE STRICT LETTER OF THE ORDINANCE**

8. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
- A. The Petitioner has testified on the application, **“The layout of the electrical substation lends itself to material, labor, and maintenance efficiencies with the building in the current spot which would require reduced setback.”**
- B. Regarding proposed variance for an existing detached structure with a minimum setback from the centerline of a minor street of 38 feet in lieu of 55 feet and a front yard of 18 feet in lieu of 25 feet: without the proposed variance, the control building and numerous electric systems would have to be moved.

**GENERALLY PERTAINING TO WHETHER OR NOT THE PRACTICAL DIFFICULTIES OR HARDSHIPS RESULT FROM THE ACTIONS OF THE APPLICANT**

9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
- A. The Petitioner has testified on the application, **“The control building is already in place, and has been for several years. There are numerous underground conduits, cables, and wires all routed to the building. It would be burdensome and unpractical to re-do the totality of underground work in an existing substation.”**
- B. The electrical substation was built under ZUPA #302-15-01 approved on May 18, 2016, to provide the neighboring Premier Cooperative facility with reliable electricity. The approved Site Plan from ZUPA #302-15-01 was the approved site plan from Case 788-S-14 dated November 13, 2014, and that Site Plan showed the control building at the back

of the substation where there was no issue with setback or front yard requirements. However, in the review of that permit, P&Z Staff apparently overlooked a more recent site plan that had been submitted on April 4, 2016, that placed the control building at the front of the lot. This newer site plan should have been the basis for review of ZUPA #302-15-01 and it would have prompted the variance for front yard and setback in 2016. The petitioners constructed the control building at the front of the substation where they thought it had been approved.

***GENERALLY PERTAINING TO WHETHER OR NOT THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE***

10. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
  - A. The Petitioner has testified on the application, **“The control building does not meet setback requirements but still meets the intent of good visibility, safety, and traffic flow.”**
  - B. Regarding the proposed variance for an existing detached structure with a minimum setback from the centerline of a minor street of 38 feet in lieu of 55 feet: the requested variance is 69% of the minimum required, for a variance of 31%.
  - C. Regarding the proposed variance for an existing detached structure with a front yard of 18 feet in lieu of the minimum required 25 feet: the requested variance is 72% of the minimum required, for a variance of 28%.
  - D. Regarding the proposed variance, the Zoning Ordinance does not clearly state the considerations that underlie the minimum setback requirements and front yard requirements. Presumably the setback from street centerline and front yard minimum is intended to ensure the following:
    - (1) Adequate separation from roads.
    - (2) Allow adequate area for road expansion and right-of-way acquisition.
    - (3) Parking, where applicable.

***GENERALLY PERTAINING TO THE EFFECTS OF THE REQUESTED VARIANCE ON THE NEIGHBORHOOD AND THE PUBLIC HEALTH, SAFETY, AND WELFARE***

11. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
  - A. The Petitioner has testified on the application: **“This site has been constructed in this manner for approximately 6 years without ongoing issues. It would seem that the current situation has not caused negative effects at or near the location and would not likely cause any with the approved variance.”**
  - B. The Tolono Township Road Commissioner has been notified of this variance, and no comments have been received.

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- C. The Tolono Fire Protection District has been notified of this variance, and no comments have been received.
- D. The nearest structure on adjacent property to the existing structure is the Premier Cooperative facility located to the west, which is about 350 feet away.

***GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE***

- 12. Generally regarding and other circumstances which justify the Variance:
  - A. The Petitioner did not list any other justifications for the variance on the application.

***GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL***

- 13. Regarding proposed special conditions of approval:
  - A. There are no proposed special conditions at this time.

**DOCUMENTS OF RECORD**

1. Variance Application received on September 1, 2022, with attachments:
  - A Site Plan
  
2. Preliminary Memorandum dated November 22, 2022, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Site Plan received September 1, 2022
  - C Annotated 2020 Aerial Photo created by P&Z Staff on November 17, 2022
  - D Approved Site Plan from ZUPA #302-15-01 approved May 18, 2016
  - E Site Plan dated April 4, 2016
  - F Email from petitioner received and dated November 3, 2022
  - G Images of subject property taken September 30, 2022
  - H Draft Summary of Evidence, Finding of Fact, and Final Determination dated December 1, 2022

**PRELIMINARY DRAFT****FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **073-V-22** held on **December 1, 2022**, the Zoning Board of Appeals of Champaign County finds that:

1. Special conditions and circumstances ***{DO / DO NOT}*** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
  - a. ***The site is used as an electrical substation with limited and infrequent activity, situated on a country road with good visibility in both directions. The control building and all facilities are existing in their current locations.***
  - b. ***The current placement of the building saved quite a bit of wire and conduit, digging, and labor, as opposed to the southwest corner of the substation. The placement is more centrally located to the electrical equipment while maintaining the driveway around the back (south side) of the structure.***
  
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:
  - a. ***Without proposed variance, the control building and numerous electric systems would have to be moved.***
  
3. The special conditions, circumstances, hardships, or practical difficulties ***{DO / DO NOT}*** result from actions of the applicant because:
  - a. ***The control building is already in place and has been for several years. There are numerous underground conduits, cables, and wires all routed to the building. It would be burdensome and unpractical to re-do the totality of underground work in an existing substation.***
  - b. ***The petitioners constructed the control building at the front of the substation where they thought it had been approved under ZUPA 302-15-01.***
  
4. The requested variance ***{SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT}*** in harmony with the general purpose and intent of the Ordinance because:
  - a. ***The control building does not meet setback requirements but still meets the intent of good visibility, safety, and traffic flow.***
  
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 because:
  - a. ***No complaints have been received.***
  - b. ***The Tolono Township Road Commissioner and Tolono Fire Protection District have been notified of this variance, and no comments have been received.***
  - c. ***The nearest structure on adjacent property to the existing structure is the Premier Cooperative facility located to the west, which is about 350 feet away.***
  
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 because:



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- a. *The existing control building has been in use with no issues.*
- b. *It would be costly to move the building and all connected wiring.*

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

**PRELIMINARY DRAFT**

**FINAL DETERMINATION**

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:

The Variance requested in Case 073-V-22 is hereby *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* to the petitioners, Eastern Illinois Electric Co-op, via agent Paul Crutcher, to authorize the following variance:

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

**Authorize a variance for an existing structure with a front yard of 18 feet and a setback from the centerline of CR 700N of 38 feet in lieu of the minimum required 25 feet front yard and 55 feet setback, per Section 4.3.4 of the Zoning Ordinance.**

*{SUBJECT TO THE FOLLOWING CONDITION(S):}*

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

Ryan Elwell, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals  
Date