

**Brookens Administrative  
Center**  
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Urbana, Illinois 61802

(217) 384-3708  
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# CASE NO. 103-V-23

PRELIMINARY MEMORANDUM

July 19, 2023

**Petitioner: Urbana Golf & Country Club, d.b.a. UG&CC LLC, via agent Scott White**

**Request: Authorize a Variance in the R-1 Single Family Residence Zoning District for a fence along East Country Club Road that is 8 feet in height in lieu of the maximum allowed 6 feet in height, per Section 4.3.3 G. of the Zoning Ordinance.**

**Subject Property: Multiple tracts totaling 126 acres in the South Half of Section 5, Township 19 North, Range 9 East of the Third Principal Meridian in Urbana Township, and commonly known as the Urbana Golf and Country Club, 100 E Country Club Rd, Urbana.**

**Site Area: 126 acres**

**Time Schedule for Development: As soon as possible**

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

## BACKGROUND

Urbana Country Club requests a variance to construct an 8-foot-tall fence along East Country Club Road in lieu of the maximum allowed 6 feet tall allowed in the R-1 Zoning District.

The club is undergoing a \$9 million renovation and they would like to increase security of the site to protect that investment. They already experience trespassing, and adding an 8-foot-tall fence would be less climbable than a 6-foot-tall fence. The fence would be chain link, so there would be no visibility issues along the road.

## EXISTING LAND USE AND ZONING

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

<b>Direction</b>	<b>Land Use</b>	<b>Zoning</b>
Onsite	Country Club	R-1 Single Family Residence CR Conservation Recreation
North	Residential	R-1 Single Family Residence
South	Residential and Busey Woods	R-1 Single Family Residence
East	Residential	City of Urbana zoning
West	Cemetery	AG-2 Agriculture

## EXTRATERRITORIAL JURISDICTION

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

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

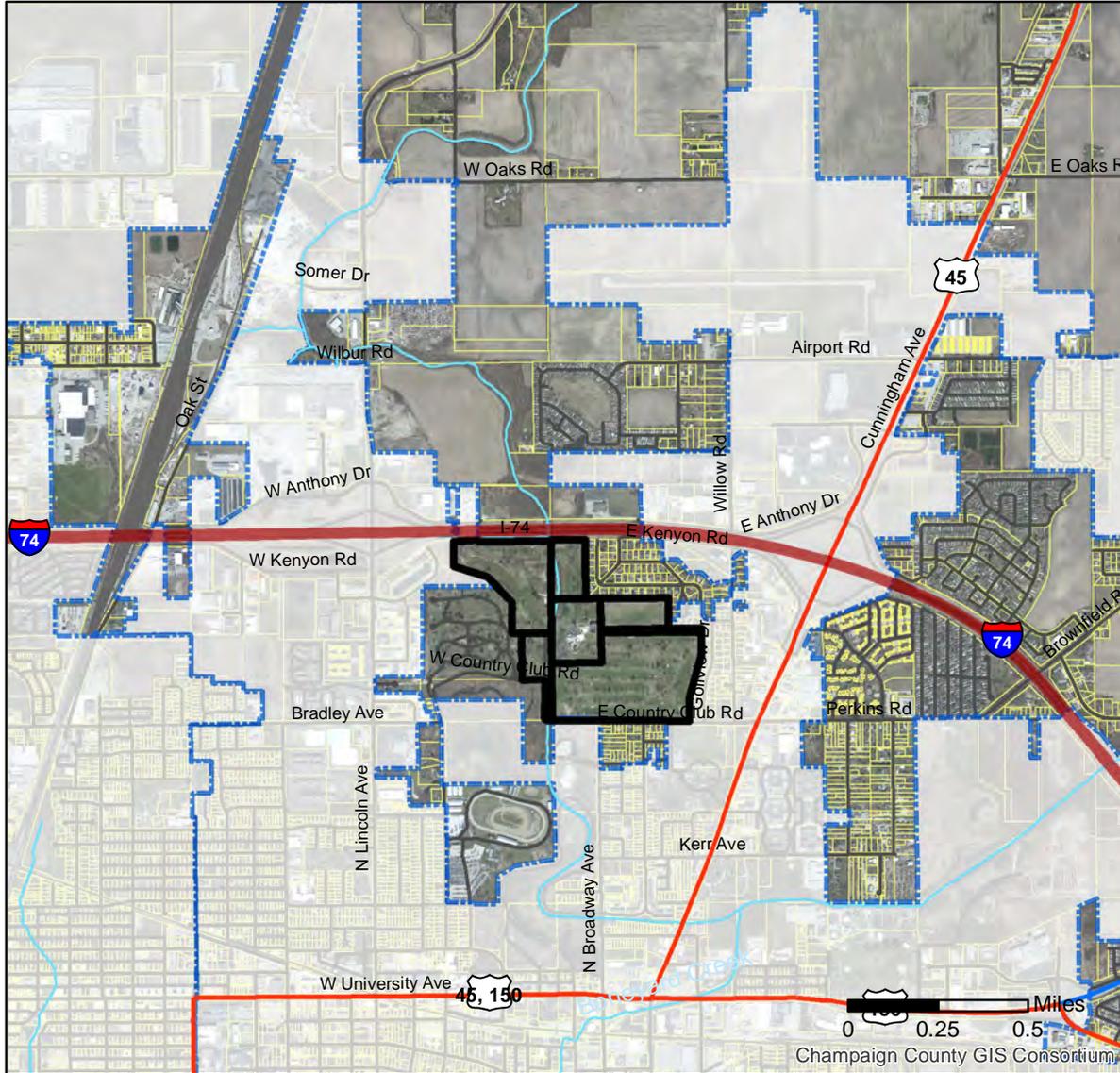
#### **ATTACHMENTS**

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received on May 16, 2023
- C Example fence photo received on May 16, 2023
- D Email from Scott White received July 17, 2023
- E Images of subject property taken June 1, 2023
- F Draft Summary of Evidence, Finding of Fact, and Final Determination dated July 27, 2023

# Location Map

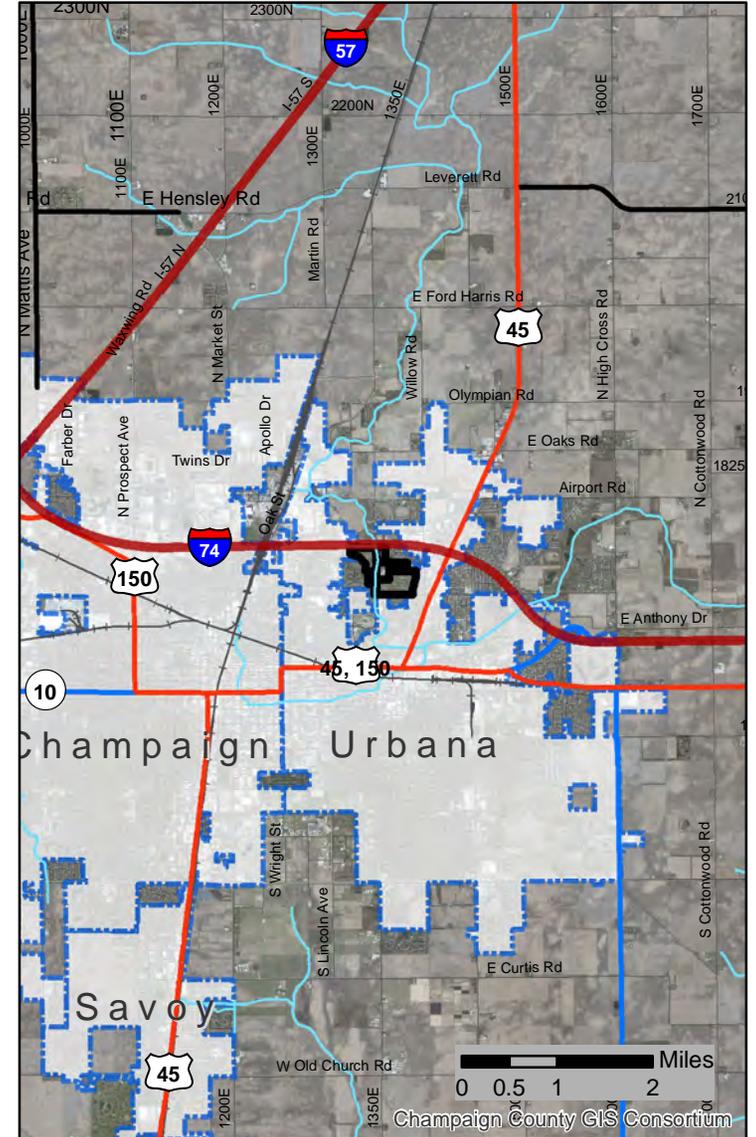
Case 103-V-23  
July 27, 2023

### Subject Property



-  Country Club properties
-  Municipal Boundary
-  Streets
-  Parcels

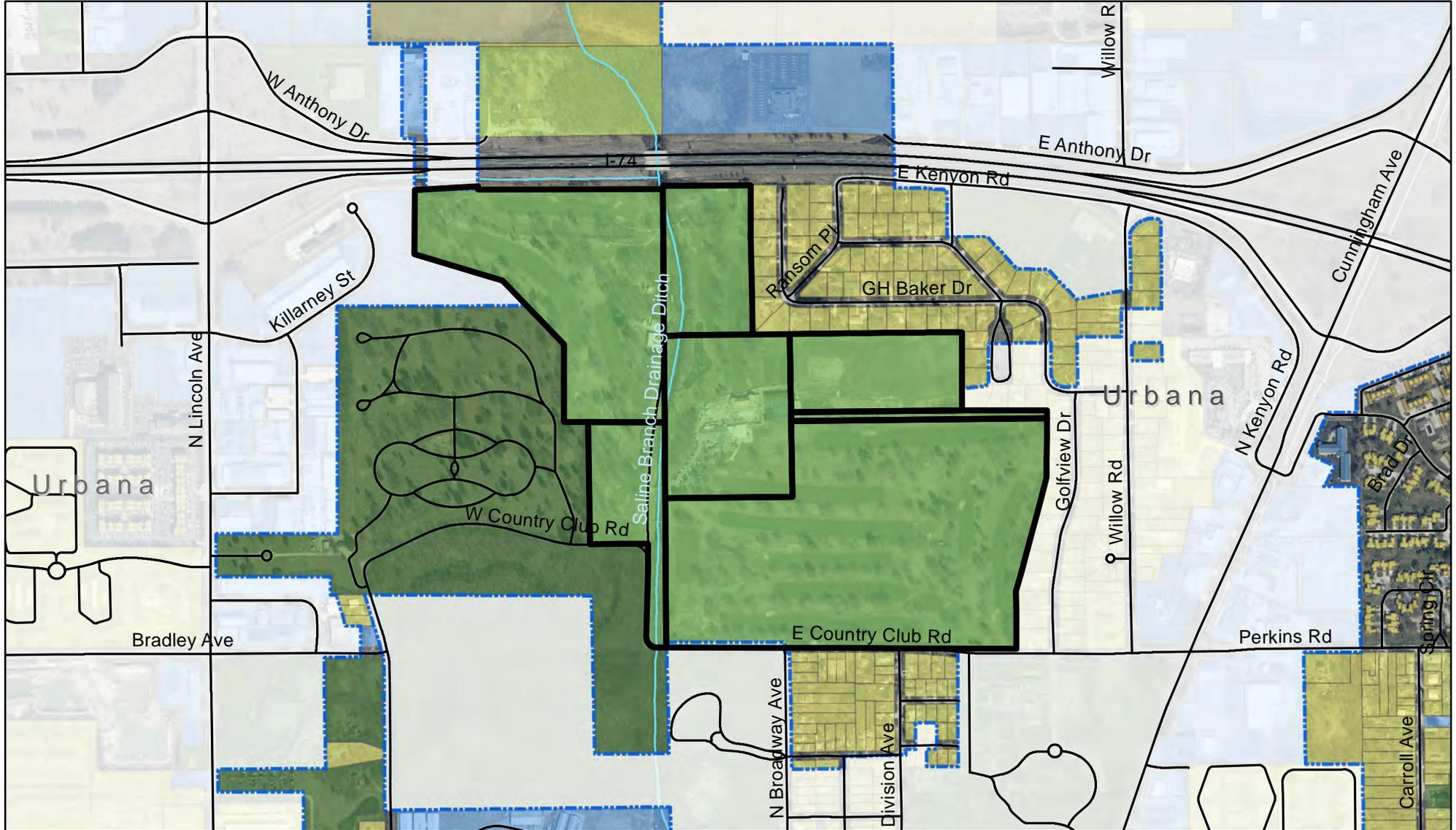
### Property location in Champaign County



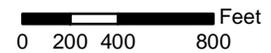
Champaign County  
Department of  
**PLANNING &  
ZONING**

# Land Use Map

Case 103-V-23  
July 27, 2023



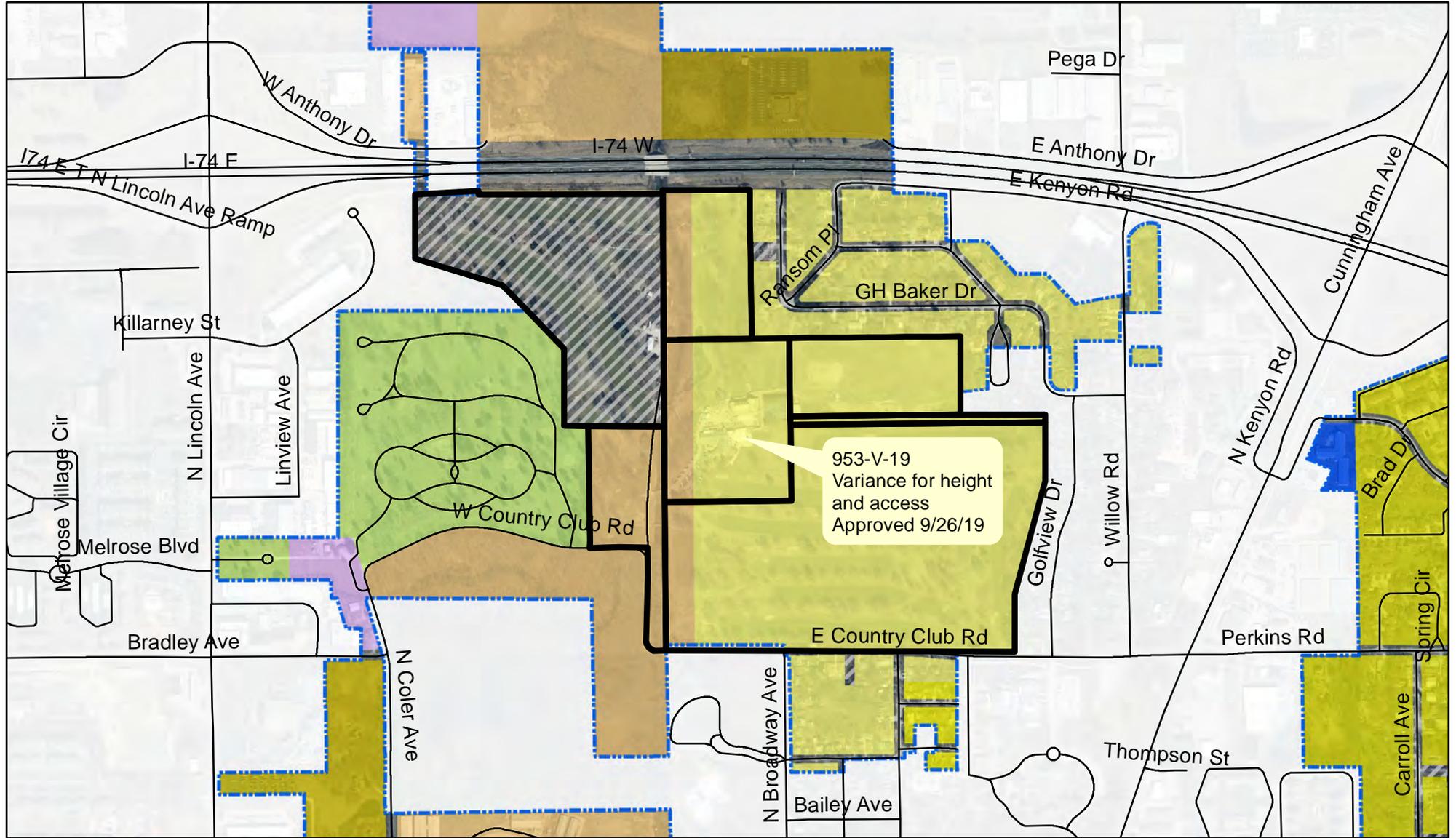
- Streets
- Country Club properties
- Municipal Boundary
- Agriculture
- Ag/Residential
- Residential
- Commercial
- Tax Exempt
- Open Space/Commons



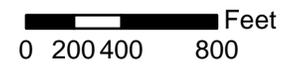
Champaign County  
Department of  
PLANNING &  
ZONING

# Zoning Map

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July 27, 2023

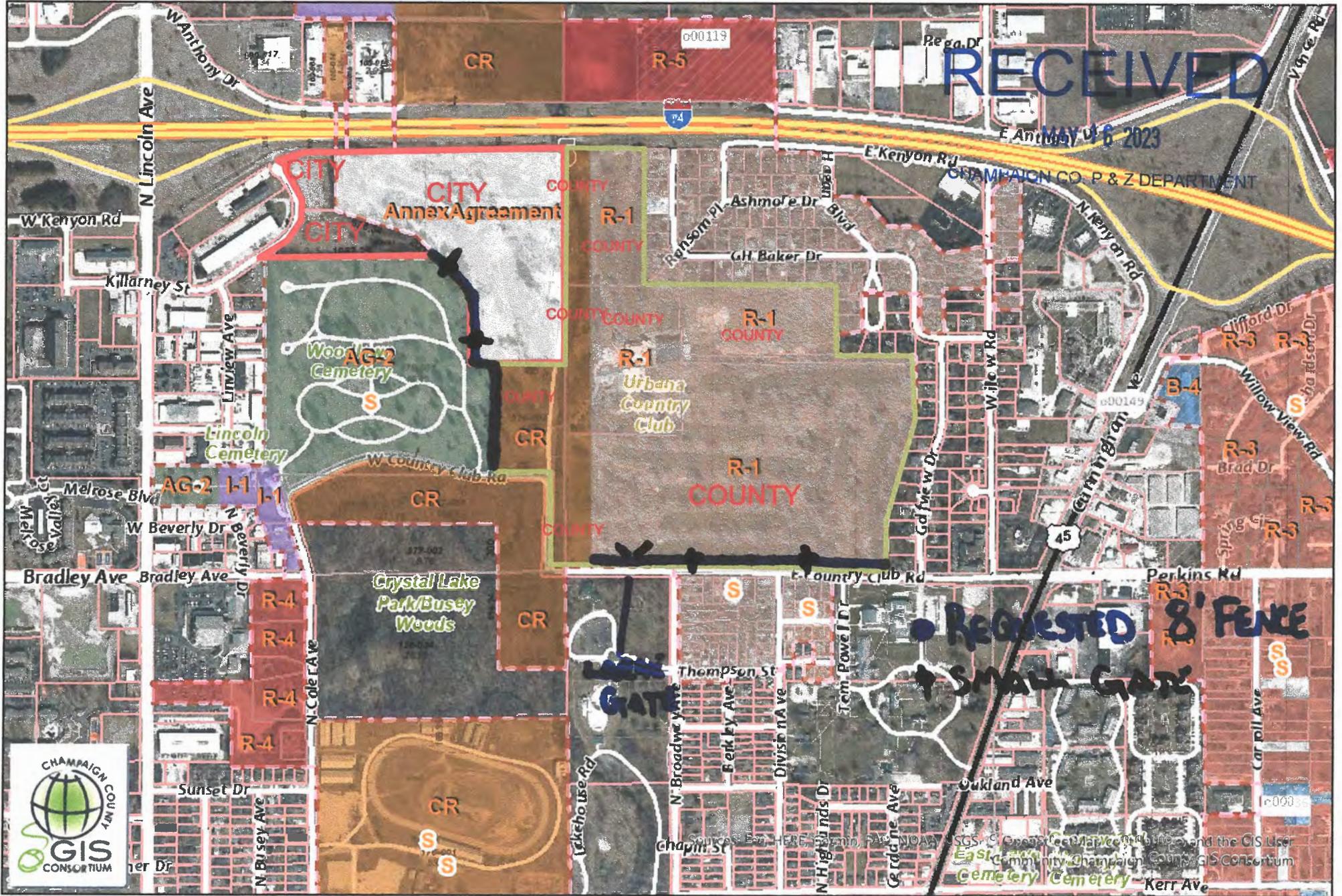


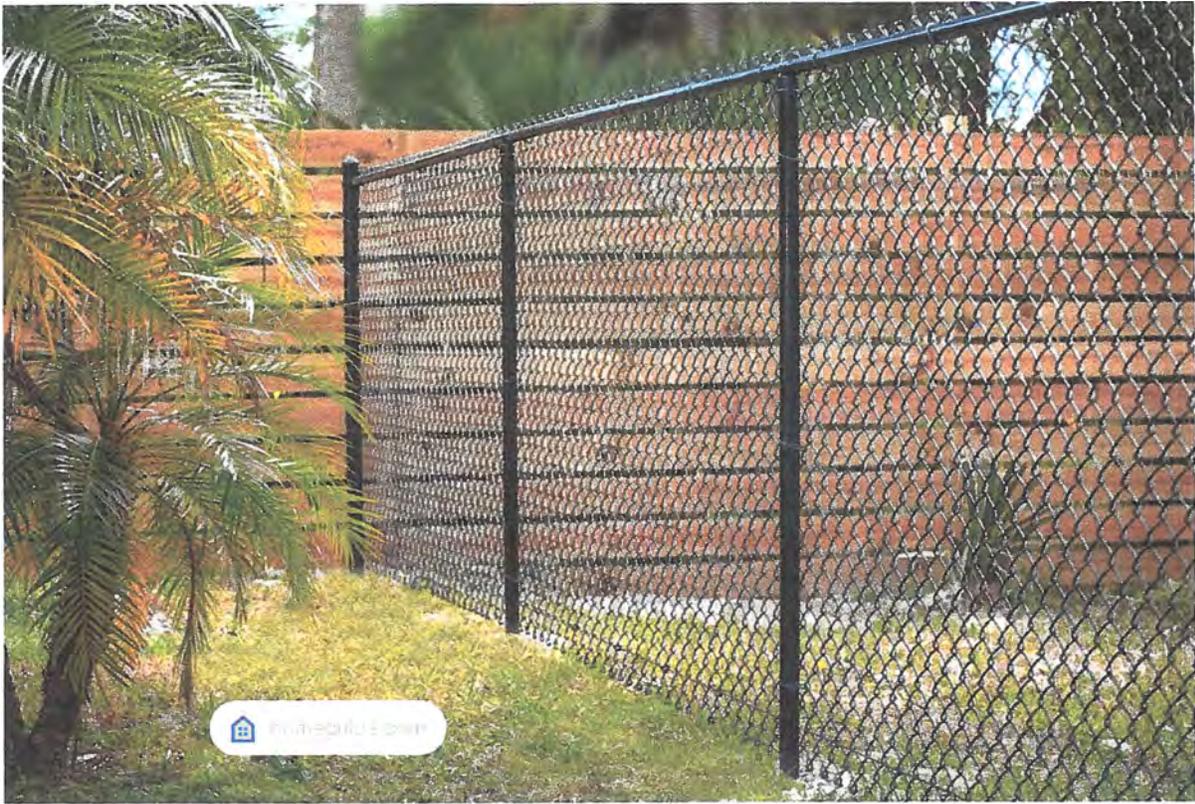
- Country Club properties
- Municipal Boundary
- CR Conservation Recreation
- AG-2 Agriculture
- R-1 Single Family Residence
- R-2 Single Family Residence
- R-3 Two Family Residence
- R-4 Multiple Family Residence
- R-5 Manufactured Home Park
- B-4 General Business
- I-1 Light Industry
- Annexation Agreement



Champaign County  
Department of  
PLANNING &  
ZONING

# 30-21-05-376-002, 401-008, 426-020, 021, & 022, 451-002; 2020 aerial; 1:400





**Fence Example**

### **Urbana Country Club Fence Variance Notes**

- Note **\*\*No Barred Wire** on the top of the chain link fence- It will be a simple classic black polyvinyl fence product.
- Posts are on the recommended 10' centers
- Underbrush and select tree removal will be completed ahead of fence installation to help sightlines and offer an improved view of the golf course.
- The drainage way will be maintained more in the future. UCC security team had requested the maintenance of the turf and bushes to help deter trespassers from entering the property
- We have daily trespassers enter the property at a variety of access points, this will help control the property better and give limited access points.
- Pass gates will be installed in a couple locations with padlocks in addition to one large vehicle gate along country club road where a future entrance road has been discussed.

**Susan Burgstrom**

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**From:** Scott White <Scott.White@ucc1922.com>  
**Sent:** Monday, July 17, 2023 10:01 AM  
**To:** Susan Burgstrom  
**Subject:** RE: existing fencing

**RECEIVED**

JUL 17 2023

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

CHAMPAIGN CO. P & Z DEPARTMENT

Good Morning Susan,

We do not have a true 8' fence on property anywhere. There are a couple pieces of 8' poly coated green fencing which were installed as temporary barrier along Country Club Road to security the property better. This was installed as a result of multiple vehicles go through the hedge over the past couple of years, Ameren removed a section of hedge during tree trimming and where there is a temporary construction entrance as well. The fence along the interstate is unfortunately just 6'.



**Scott White | Superintendent**

Urbana Country Club | 100 E. Country Club Road | Urbana, IL 61801  
(815) 302-4834  
[scott.white@ucc1922.com](mailto:scott.white@ucc1922.com) | [www.ucc1922.com](http://www.ucc1922.com)

**From:** [Susan Burgstrom](#)  
**Sent:** Monday, July 17, 2023 9:46 AM  
**To:** [Scott White](#)  
**Subject:** existing fencing

Hi Scott,

Does UG&CC have 8-foot-tall fencing anywhere else currently? If so, where is that fencing?

Thanks,  
Susan

### 103-V-23 Site Images



**Existing fence section along Country Club Road**



**Private Property sign along Country Club Road that is open to trespassing**

**PRELIMINARY DRAFT**

**103-V-23**

**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:                        ***{July 27, 2023}***

Petitioner:                **Urbana Country Club, d.b.a. UG&CC LLC, via agent Scott White**

Request:                    **Authorize a Variance in the R-1 Single Family Residence Zoning District  
for a fence along East Country Club Road that is 8 feet in height in lieu  
of the maximum allowed 6 feet in height, per Section 4.3.3 G. of the  
Zoning Ordinance.**

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***PRELIMINARY DRAFT***

**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 27, 2023**, the Zoning Board of Appeals of Champaign County finds that:

1. Urbana Country Club, d.b.a. UG&CC LLC, 100 E Country Club Rd, Urbana, owns the subject property.
2. The subject property is comprised of multiple tracts totaling 126 acres in the South Half of Section 5, Township 19 North, Range 9 East of the Third Principal Meridian in Urbana Township, and commonly known as the Urbana Golf and Country Club, 100 E Country Club Rd, Urbana.
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 City of Urbana, 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 Urbana 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 126-acre subject property tracts are mix-zoned R-1 Single Family Residence and CR Conservation Recreation. Land use is a country club.
  - B. Land to the north is zoned R-1 Single Family Residence and is residential in use.
  - C. Land to the south is zoned R-1 Single Family Residence and is residential in use. There is also some land to the south that is inside the City of Urbana that is residential and recreational in use.
  - D. Land to the east is inside the City of Urbana and is residential in use.
  - E. Land to the west is zoned AG-2 Agriculture and is a cemetery.

***GENERALLY REGARDING THE PROPOSED SITE PLAN***

5. Regarding the site plan for the subject property:
  - A. The Site Plan received May 16, 2023 indicates the following:
    - (1) The following are existing structures on the subject property:
      - a. Main country club building;
      - b. Members-only hotel and spa;
      - c. Golf course and driving range; and

**PRELIMINARY DRAFT****Case 103-V-23**

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- d. Pool and related facilities.
- (2) Proposed construction includes:
  - a. An 8-foot tall fence along the north side of East Country Club Road.
- B. The following are previous Zoning Use Permits for the Urbana Golf & Country Club:
  - (1) ZUPA #298-19-01 was approved on November 12, 2019 to construct an in-ground swimming pool and pool house.
  - (2) ZUPA #196-19-01 was approved on October 10, 2019 to construct a hotel/spa.
  - (3) ZUPA #190-19-01 was approved on July 19, 2019 to demolish the pool equipment building.
  - (4) ZUPA #095-19-02 was approved on April 10, 2019 to construction the foundation only of a members-only hotel.
  - (5) ZUPA #074-19-01 was approved on March 15, 2019 to demolish the pool and cabana framework.
  - (6) ZUPA #100-15-01 was approved on April 21, 2015, to construct additions to the existing golf course clubhouse.
  - (7) ZUPA #101-14-02 was approved on May 23, 2014, to construct a storage shed for golf carts.
  - (8) ZUPA #18-01-01 was approved on April 10, 2001, to construct a bathroom facility as an accessory use to the existing golf course.
  - (9) ZUPA # 288-99-02 was approved on November 10, 1999, to construct an addition to the existing Country Club.
  - (10) The original country club was constructed prior to adoption of the Zoning Ordinance on October 10, 1973.
- C. There is one prior Zoning Case for the subject property:
  - (1) Variance case 953-V-19 was approved on September 26, 2019 to allow construction of a detached accessory structure with a height of 39 feet 6 inches in lieu of the maximum allowed 24 feet, and to allow expansion of the existing country club without access to a street consisting of solid ground passable to emergency vehicles.
- D. The required variance is as follows:
  - (1) Authorize a Variance in the R-1 Single Family Residence Zoning District for a fence along East Country Club Road that is 8 feet in height in lieu of the maximum allowed 6 feet in height, per Section 4.3.3 G. of the Zoning Ordinance.

**PRELIMINARY DRAFT****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) “HEIGHT” as applied to a story is the vertical measurement between the surface of any floor and the surface of the floor next above it, or if there is no floor above, then the vertical measurement between the surface of the floor and the ceiling next above it.
- As applied to a BUILDING is the vertical measurement from GRADE to a point midway between the highest and lowest points of the roof.
- As Applied to an Enclosed or Unenclosed STRUCTURE:
- STRUCTURE, DETACHED: The vertical measurement from the average level of the surface of the ground immediately surrounding such STRUCTURE to the uppermost portion of such STRUCTURE.
- STRUCTURE, ATTACHED: Where such STRUCTURE is attached to another STRUCTURE and is in direct contact with the surface of the ground, the vertical measurement from the average level of the surface of the ground immediately adjoining such STRUCTURE to the uppermost portion of such STRUCTURE shall be the HEIGHT. Where such STRUCTURE is attached to another STRUCTURE and is not in direct contact with the surface of the ground, the vertical measurement from the lowest portion of such STRUCTURE to the uppermost portion shall be the HEIGHT.
- (2) “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.
  - (3) “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.
- B. The R-1, Single Family Residence DISTRICT is intended to provide areas for single FAMILY detached DWELLINGS, set on LOTS and is intended for application in mainly non-urban and developing areas where community facilities can be made readily available.
- 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

**PRELIMINARY DRAFT****Case 103-V-23**

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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) Maximum fence height of six feet in the R-1 Single Family Residence Zoning District is established in Section 4.3.3 G. of the Zoning Ordinance.

**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, **“The golf course is about to have a 9 million dollar renovation and we have security now but security is more important every day to membership and the Khan family.”**
  - B. The subject property is bordered on the north, east, and south sides by residential areas, and by a cemetery on the west side.
  - C. The Zoning Ordinance allows 8-foot fencing for side and rear yards in residential zoning districts. Currently there is no 8-foot fencing on any part of the subject property other than a temporary 8-foot barrier fence along County Club Road where they had multiple vehicles go through the hedge over the past couple of years, per an email received July 17, 2023 from the petitioner.

**PRELIMINARY DRAFT**

**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 UCC security feels a 6-foot fence is not high enough to keep the membership and property safe. A 6-foot fence can be climbed easier.”**
  - B. Regarding the proposed variance for a fence height of 8 feet in lieu of the maximum allowed 6 feet: without the proposed variance, security for the country club would be diminished.

**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, **“A \$9 million renovation offering a new golf course offers new security challenges.”**
  - B. The petitioner was made aware of the fence height requirement when they inquired about installing a fence. They applied for the variance permit and are waiting for the outcome of the hearing to install the fence.

**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, **“We will clean up tree and brush lines to show off a better view of course and improve security sight lines.”**
  - B. Regarding the proposed variance for a fence with a height of 8 feet in lieu of the maximum allowed 6 feet: the requested variance is 133% of the maximum allowed, for a variance of 33%.
  - C. Regarding the proposed variance, maximum fence height restrictions are intended to ensure compatibility by preventing fences from being so high they cut off light to neighboring properties or are aesthetically unpleasing.
    - (1) The proposed fence will be chain-link, so no light would be cut off to neighboring properties.

**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:

**PRELIMINARY DRAFT**

- A. The Petitioner has testified on the application: **“High quality fencing installed, improved security, and improved aesthetics.”**
- B. The Urbana Township Road Commissioner has been notified of this variance, and no comments have been received.
- C. The Eastern Prairie Fire Protection District has been notified of this variance, and no comments have been received.

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

- 12. Generally regarding and other circumstances which justify the Variance:
  - A. The Petitioner has testified on the application: **“Owner Shad Khan has invested 36 million and continues to invest millions into the community and club. His family’s stay is priority #1.”**

**GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL**

- 13. Regarding proposed special conditions of approval:  
**No special conditions are proposed at this time.**

**DOCUMENTS OF RECORD**

1. Variance Application received on May 16, 2023, with attachments:
  - A Site Plan
  - B Acreage map
  - C Example fence photo
  
2. Preliminary Memorandum dated July 19, 2023, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Site Plan received on May 16, 2023
  - C Example fence photo received on May 16, 2023
  - D Email from Scott White received July 17, 2023
  - E Images of subject property taken June 1, 2023
  - F Draft Summary of Evidence, Finding of Fact, and Final Determination dated July 27, 2023

**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **103-V-23** held on **July 27, 2023**, 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. *Investment in renovating the country club has triggered the need for increased security.*
  - b. *The subject property is bordered on the north, east, and south sides by residential areas, and by a cemetery on the west side.*
  - c. *The Zoning Ordinance allows 8-foot fencing for side and rear yards in residential zoning districts.*
  
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 the proposed variance, security for the country club would be diminished.*
  
3. The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
  - a. *The petitioner was made aware of the fence height requirement when they inquired about installing a fence. They applied for the variance permit and are waiting for the outcome of the hearing to install the fence.*
  
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 requested variance is 133% of the maximum allowed, for a variance of 33%.*
  - b. *The proposed fence will be chain-link, so no light would be cut off to neighboring properties.*
  
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. *Relevant jurisdictions were notified of this variance, 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 because:
  
7. **{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}**

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**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 **103-V-23** is hereby *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* to the petitioner, **Urbana Country Club**, to authorize the following variance:

**Authorize a Variance in the R-1 Single Family Residence Zoning District for a fence along East Country Club Road that is 8 feet in height in lieu of the maximum allowed 6 feet in height, per Section 4.3.3 G. 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