

MINUTES OF SPECIAL MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

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

**DATE: October 26, 2023 PLACE: Shields-Carter Meeting Room
1776 East Washington Street
TIME: 6:30 p.m. Urbana, IL 61802**

MEMBERS PRESENT: Tom Anderson, Ryan Elwell, Jim Randol, Larry Wood, Lee Roberts, Thaddeus Bates, Nolan Herbert

STAFF PRESENT: John Hall, Susan Burgstrom, Stephanie Berry, Charlie Campo

OTHERS PRESENT: Agnes San Miguel, Tahir Malik

1. Call to Order

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

2. Roll Call and Declaration of Quorum

The roll was called, and a quorum declared present.

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

3. Correspondence – None

4. Minutes – September 14, 2023

Mr. Elwell entertained a motion to approve September 14, 2023 minutes.

Mr. Roberts moved, seconded by Mr. Randol, to approve the September 14, 2023 minutes. The motion carried by voice vote.

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

6. Continued Public Hearings – None

7. New Public Hearings

Case 113-V-23

Petitioner: Michael San Miguel

**Request: Authorize the following variance in the R-2 Single Family Residence Zoning District:
Part A: Authorize an existing non-conforming dwelling with a setback from the street centerline of South West Street (County Highway 22) of 51 feet in lieu of the minimum required 75 feet and a front yard of 18 feet in lieu of the**

1 minimum required 30 feet, per Section 4.3.2 of the Champaign County
2 Zoning Ordinance and located within the corner visibility triangle, per
3 Section 4.3.3 F.1. of the Champaign County Zoning Ordinance.
4

5 **Part B: Authorize a proposed addition to a dwelling with a setback from the**
6 **street centerline of South West Street (County Highway 22) of 58 feet in lieu**
7 **of the minimum required 75 feet and a front yard of 25 feet in lieu of the**
8 **minimum required 30 feet, per Section 4.3.2 of the Champaign County**
9 **Zoning Ordinance.**

10
11 **Part C: Authorize an existing detached shed with a setback from the street**
12 **centerline of Busey Street of 40 feet in lieu of 65 feet and a front yard of 0 feet**
13 **in lieu of the minimum required 25 feet, per Section 4.3.2 of the Champaign**
14 **County Zoning Ordinance.**

15
16 Location: **Lots 2 and 3 of S.H. Busey’s First Addition to Penfield in the Northwest Quarter of**
17 **the Southwest Quarter of Section 4, Township 21 North, Range 14 West of the Second**
18 **Principal Meridian in Compromise Township, with an address of 201 South West**
19 **Street, Penfield.**

20
21 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
22 the witness register for that public hearing. He reminded the audience that when they sign the witness
23 register, they are signing an oath.
24

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

33 Agnes San Miguel, 204 Main Street, Penfield, said this is the property directly east of 201 West Street,
34 Penfield. She stated she is here on behalf of her son, Michael San Miguel; they’re asking for a variance to
35 build an addition onto Mr. San Miguel’s house at 201 West Street in Penfield and his house is located
36 directly west of her and she is east of him, and his dad also. She said Mr. San Miguel lives with his two
37 children, Paige is 18 and has special needs, and Thomas is 13. She said Mr. San Miguel is on disability,
38 so he is not able to be here tonight. She said he had encephalitis back in 2019 and he has some reoccurring
39 issues with that being encephalitis. She said his wife, the mother of his children, has passed away. She
40 said they moved into this house in June 2021 and currently have two bedrooms in the home and one
41 bathroom. She said Mr. San Miguel and his son share one bedroom and Paige has a very small bedroom
42 in the house, they’re asking for a variance to add two more bedrooms to the house and one bathroom to
43 the current structure to improve the living conditions for them.
44

45 Mr. Elwell thanked her and asked if there were any questions from the Board or Staff. Seeing none, he
46 asked if anyone would like to cross-examine this witness, and if so, please raise their hand. Seeing no one,
47 he asked if anyone would like to testify in this case, and if so, please raise their hand. Seeing no one, he
48 entertained a motion to close the Witness Register for Case 113-V-23.
49

1 **Mr. Roberts moved, seconded by Mr. Herbert, to close the Witness Register for Case 113-V-23. The**
2 **motion carried by voice vote.**

3
4 Mr. Elwell asked how the Board would like to proceed.

5
6 Mr. Randol made a motion to accept the Summary of Evidence, Documents of Record, and move to the
7 Findings of Fact for Case 113-V-23.

8
9 Mr. Elwell asked Mr. Hall if they should read the special conditions first.

10
11 Mr. Hall said generally they read those first and then go to the findings.

12
13 Mr. Elwell told Mr. Randol that was his mistake for not remembering they have special conditions, but
14 they do have a motion on the table with discussion. He said he would like to read the special conditions
15 first.

16
17 Mr. Randol said that was fine with him – no problem.

18
19 Mr. Elwell said all in favor to go to the Findings of Fact for Case 113-V-23 answer yes in the affirmative.
20 He said all in favor say aye.

21
22 The Board responded aye.

23
24 Mr. Elwell said they need to say no to read the special conditions for Case 113-V-23 first and asked is that
25 correct.

26
27 Mr. Hall said he thought Mr. Randol accepted that as a friendly amendment.

28
29 Mr. Elwell said okay and said he would be reading the special conditions from Attachment E on page nine
30 of 13, as follows:

31
32 Ms. San Miguel asked if he said page nine or 13.

33
34 Mr. Elwell repeated Attachment E on page nine of 13 and said the front page is going to look like this
35 page.

36
37 Ms. San Miguel asked if the contents were at the bottom of the page.

38
39 Ms. Burgstrom said yes.

40
41 Mr. Elwell said the contents are at the bottom of the page.

42
43 Ms. San Miguel said okay.

44
45 Mr. Elwell said it is three pages from the last page – page nine of 13. He said he would be reading the
46 special conditions and to answer in the affirmative if Ms. San Miguel agrees.

47
48 Ms. San Miguel said she wants to make sure she is on the right page; she is on page 13 of 13.

49

1 Mr. Elwell said page of nine of 13.

2

3 Ms. San Miguel excused herself and said she was there.

4

5 Mr. Elwell said he will ask her to turn her microphone back on and thanked her.

6

7 **SPECIAL CONDITIONS OF APPROVAL FOR CASE 113-V-23**

8

9 13. Regarding proposed special conditions of approval:

10 A. **The existing shed adjacent to Busey Street can remain in its current location, but**
11 **replacement of the shed or repair of more than 50% replacement value in any 365-**
12 **day period means the shed must be made to conform to the yard requirements in the**
13 **Zoning Ordinance.**

14

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

16 **That replacement of the existing shed conforms to the Zoning Ordinance.**

17

18 Mr. Elwell asked if she agreed.

19

20 Ms. San Miguel said yes.

21

22 B. **Within 30 days of approval of Case 113-V-23, the petitioner shall pay the Zoning Use**
23 **Permit fee for construction of the two sheds that were constructed without**
24 **authorization.**

25

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

27 **That all structures on the subject property are authorized in compliance with**
28 **the Champaign County Zoning Ordinance.**

29

30 Ms. San Miguel said she is sorry she doesn't understand B.

31

32 Ms. Burgstrom said there are two sheds on the property.

33

34 Ms. San Miguel said right, they were there when they bought the property.

35

36 Ms. Burgstrom said there has never been a permit issued for putting those sheds there and if a structure is
37 more than 150 square feet, they do require a permit. She said even if they were not the ones to place the
38 sheds there, the current owners are responsible for paying that permit to bring the whole property into
39 compliance.

40

41 Ms. San Miguel said okay.

42

43 Ms. Burgstrom said that is why they need to pay the fee for that construction.

44

45 Ms. San Miguel said yes, and that she was sorry, but she just wanted to clarify.

46

47 Mr. Elwell said that is exactly why they're here.

48

49 Ms. San Miguel said okay.

1 Mr. Elwell thanked her.

2

3 Mr. Herbert said he had one quick question on that special condition.

4

5 Mr. Elwell said yes sir.

6

7 Mr. Herbert said help him understand that, so if something happens within a year of this case, it has to be
8 brought into compliance, but if it happens one year and three days after tonight, it doesn't have to be in
9 compliance. He asked to help him understand the 365-day period.

10

11 Mr. Hall said okay, the shed adjacent to Busey Street is the shed that is right at the right-of-way, it has
12 zero front yard.

13

14 Mr. Herbert said yes.

15

16 Mr. Hall said normally when things are that close to the right-of-way, they anticipate that the Board might
17 not want them to be rebuilt right at that point. He said rebuilt means more than 50 percent replacement
18 value in any 365-day period and this is going forward, if that shed requires the equivalent of 50 percent
19 of its replacement value in any 365-day period.

20

21 Mr. Herbert said in any one-year increment.

22

23 Mr. Hall said yes.

24

25 Mr. Herbert said okay, he wasn't reading that correctly.

26

27 Mr. Hall said yes.

28

29 Mr. Herbert thanked him.

30

31 Mr. Elwell said from Mr. Randol's motion before the special conditions, they are going to be moving to
32 the Findings of Fact for Case 113-V-23 on page 11 of 13 at the top of the page, as follows:

33

34 **FINDINGS OF FACT FOR CASE 113-V-23**

35 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
36 **113-V-23** held on **October 26, 2023**, the Zoning Board of Appeals of Champaign County finds that:

37

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

41

42 Mr. Randol said the special conditions and circumstances DO exist which are peculiar to the land or
43 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
44 the same district because: the variance of Part A was included, so that the legally non-conforming
45 residence can be reconstructed in its current location should it be destroyed by any means to an extent of
46 more than 50 percent of its replacement cost at the time of destruction. Per Section 8.3.2, the Board may
47 authorize such a variance prior to structure incurring any damage or destruction. He said regarding
48 variance Part B, the proposed addition to the house is farther away from West Street, which is County
49 Highway 22, than the original house. He said regarding variance Part C, Busey Street has a relatively large

1 75-foot right-of-way for a minor street that increases the minimum required setback from 55 feet to 65
2 feet.

3
4 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations
5 sought to be varied {WILL / WILL NOT} prevent reasonable or otherwise permitted use of
6 the land or structure or construction because:**

7
8 Mr. Wood said the practical difficulties or hardships created by carrying out the strict letter of the
9 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
10 structure or construction because: regarding variance Part A for an existing non-conforming residence
11 with a setback of 51 feet and a front yard of 18 feet in lieu of the zoning requirements of 75 feet and 30
12 feet, respectively: the residence has existed since before adoption of the Zoning Ordinance, and without
13 the variance, the house could not be reconstructed at the same location in the event it was destroyed. He
14 said regarding variance Part B for a proposed addition with a setback of 58 feet and a front yard of 25 feet
15 in lieu of the minimum required 75 feet and 30 feet, respectively: there is no other location where the
16 addition could be constructed and since it is further away from the main road versus the original house, it
17 would certainly exist within the variance they are allowing in Part A. He said regarding variance Part C
18 for an existing shed with a setback of 40 feet and a front yard of 0 feet in lieu of the minimum required 65
19 feet and 25 feet, respectively, without the variance, the shed would have to be moved, which could be
20 financially or logistically difficult, but it will also have to comply with the special conditions that they've
21 set in place.

22
23 **3. The special conditions, circumstances, hardships, or practical difficulties {DO / DO NOT}
24 result from actions of the applicant because:**

25
26 Mr. Wood said the special conditions, circumstances, hardships, or practical difficulties DO NOT result
27 from actions of the applicant because: the existing house, detached garage and two detached sheds were
28 constructed prior to the petitioner's acquisition of the property in 2021.

29
30 **4. The requested variance {SUBJECT TO THE PROPOSED CONDITIONS} {IS / IS NOT} in
31 harmony with the general purpose and intent of the Ordinance because:**

32
33 Mr. Randol said the requested variance, SUBJECT TO THE PROPOSED CONDITIONS, IS in harmony
34 with the general purpose and intent of the Ordinance because: there are no known plans to expand South
35 West Street, which is County Highway 22, or Busey Street. He said they have had several other approved
36 variances for similar type of issues.

37
38 **5. The requested variance {SUBJECT TO THE PROPOSED CONDITION} {WILL / WILL
39 NOT} be injurious to the neighborhood or otherwise detrimental to the public health, safety,
40 or welfare because:**

41
42 Mr. Herbert said the requested variance, SUBJECT TO THE PROPOSED CONDITIONS, WILL NOT
43 be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because:
44 relevant jurisdictions were notified of this variance, and no comments have been received, and the closest
45 structure on adjacent property is approximately 70 feet from the proposed addition.

46
47 **6. The requested variance {SUBJECT TO THE PROPOSED CONDITIONS} {IS / IS NOT}
48 the minimum variation that will make possible the reasonable use of the land/structure
49 because:**

1 Mr. Wood said the requested variance, SUBJECT TO THE PROPOSED CONDITIONS, IS the minimum
2 variation that will make possible the reasonable use of the land/structure because: regarding variance Part
3 A, the variance is the minimum variation to be able to rebuild in the same location should the residence
4 be destroyed. He said regarding variance Part B, the variance is the minimum variation as it is the only
5 location where a proposed addition could be located on that property. He said regarding variance Part C,
6 the variance is the minimum variation without moving the existing shed.

7
8 **7. THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE**
9 **PARTICULAR PURPOSES.**

10
11 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings
12 of Fact for Case 113-V-23, as amended.

13
14 **Mr. Wood moved, seconded by Mr. Randol, to adopt the Summary of Evidence, Documents of**
15 **Record, and Findings of Fact for Case 113-V-23, as amended. The motioned carried by voice vote.**

16
17 Mr. Elwell entertained a motion to move to the Final Determination for Case 113-V-23.

18
19 **Mr. Herbert moved, seconded by Mr. Wood, to move to the Final Determination for Case 113-V-**
20 **23. The motion carried by voice vote.**

21
22 Mr. Elwell told Ms. San Miguel that he would be reading the Final Determination from Attachment E on
23 page 13 of 13, as follows:

24
25 **FINAL DETERMINATION FOR CASE 113-V-23**

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

31
32 **The Variance requested in Case 113-V-23 is hereby GRANTED WITH CONDITIONS to the**
33 **petitioner, Michael San Miguel, to authorize the following variance:**

34
35 **Part A: Authorize an existing non-conforming dwelling with a setback from the street**
36 **centerline of South West Street (County Highway 22) of 51 feet in lieu of the minimum**
37 **required 75 feet and a front yard of 18 feet in lieu of the minimum required 30 feet, per**
38 **Section 4.3.2 of the Champaign County Zoning Ordinance and located within the corner**
39 **visibility triangle, per Section 4.3.3 F.1. of the Champaign County Zoning Ordinance.**

40
41 **Part B: Authorize a proposed addition to a dwelling with a setback from the street centerline**
42 **of South West Street (County Highway 22) of 58 feet in lieu of the minimum required 75 feet**
43 **and a front yard of 25 feet in lieu of the minimum required 30 feet, per Section 4.3.2 of the**
44 **Champaign County Zoning Ordinance.**

45
46 **Part C: Authorize an existing detached shed with a setback from the street centerline of**
47 **Busey Street of 40 feet in lieu of 65 feet and a front yard of 0 feet in lieu of the minimum**
48 **required 25 feet, per Section 4.3.2 of the Champaign County Zoning Ordinance.**

1 Mr. Elwell requested a roll call vote.

2
3 The vote was called as follows:

4				
5	Randol – Yes	Anderson – Yes	Herbert – Yes	Bates – Yes
6	Elwell – Yes	Roberts – Yes	Wood – Yes	

7
8 Mr. Elwell congratulated Ms. San Miguel on her four affirmative votes and said Staff will be reaching out
9 to her with further information.

10
11 **Case 114-V-23**

12 Petitioners: **Terry and Mary Eaglen, owners, and Tahir Malik, lessee**

13
14 Request: **Authorize the following variance in the I-1 Light Industry Zoning District on the**
15 **subject property described below:**

16
17 **Part A: An existing building with a side yard of 0 feet in lieu of the minimum**
18 **required 10 feet, per Section 5.3 of the Zoning Ordinance.**

19
20 **Part B: An existing building with a rear yard of 12 feet in lieu of the minimum**
21 **required 20 feet, per Section 5.3 of the Zoning Ordinance.**

22
23 **Part C: An existing building with a front yard of 7 feet and a setback from the**
24 **street centerline of Wallace Avenue of 41 feet in lieu of the minimum required**
25 **25 feet and 58 feet, respectively, per Section 4.3.2 of the Zoning Ordinance.**

26
27 **Part D: A proposed addition with a front yard of 7 feet and a setback from the**
28 **street centerline of Wallace Avenue of 41 feet in lieu of the minimum required**
29 **25 feet and 58 feet, respectively, per Section 4.3.2 of the Zoning Ordinance.**

30
31 **Part E: Allow parking on a lot within 0 feet of the front lot line in lieu of the**
32 **minimum 10 feet from the front lot line along both Wallace Street and Second**
33 **Street, per Section 7.4.1 of the Zoning Ordinance.**

34
35 **Part F: Allow nine parking spaces in lieu of the minimum required 18 spaces,**
36 **per Section 7.4.1 C.3.e. of the Zoning Ordinance.**

37
38 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
39 the witness register for that public hearing. He reminded the audience that when they sign the witness
40 register, they are signing an oath.

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

1 Tahir Malik, 1902 Sumac Drive, Champaign, stated that he is here to try and resolve the issues he has had
2 the past couple years with the County for his property by getting it up to code and resolve the matter, and
3 hopefully they can do that today.

4
5 Mr. Elwell thanked him and asked if there were any questions from the Board.

6
7 Mr. Wood asked Mr. Malik if he was involved when all the existing buildings were built.

8
9 Mr. Malik said he purchased the property in November of 2013 or 2014 and the previous buildings were
10 built way before he purchased the property. He said he didn't even know until the County brought it to
11 his attention that he needed permits for the preexisting buildings that the Eaglen's or whoever they bought
12 it from built years ago; he is not even sure how long ago, but it was a long time ago, and besides that there
13 is an addition that he built about six to eight years ago, he can't remember the exact date. He said he is
14 usually out of town since he lives in Las Vegas, so it's kind of hard to come back and forth. He said he
15 should have made the time to make this a priority, which he didn't with being busy and on the west coast,
16 and now he is trying to take the time to fix all the issues. He said that is all he can tell the Board as far as
17 the previous existing building and the addition that he built.

18
19 Mr. Wood said he mentioned the year he bought the property.

20
21 Mr. Malik said that is correct.

22
23 Mr. Wood said the case packet says he is the lessee and Terry and Mary Eaglen are the owners.

24
25 Mr. Malik said the property is on a contract sale and is not fully purchased yet.

26
27 Mr. Wood said okay, so the title has been changed to his name.

28
29 Mr. Malik said no, it hasn't been changed to his name, it's still under the Eaglen's name and he makes
30 mortgage payments until it's paid off.

31
32 Mr. Wood said okay.

33
34 Mr. Malik said they are aware of these permits and everything and approved.

35
36 Mr. Randol asked him if all the vehicles in the pictures were his or what is the story with them.

37
38 Mr. Malik asked him what page he was on.

39
40 Mr. Randol referred to Attachment C on page one, it is a photograph of his property and shows all kinds
41 of parked vehicles.

42
43 Mr. Hall said those vehicles are no longer there, they have been relocated.

44
45 Mr. Randol said okay, so now it's just vacant property other than the buildings.

46
47 Mr. Malik said the photo that Mr. Randol is looking at is an old photo, because Google Maps doesn't
48 update Wilbur Heights as often. He said currently there are a few cars there, but it doesn't look like a junk
49 yard at all as it did in this photo.

1 Mr. Randol said okay and thanked him.

2

3 Mr. Elwell asked Ms. Burgstrom if she would be able to help him figure out where the front-end loader is
4 on Attachment E compared to Attachment C.

5

6 Ms. Burgstrom said yes, the front-end loader in the photo on Attachment E that was taken in September
7 is located on the northeast corner, so they can see it on the 2020 aerial out in the right-of-way just left of
8 the notation that says Variance Part C.

9

10 Mr. Elwell said okay, so that is not a roadway merely to the left of the front-end loader is it.

11

12 Ms. Burgstrom said no it is not.

13

14 Mr. Elwell said okay.

15

16 Ms. Burgstrom said that is a driveway for the adjacent residence.

17

18 Mr. Elwell said okay and asked if they have to be notified of the case.

19

20 Ms. Burgstrom said yes, and they were. She said she received no comments for this case.

21

22 Mr. Herbert asked Mr. Malik if he had any intent of cleaning the property up where that litter sits and the
23 forklift.

24

25 Mr. Malik said now that he is back, he would like to focus on cleaning up the whole area, because for the
26 past couple of years he had it leased out to a construction company that's no longer there, and he has
27 different plans for the property after he renovates the property. He said as the Board can see in this photo,
28 there is a loader and forklift there and the forklift used to not be there, but he allowed the previous tenants
29 to use it there to unload and load their construction materials; they ended up putting it in the back. He said
30 he is mostly in Las Vegas, but he is trying to get all this cleaned up and presentable to the public eye, so
31 it looks better.

32

33 Mr. Elwell asked if there were any questions from the Board. Seeing none, he asked Ms. Burgstrom if this
34 property has a loading berth or future plans for this property.

35

36 Ms. Burgstrom said there is a concrete driveway that he will see on the left side if he is looking at the
37 annotated aerial in Attachment C. She said there is a driveway on the west side of the building just north
38 of the white camper on the south end of the property, and that is sufficient size to serve as a loading berth.

39

40 Mr. Elwell said okay. He asked if there were any other questions from the Board.

41

42 Mr. Wood asked what the reason was for the variance on the parking lot and what the property was going
43 to be used for.

44

45 Mr. Malik said he originally bought the property because he does autobody, auto repair, and stuff like that,
46 and that is what he was doing originally, but then he took a different route and ended up leasing a property.
47 He said now that the tenant is not there, he doesn't have an exact goal, but he would like to do auto repair
48 again, but he is a one-man team right now, so it is kind of hard to manage a whole auto repair business
49 and his alternative is potentially renting U-Hauls trailers at this location. He said the goal is to clean up

1 the property and take the fence down and build an addition, so it looks better, because it is a corner lot, so
2 he would like to eliminate the fence, clean it up, renovate it a little bit, and he is either going to do U-Haul
3 trailer rentals or auto repair like he originally purchased this property for a long time ago.
4

5 Ms. Burgstrom said the Zoning Ordinance for parking has a certain number of parking spaces required for
6 certain uses, but the vast majority of the commercial or industrial uses fall under one space for every 200
7 square feet of building, so based on the square footage of the building, they calculated that it would need
8 18 parking spaces and there is room for about nine parking spaces according to her calculations, so that is
9 where the variance request came from.
10

11 Mr. Wood said because there is no additional room.
12

13 Ms. Burgstrom said right.
14

15 Mr. Wood said yes.
16

17 Mr. Malik said he would like to add something if he may. He said the original reason the fence was built
18 a long time ago was due to having too many vehicles there, that were inoperable and stuff, and that isn't
19 the goal for the future. He said if he does do auto repair it is going to be more in and out – not storage.
20

21 Mr. Elwell asked if there were any other questions from the Board. Seeing none, he asked if anyone would
22 like to cross-examine this witness and if so, please raise their hand. Seeing no one, he asked if anyone
23 would like to testify in this case and if so, please raise their hand. Seeing none, he entertained a motion to
24 close the Witness Register for Case 114-V-23.
25

26 **Mr. Randol moved, seconded by Mr. Roberts, to close the Witness Register for Case 114-V-23. The**
27 **motion carried by voice vote.**
28

29 Mr. Wood said they have special conditions.
30

31 Mr. Elwell said they do sir. He told Mr. Malik he would be reading the special conditions from Attachment
32 F on page ten of 14 towards the bottom of the page from Item 13. He said he is going to read these two
33 special conditions and if he agrees, then please answer in the affirmative.
34

35 **SPECIAL CONDITIONS OF APPROVAL FOR CASE 114-V-23**
36

37 13. Regarding proposed special conditions of approval:
38

39 **A. Within 30 days of approval of Case 114-V-23, the petitioner shall pay the Zoning Use**
40 **Permit fee for all unauthorized construction to date.**
41

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

43 **That all structures on the subject property are authorized in compliance with**
44 **the Champaign County Zoning Ordinance.**

45 Mr. Elwell said they had already gotten that taken care of tonight, didn't they.
46

47 Ms. Burgstrom and Mr. Hall said yes.
48

49 Mr. Elwell said so they don't need that special condition and moving onto Item B., as follows:

1 **B. Other than authorized parking for up to 9 vehicles, there will be no outdoor storage**
2 **and operations on the subject property or in the adjacent road right-of-way.**

3
4 The special condition stated above is required to ensure the following:

5 **To help ensure compliance with Champaign County ordinances.**

6
7 Mr. Elwell asked Ms. Burgstrom if U-Hauls were outdoor storage.

8
9 Ms. Burgstrom said she would rather have Mr. Hall speak to that.

10
11 Mr. Hall said his view is that the U-Haul would be covered in the parking for up to nine vehicles. He said
12 are U-Haul trailer waiting to be rented considered stored or are they parked, that is always a difficult call,
13 the ordinance isn't quite clear. He said he thinks they could argue that they are parked there until they're
14 being used.

15
16 Mr. Randol asked Mr. Hall if he has to come back for any type of permit whenever Mr. Malik decides
17 what he does want to do with this property or is tonight taking care of all of that as far as the parking issue.

18
19 Mr. Hall said his view is that tonight would take care of that unless, and he doesn't think this will happen,
20 but unless it reverts to what it was previously with all those vehicles there in that area, that would not be
21 consistent with the approval. He said U-Hauls waiting to be rented he thinks would be consistent.

22
23 Mr. Randol thanked him.

24
25 Mr. Elwell asked Mr. Malik if went down the route of the U-Hauls, then would he anticipate more than
26 five or six trailers or trucks at one time, or what scale if he could wave a magic wand.

27
28 Mr. Malik said after he spoke with U-Haul, they sent him the contract and everything and they said they
29 would like to fill the property up, and when they say fill, he asked them roughly how many, they told him
30 they could bring him as many as he would like, so it is kind of hard to answer that. He said they
31 recommended that if he does go this route, they would like him to also take the fence down, so there is
32 visibility for these U-Hauls, and the agent that came for U-Haul said he could fit about ten medium and
33 large size trucks, anywhere from five to seven auto transport trailers, and four to five tow dollies. He told
34 them he would talk with the County and let them know, but he never called them back.

35
36 Ms. Burgstrom said she is wondering if the U-Haul representative is fully aware of the property lines,
37 because the streets have such wide right-of-way there, that in her opinion, she doesn't think that many
38 things would fit into the actual property itself.

39
40 Mr. Malik said he showed him where the property line was and explained everything to him, and where
41 the fence is currently built is where he was going park them, but he asked him if this was stuff that was
42 going to be stored here, because he is not trying to have stuff sitting, because there are plenty of U-Hauls
43 in town, so he told him that he didn't think he was going to have stuff sitting and if he put the 24-hour box
44 on the door, he doesn't even need to be there, they could just help themselves – grab and go, that is their
45 new thing with U-Haul.

46
47 Mr. Elwell told Mr. Malik that with this special condition he would only be able to have up to nine
48 vehicles, so that would be including all the trailers, trucks, dollies, including patron parking, and stuff like
49 that, so he wants him to understand that they're saying up to nine.

1 Mr. Malik said recently when this packet was mailed to him, it was mailed to his previous house that he
2 no longer has, because he sold it. He said he didn't get a chance to read this packet before coming in today,
3 so he wants to clarify that U-Haul is not his line of work; this is something he wanted to try out and if it
4 doesn't work out, he doesn't want to be bound to nine vehicles, because his line of work is auto repair. He
5 said if he is limited to nine vehicles that will not work out, because there is no contract with U-Haul. He
6 said he could do 30 days and if it doesn't work out, they'll come pick up their equipment and he's back to
7 a vacant lot. He said he does auto body and auto repair indoors, so he would have cars everywhere and
8 doesn't want to be limited to nine vehicles if he wanted to do auto repair. He said the only thing he can
9 promise is he doesn't plan on making it look like photos they see from seven or eight years ago, because
10 with time people learn, and he isn't 18 or 19 years old anymore, so he can be a lot better than he was when
11 this whole mess first started.

12
13 Mr. Randol said he is still limited to nine vehicles, it doesn't matter whether he would have auto mechanics
14 or a U-Haul, he is still going to be limited to nine vehicles, because of the legal lot size.

15
16 Mr. Malik said what about the neighbor, which is the other shop next to him, that has way more cars than
17 he should, it is completely maxed out and they're not moving.

18
19 Mr. Randol said that is not for him to answer.

20
21 Mr. Hall said from the County's perspective this is something they want to make sure doesn't happen and
22 this is something that is happening throughout Wilbur Heights, and Mr. Malik has in fact taken actions to
23 clean up that part of the problems he had. He said they want to make sure there is no storage or operations
24 in the adjacent road right-of-way, that is the key thing here. He said the other thing that is happening in
25 Wilbur Heights and is not happening on Mr. Malik's property currently as far as limiting the vehicles, is
26 nowhere in their Zoning Ordinance are vehicles supposed to be awaiting repair for more than 30 days
27 outside, that is not supposed to happen, and they are still dealing with that in Wilbur Heights. He told them
28 that is why they said no outdoor storage on the subject property or in the adjacent road right-of-way. He
29 said in previous discussions with Mr. Malik, it was his understanding that once he gets the proposed
30 addition that he has requested, then he won't need to store so many vehicles outside.

31
32 Mr. Malik said it's not really the storage, if customers bring them 15 cars, he isn't going to turn the work
33 down because he doesn't have the space. He said for two or three years previously when he purchased this
34 property, he didn't get any kind of notice to tell him to move this or that, it started later down the road
35 when the vehicles started to have front ends cut off of them and not be a good eye for the public, that is
36 when this issue occurred. He said in the first couple of years the cars looked nice, they weren't all damaged
37 and vandalized that look inoperable, so now he doesn't plan on having vehicles stored at all. He said it is
38 more like when a customer would bring a car and park it, then repair it in a timely manner indoors and the
39 customer comes to pick up the vehicle. He said it's not going to look like what it used to and if he takes
40 the fence down to build the addition, he doesn't want to have vehicles outside that are going to be all
41 wrecked and smashed, but if they are they will be inside getting repaired and then onto the next vehicle.

42
43 Mr. Randol said Mr. Malik could have 20 vehicles there, so long as they are turning and not there for a
44 30-day period.

45
46 Mr. Hall said and essentially intact.

47
48 Mr. Randol said right, but it's not a scrap yard.

49

1 Mr. Hall said it's not a scrap yard, so he is wondering and asked Ms. Burgstrom about striking the part
2 that says other than authorized parking for up to nine vehicles and making the special condition that there
3 will be no outdoor storage and operations on the subject property or in the adjacent road right-of-way. He
4 said what they were talking about on the outdoor storage was of nonintact vehicles.
5

6 Mr. Randol said if they fit, he could have 20 cars there that he could be working on if there all together as
7 long they were being turned out.
8

9 Mr. Herbert said operational vehicles being parked outside.
10

11 Mr. Randol said yes.
12

13 Mr. Elwell asked if he could have 20 U-hauls out there too.
14

15 Mr. Randol said as far as he would be concerned, because it's not anything that is going to be there
16 permanently, the U-Hauls could be in and out, if they are going to scratch the nine-vehicle thing.
17

18 Mr. Malik said realistically he would only like to have four trailers from U-Haul, he doesn't need the
19 whole place to be full, because with the shed there, they also said that they pay better to repair those U-
20 Haul trailers in case it's needed. He said he is not trying to max the place out with U-Hauls, it's just two
21 dollies or two trailers, or something like that, but who knows. He said what happens is there are certain
22 times when customers pick up on Springfield Avenue or University Avenue U-Haul, then they don't take
23 it back to that location and dump it in whatever other U-Haul pops up on their GPS, so he could end up
24 having more than he should.
25

26 Mr. Elwell said he thinks that is why it's important for them, if they're okay with having the outdoor
27 storage, he would prefer not to say he could only have five or have it limited just in case that does happen,
28 and his neighbor across the street says hey there are six, then there are issues. He said in his mind he wants
29 him to be able to use his property for what he wants to do with it as long as they're able to make it in
30 compliance and asked him if that made sense.
31

32 Mr. Malik said yes, he guesses from what he can say on the car point, if the U-Haul deal was scratched
33 completely, because like he said he does auto body and repair. He said if the U-Haul was completely taken
34 out, because it could be good, but he wouldn't know until he tries it, but he knows he is good at automotive
35 and he purchased this shop for that purpose. He said on the vehicle thing, he could give them an example,
36 yesterday alone he bought 18 vehicles and seven are fixed at a different shop, so he is fast at what he does,
37 and he doesn't plan on having vehicle storage for more than 30, 60, and 90 days of a vehicle – he has them
38 in and out. He said the U-Haul deal would be a similar situation with the vehicles go in and out, he is not
39 trying to make a storage lot or a junk yard, he is trying to make this property presentable, because if they
40 haven't been to Wilbur Heights, that place needs some love and that is what he is trying to do is at least
41 make his side of the corner better.
42

43 Mr. Elwell asked Mr. Hall if he had a recommendation on updating the condition.
44

45 Mr. Hall said he doesn't know if the Board would agree with this, but listening to what Mr. Malik has
46 said, here is a version that he would hope that Mr. Malik would agree with by simply saying there will be
47 no outdoor storage of nonintact vehicles on the subject property or in the adjacent road right-of-way.
48

49 Mr. Malik asked him if he could repeat that again.

1 Mr. Hall said yes, and repeated that there will be no outdoor storage of nonintact vehicles on the subject
2 property or in the adjacent road right-of-way.

3
4 Mr. Malik said he can agree with him on that and asked if they decided to drive tomorrow and he had just
5 got a vehicle in from the auction, because that's where he purchases all his wreck vehicles. He said he is
6 a rebuilder and does a lot of insurance work for State Farm and Progressive, so if they decided to drive by
7 tomorrow and saw this vehicle that has a smashed door, they wouldn't know how long it had been sitting
8 there, but they would be able to walk up to the car and see a sticker on the windshield that would tell them
9 when he purchased it and when it arrived there, but they wouldn't really know. He said from his point-of-
10 view it would be sitting there next in line to get fixed.

11
12 Mr. Randol said it would still be intact and wouldn't have been taken apart is what they're saying.

13
14 Mr. Malik said it would still be intact, drivable, and wouldn't be missing axles, the suspension, and sitting
15 on the ground where he couldn't even move it. He said it would still be moveable or it could have front
16 or rear end damage, but they would all drive, he doesn't plan on having a vehicle parked there where he
17 took the suspension off, and then he would have to use a jack to get it on a dolly or something – no. He
18 said technically they're all going to be intact and even in the prior photos every single vehicle drove, every
19 single one he could start it right up and drive, they might have a dead battery and need a jump pack, but
20 they will all be operable.

21
22 Mr. Hall asked if the Board would accept that special condition.

23
24 Mr. Randol said he was alright with it because it's going to be an improvement.

25
26 Mr. Hall said okay one more time, so they make sure they get this in the minutes. He said revised special
27 condition B is, that there will be no outdoor storage of nonintact vehicles on the subject property or in the
28 adjacent road right-of-way.

29
30 Ms. Burgstrom asked if he wanted to include operations in that special condition.

31
32 Mr. Hall said yes, technically there is not supposed to be any outside auto repair in Champaign County.

33
34 Mr. Malik said he doesn't anyways, that is why a few times he has said indoor.

35
36 Mr. Hall said okay.

37
38 Mr. Malik said they might see him sometime, for example, if he had to bring a vehicle on a trailer and it
39 was smashed, he would have to do certain things to get it indoors.

40
41 Mr. Hall said yes, so adding outdoor repairs and reading it once again; there will be no outdoor storage of
42 nonintact vehicles or outdoor repair of vehicles on the subject property or in the adjacent road right-of-
43 way.

44
45 Mr. Malik said yes sir.

46
47 Mr. Elwell continued reading the revised special condition of Item B., as follows:

48

1 **B. There will be no outdoor storage of nonintact vehicles or outdoor repair of vehicles**
2 **on the subject property or in the adjacent road right-of-way.**

3
4 The special condition stated above is required to ensure the following:

5 **To help ensure compliance with Champaign County ordinances.**

6
7 Mr. Elwell entertained a motion to move to the Findings of Fact for Case 114-V-23.

8
9 **Mr. Wood moved, seconded by Mr. Roberts, to accept the Preliminary Draft, Special Conditions,**
10 **Documents of Record, and move to the Findings of Fact for Case 114-V-23. The motion carried by**
11 **voice vote.**

12
13 Mr. Elwell told Mr. Malik he would be reading the Findings of Fact from Attachment F, page 12 of 14,
14 as follows:

15
16 **FINDINGS OF FACT FOR CASE 114-V-23**

17 From the documents of record and the testimony and exhibits received at the public hearing for zoning
18 case **114-V-23** held on **October 26, 2023**, the Zoning Board of Appeals of Champaign County finds that:

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

23
24 Mr. Malik asked what page they were on.

25
26 Mr. Elwell said they were on page 12 of 14 from Attachment F.

27
28 Mr. Malik asked if he said page 12 of 14.

29
30 Mr. Elwell said 12 of 14.

31
32 Mr. Wood said the special conditions and circumstances DO exist which are peculiar to the land or
33 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
34 the same district because: the Wilber Heights Subdivision was created in 1924 as a residential subdivision
35 to house employees of Clifford Jacobs Forging Company. He said the subject property was zoned I-1
36 Heavy Industry with the adoption of the Zoning Ordinance on October 10, 1973, consistent with the
37 regulation of land use that the City of Champaign had implemented prior. He said as the Wilber Heights
38 Subdivision transition continues toward Commercial and Industrial uses, owners are finding that the small
39 lots created for residential purposes approximately 100 years ago are difficult to design for current non-
40 residential needs and/or requirements. He said streets in the Wilber Heights subdivision have wide rights-
41 of-way, which create an additional limitation on how lots can be built upon and used. He said the petitioner
42 seeks to build the addition that is the subject of Variance Part D so that he can clean up the exterior of the
43 subject property. He said approving Variance Part D would help resolve an ongoing zoning enforcement
44 case.

- 45
46 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**
47 **sought to be varied {WILL / WILL NOT} prevent reasonable or otherwise permitted use of**
48 **the land or structure or construction because:**

1 Mr. Randol said the practical difficulties or hardships created by carrying out the strict letter of the
2 regulations sought to be varied WILL NOT prevent reasonable or otherwise permitted use of the land or
3 structure or construction because: regarding variance Part A for an existing building with a side yard of
4 zero feet in lieu of the minimum required ten feet: without the variance, the southwest area of the building
5 would have to be moved ten feet north or removed, and could not be rebuilt in that location due to lot size,
6 which are all cost prohibitive. He said regarding variance Part B for an existing building with a rear yard
7 of 12 feet in lieu of the minimum required 20 feet: the east side of the building would have to be reduced
8 by eight feet and could not be rebuilt in that location; again, very costly. He said regarding variance Part
9 C for an existing building with a front yard of seven feet and a setback from the street centerline of Wallace
10 Avenue of 41 feet in lieu of the minimum required 25 feet and 58 feet, respectively: without the variance,
11 much of the building would have to be removed and could not be rebuilt in that location if destroyed;
12 again, very expensive. He said regarding variance Part D for a proposed addition with a front yard of seven
13 feet and a setback from the street centerline of Wallace Avenue of 41 feet in lieu of the minimum required
14 25 feet and 58 feet, respectively: the petitioner could not build the addition that is proposed to declutter
15 the area outside of the building. He said regarding variance Part E to allow parking on a lot within zero
16 feet of the front lot line in lieu of the minimum ten feet from the front lot line along both Wallace Street
17 and Second Street: without the variance, even less parking would be available onsite, which would impact
18 variance Part F, which is to allow nine parking spaces. He asked if they were going to eliminate that.

19
20 Ms. Burgstrom said the variance is still needed based on the square footage of the building.

21
22 Mr. Randol asked if they were eliminating Part F.

23
24 Mr. Hall said no, they need it because under the Ordinance there needs to be 18 regulated parking spaces
25 and that physically is not possible.

26
27 Mr. Randol said Part F would be to allow nine parking spaces in lieu of the minimum required 18 spaces,
28 and without the variance, the building footprint would have to be reduced in order to reduce the required
29 number of parking spaces; again, due to lot size, it's just not practical.

30
31 Ms. Burgstrom said she heard him say WILL NOT instead of WILL and she wants to clarify what he
32 meant.

33
34 Mr. Wood said yes, he thinks Mr. Randol meant WILL.

35
36 Mr. Randol said he meant WILL.

37
38 Ms. Burgstrom thanked him.

39
40 Mr. Randol said yes.

41 Mr. Elwell asked Mr. Hall if they needed accessible parking.

42
43 Mr. Hall said okay, he is not the administrator of the accessibility code, but he does know that there is no
44 need to add new parking spaces to the property, and his understanding of the accessibility code is that if
45 they are not adding parking spaces, then they don't have to add an accessible parking space.

46
47 Ms. Burgstrom said he did not misspeak, however, she believes it's in the accessibility code, if there is a
48 proposed addition that is adding square footage, then that addition must be accessible.

49

1 Mr. Hall said yes, the addition must be and so, if there is a man door, then that must be an accessible door.
2 He said there was something else he was going to say, but the main point is he is not adding parking, so
3 they don't have to add accessible parking. He knows what he was going to say; they do not enforce the
4 Americans with Disabilities Act, which generally is stricter than the Illinois Accessibility Code, so Mr.
5 Malik should become familiar with the Americans with Disabilities Act and make sure that he doesn't run
6 afoul of it, but they don't enforce that, so they're not going to cause any problems in that regard.

7
8 Mr. Elwell thanked Mr. Hall.

9
10 Mr. Malik said he wanted to add something, he feels like the worry here is the outdoor storage, they're
11 thinking there will be storage again, and it will build up a bunch of stuff. He said if they would give him
12 the Special Use Permit to have his dealer license, then there will be all nice cars and no junk cars outdoors,
13 that's really what he wants. He said that corner will look great, and he won't have junk cars mixed with
14 good cars, they would be all cars with sale signs, and that's what he wanted when he bought this property
15 and he hasn't been able to get his dealer licenses anywhere, and if he does, then he keeps renting a property
16 that is crazy expensive. He said what he really wants is a dealer's license and he can't get it, because he
17 must do it under a Special Use Permit. He said the other day they discussed the whole U-Haul deal not
18 being allowed, but it could be allowed under the trailer sales, they must give him his dealer license, then
19 there would be zero problems from him, because it is only going to be nice cars and he would give them
20 a good deal as well.

21
22 Mr. Elwell said is that bribery.

23
24 Mr. Herbert said is that bribery.

25
26 Mr. Randol said let's continue with this and take up the dealer's license at another point.

27
28 Mr. Malik said it has to do with the outdoor storage, then they would have no reason to think he would
29 have a bunch of junk cars, he would only have nice, fixed vehicles, so he would be repairing them at
30 another property.

31
32 Mr. Randol said they're already taking him at his word, or they would be kicking him out of here.

33
34 Mr. Hall told Mr. Malik he does need to talk to him more about the U-Haul rental and an open lot trailer
35 sales area is not allowed in the I-1 Zoning District, and a rental lot is not in the Zoning Ordinance, so it is
36 left to the Zoning Administrator to decide if trailers for rent are the same thing as trailers for sale, and he
37 would like to talk to him about that outside of the public hearing.

38
39 Mr. Elwell said moving on to number 3., as follows:

40
41 **3. The special conditions, circumstances, hardships, or practical difficulties {DO / DO NOT}**
42 **result from actions of the applicant because:**

43
44 Mr. Wood said the special conditions, circumstances, hardships, or practical difficulties DO NOT result
45 from actions of the applicant because: the Eaglen's have owned the subject property since 2001 and all
46 unauthorized additions to the original building permitted under ZUPA # 180-79-01 appear to have been
47 constructed prior to their ownership of the subject property. He said regarding variance Part D, the
48 proposed addition would be no closer to Wallace Avenue than the existing building.

1 **4. The requested variance *{SUBJECT TO THE PROPOSED CONDITIONS}* *{IS / IS NOT}* in**
 2 **harmony with the general purpose and intent of the Ordinance because:**
 3

4 Mr. Randol said the requested variance, SUBJECT TO THE PROPOSED CONDITIONS, IS in harmony
 5 with the general purpose and intent of the Ordinance because: there are no known plans to expand Wallace
 6 Avenue or North Second Street.
 7

8 **5. The requested variance *{SUBJECT TO THE PROPOSED CONDITIONS}* *{WILL / WILL*
 9 ***NOT}* be injurious to the neighborhood or otherwise detrimental to the public health, safety,**
 10 **or welfare because:**
 11**

12 Mr. Wood said the requested variance, SUBJECT TO THE PROPOSED CONDITIONS, WILL NOT be
 13 injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because:
 14 relevant jurisdictions were notified of this variance, and no comments have been received. He said the
 15 closest structure on adjacent property is approximately 20 feet south of the building.
 16

17 **6. The requested variance *{SUBJECT TO THE PROPOSED CONDITIONS}* *{IS / IS NOT}* the**
 18 **minimum variation that will make possible the reasonable use of the land/structure because:**
 19

20 Mr. Randol said the requested variance, SUBJECT TO THE PROPOSED CONDITIONS, IS the
 21 minimum variation that will make possible the reasonable use of the land/structure because: regarding
 22 variance Parts A, B, and C, the variance is the minimum variation to be able to rebuild in the same location
 23 should the building be destroyed. He said regarding variance Part D, the variance is the minimum variation
 24 as it is the only location where a proposed addition of usable size could be located. He said regarding
 25 variance Parts E and F, the variance is the minimum variation that balances the number of parking spaces
 26 requirement with the area allowed for parking onsite.
 27

28 **7. THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE**
 29 **PARTICULAR PURPOSES.**
 30

31 Mr. Elwell entertained a motion to adopt the Summar of Evidence, Documents of Records, and Findings
 32 of Fact for Case 114-V-23, as amended.
 33

34 **Mr. Randol moved, seconded by Mr. Wood, to adopt the Summary of Evidence, Documents of**
 35 **Record, and Findings of Fact for Case 114-V-23, as amended. The motion carried by voice vote.**
 36

37 Mr. Elwell entertained a motion to move to the Final Determination for Case 114-V-23.
 38

39 **Mr. Herbert moved, seconded by Mr. Roberts, to move to the Final Determination for Case 114-V-**
 40 **23. The motion carried voice vote.**

41 Mr. Elwell told Mr. Malik he would be reading the Final Determination from Attachment F, page 14 of
 42 14, as follows:
 43

44 **FINAL DETERMINATION FOR CASE 114-V-23**

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

1 The Variance requested in Case 114-V-23 is hereby GRANTED WITH SPECIAL CONDITIONS
2 to the petitioner, Tahir Malik, to authorize the following variance in the I-1 Light Industry Zoning
3 District:
4

5 Part A: An existing building with a side yard of 0 feet in lieu of the minimum required 10 feet,
6 per Section 5.3 of the Zoning Ordinance.
7

8 Part B: An existing building with a rear yard of 12 feet in lieu of the minimum required 20 feet,
9 per Section 5.3 of the Zoning Ordinance.
10

11 Part C: An existing building with a front yard of 7 feet and a setback from the street centerline
12 of Wallace Avenue of 41 feet in lieu of the minimum required 25 feet and 58 feet, respectively,
13 per Section 4.3.2 of the Zoning Ordinance.
14

15 Part D: A proposed addition with a front yard of 7 feet and a setback from the street centerline
16 of Wallace Avenue of 41 feet in lieu of the minimum required 25 feet and 58 feet, respectively,
17 per Section 4.3.2 of the Zoning Ordinance.
18

19 Part E: Allow parking on a lot within 0 feet of the front lot line in lieu of the minimum 10 feet
20 from the front lot line along both Wallace Street and Second Street, per Section 7.4.1 of the
21 Zoning Ordinance.
22

23 Part F: Allow 9 parking spaces in lieu of the minimum required 18 spaces, per Section 7.4.1 C.3.e
24 of the Zoning Ordinance.
25

26 Mr. Elwell requested a roll call vote.
27

28 The vote was called as follows:
29

Randol – Yes	Anderson – Yes	Herbert – Yes	Bates – Yes
Elwell – Yes	Roberts – Yes	Wood – Yes	

33 Mr. Elwell congratulated Mr. Malik on his seven affirmative votes and said that Staff would be reaching
34 out to him with further communication.
35

36 Mr. Malik thanked them.
37

38 Mr. Elwell said they appreciate being good stewards of their community and they look forward to having
39 a little bit of a shining city on a hill out there.
40

41 Mr. Malik said he appreciates them for giving him this opportunity and once again, he apologizes for all
42 these years he has caused a headache for the County, he is going to be the Tylenol in this situation and get
43 rid of the headache.
44

45 Mr. Elwell asked Ms. Burgstrom about Case 115-S-23.
46

47 Ms. Burgstrom said she believes they should open the case and asked if that was correct. She said as the
48 memo says, there has been a change in staffing with this petitioner and they would like to continue the
49 case to January 25, 2024, if the Board all agrees.
50

1 **Case 115-S-23**

2 Petitioner: **Pivot Energy IL 38, LLC**

3
4 Request: **Authorize a Community PV Solar Farm with a total nameplate capacity of 5**
5 **megawatts (MW), including access roads and wiring, in the AG-1 Agriculture Zoning**
6 **District, and including the following waiver of standard conditions:**

7
8 **A waiver for not entering into a Roadway Upgrade and Maintenance**
9 **Agreement or waiver therefrom with the relevant local highway authority**
10 **prior to consideration of the Special Use Permit by the Board, per Section 6.1.5**
11 **G. of the Zoning Ordinance.**

12
13 **Other Waivers may be necessary.**

14
15 Location: **That part of a 51.16-acre tract of land lying south of County Highway 15 (CR 1050N)**
16 **in the East Half of the West Half of Section 12, Township 18 North, Range 10 East of**
17 **the Third Principal Meridian in Sidney Township, and commonly known as farmland**
18 **owned by Louis and Donna Zitting.**

19
20 Mr. Elwell entertained a motion to continue Case 115-S-23 to January 25, 2024.

21
22 **Mr. Randol moved, seconded by Mr. Herbert, to continue Case 115-S-23 to January 25, 2024. The**
23 **motion carried by voice vote.**

24
25 **8. Staff Report**

26
27 Mr. Hall said there isn't a staff report, but he would like to introduce to the Board their Zoning Officer,
28 Charlie Campo, who came here tonight on his own volition to make sure he was here in case they had
29 questions during the previous zoning case. He said Mr. Campo has put in a lot of hours on a lot of
30 properties in Wilbur Heights, not just Mr. Malik's, so he was happy to see Mr. Campo here tonight.

31
32 Mr. Bates said he did have a question on the potential trailer sales in I-1 and asked if there were no
33 vehicle or trailer sales allowed in I-1.

34
35 Mr. Hall said yes.

36
37 Mr. Bates said only repair type facilities.

38
39 Mr. Randol said rental is not sales.

40 Mr. Hall said rental is not the same thing as sales.

41
42 Mr. Randol said that is his comment, rental is not sales.

43
44 Mr. Hall said they look similar from the street.

45
46 Mr. Bates referred to the business on the corner of Cunningham Avenue and Kerr Avenue and asked
47 what building that was across from the cemetery.

48
49 Mr. Hall said what is that again.

1 Mr. Bates said he thinks it's Abbott's Florist.
2
3 Mr. Herbert said Blossom Basket.
4
5 Mr. Bates said this is his own knowledge of what zoning that is, but there is a car dealership.
6
7 Mr. Hall said he thinks almost all those areas are in the city, but along Cunningham Avenue there is a
8 lot of B-4 zoning, and B-4 is the zoning district intended for sales.
9
10 Mr. Bates said okay.
11
12 Mr. Hall said it allows repair.
13
14 Mr. Bates said he is just trying to educate himself and thanked him.
15
16 Mr. Hall said yes.
17
18 **9. Other Business – None**
19 **A. Review of Docket**
20
21 **10. Adjournment**
22
23 Mr. Elwell entertained a motion to adjourn the meeting.
24
25 **Mr. Bates moved, seconded by Mr. Herbert, to adjourn the meeting. The motion carried by voice**
26 **vote.**
27
28 The meeting adjourned at 7:45 pm.
29
30 Respectfully Submitted,
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34 Secretary of the Zoning Board of Appeals
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