

# **CASES 119-S-23 & 120-V-23**

*PRELIMINARY MEMORANDUM  
DECEMBER 6, 2023*

**Petitioner:** Eastern Illini Electric Cooperative, via agent Paul Crutcher

**Request:**

**Case 119-S-23**

**Authorize an existing Electrical Substation as a Special Use Permit in the AG-1 Agriculture Zoning District, subject to the variance in related Case 120-V-23.**

**Case 120-V-23**

**Authorize the following variance for the proposed Special Use Permit in related case 119-S-23:**

**Part A: Authorize an existing substation with a front yard of 12 feet and a setback from the street centerline of 32 feet in lieu of the minimum required 25 feet and 55 feet, respectively, per section 4.3.2 of the Zoning Ordinance.**

**Part B: Authorize a lot area of .40 acre in lieu of the minimum required 1 acre in the AG-1 Agriculture Zoning District, per Section 5.3 of the Zoning Ordinance.**

**Part C: Authorize an average lot width of 149 feet in lieu of the minimum required 200 feet in the AG-1 Agriculture Zoning District, per Section 5.3 of the Zoning Ordinance.**

**Location: A 10,993 square foot parcel and an adjacent 5,316 square foot parcel totaling 16,309 square feet in the Northeast Quarter of the Northwest Quarter of Section 27, Township 21 North, Range 7 East of the Third Principal Meridian in Newcomb Township, and commonly known as the Eastern Illini Electric Cooperative Substation with an address of 343 CR 2600N, Mahomet.**

**Site Area: 0.40 acres**

**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 petitioners constructed an electrical substation at this location in 1983 without a Special Use Permit or Zoning Use Permit. This was discovered when they applied to install a monopole tower in 2023.

The petitioner requests a Special Use Permit for the existing substation to come into compliance with the Zoning Ordinance. An electric substation is permitted in the AG-1 Agriculture Zoning district as a Special Use.

The petitioners request a variance for an existing control building that resides within an electrical substation that does not meet the minimum setback and front yard requirements along CR 2600N. They would like to have the existing control building remain where it currently is to avoid having to re-route all the existing underground work.

Staff discovered the lot did not meet the minimum lot area and average lot width requirements. In order to be a good zoning lot, a variance is needed for average lot width and lot area. The petitioners stated that the lot was optimized for minimum land use at the time for an electric substation so as to not take up more farmland than it needed to.

A boundary survey of a 0.12-acre parcel depicts land purchased adjacent to the electric substation in order to expand the area for use by EIEC and to host a proposed telecommunications tower.

## EXISTING LAND USE AND ZONING

**Table 1. Land Use and Zoning Summary**

Direction	Land Use	Zoning
Onsite	Utility	AG-1 Agriculture
North	Agriculture	AG-1 Agriculture
West	Agriculture	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

## EXTRATERRITORIAL JURISDICTION

The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning.

The subject property is located within Newcomb Township, which has a Planning Commission. Townships with Plan Commissions have protest rights on a variance and receive notification of such cases.

## PROPOSED SPECIAL CONDITIONS

- A. **A Change of Use Permit and submittal of \$260 Special Use Permit fees shall be applied for within 30 days of the approval of Case 119-S-23.**

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

**The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.**

- B. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

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

**That any proposed exterior lighting is in compliance with the Zoning Ordinance.**

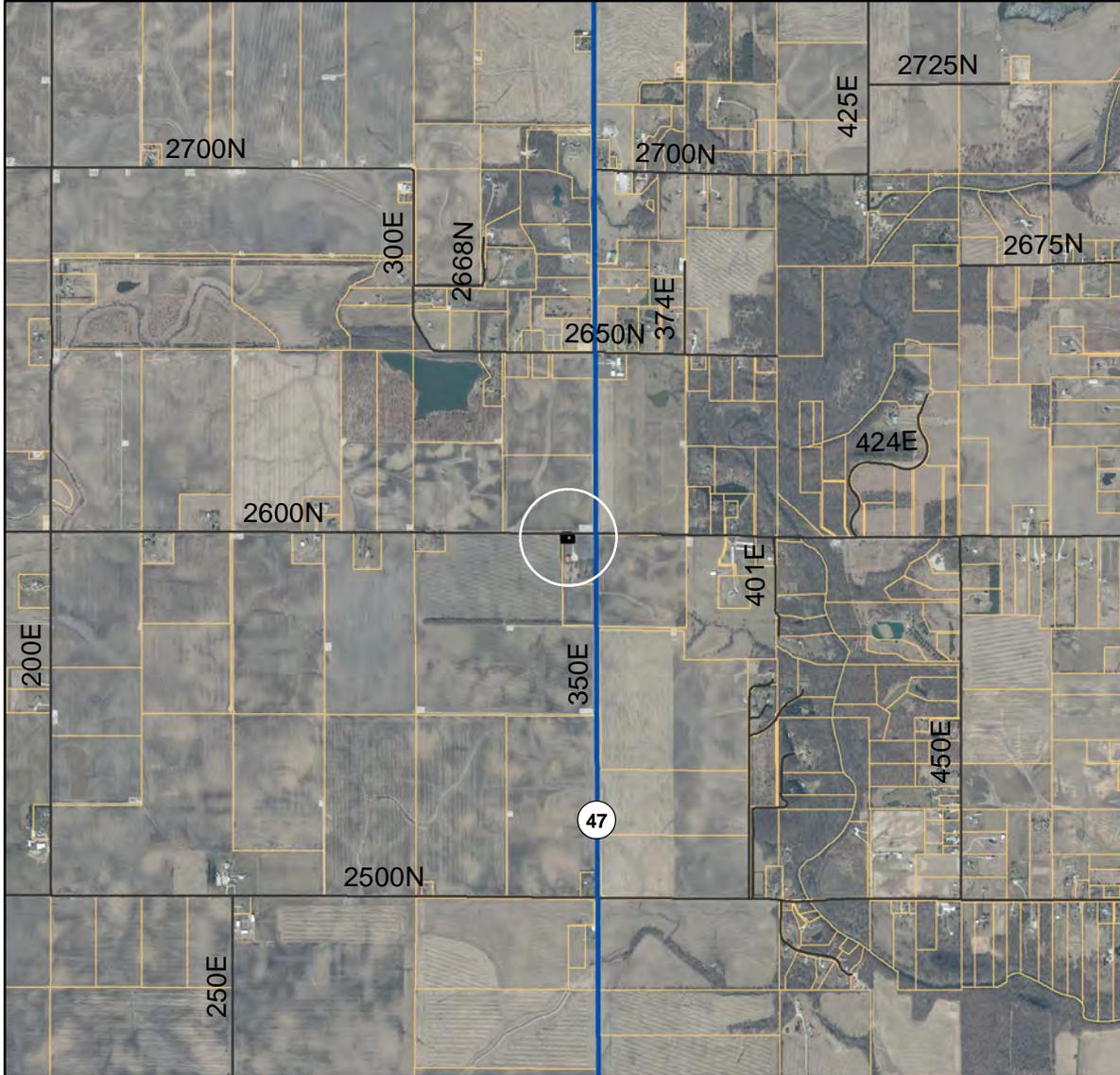
**ATTACHMENTS**

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan and Survey received October 19, 2023
- C Boundary Survey received October 19, 2023
- D Annotated 2023 Aerial Photo created by P&Z Staff on December 5, 2023
- E Email from Paul Crutcher, EIEC, received December 5, 2023
- F Site images taken November 15, 2023
- G Summary of Evidence, Summary Draft Finding of Fact and Final Determination dated December 14, 2023

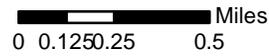
# Location Map

Cases 119-S-23 & 120-V-23  
December 14, 2023

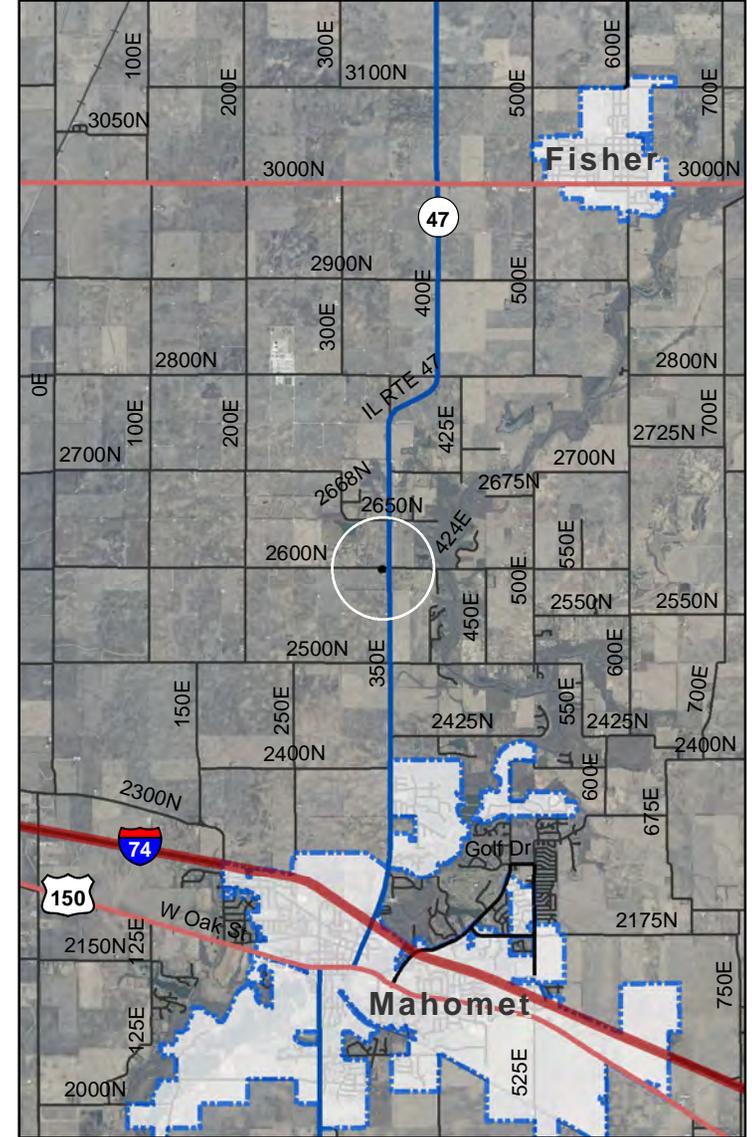
Subject Property



-  Subject Property
-  Municipal Boundary
-  Parcels

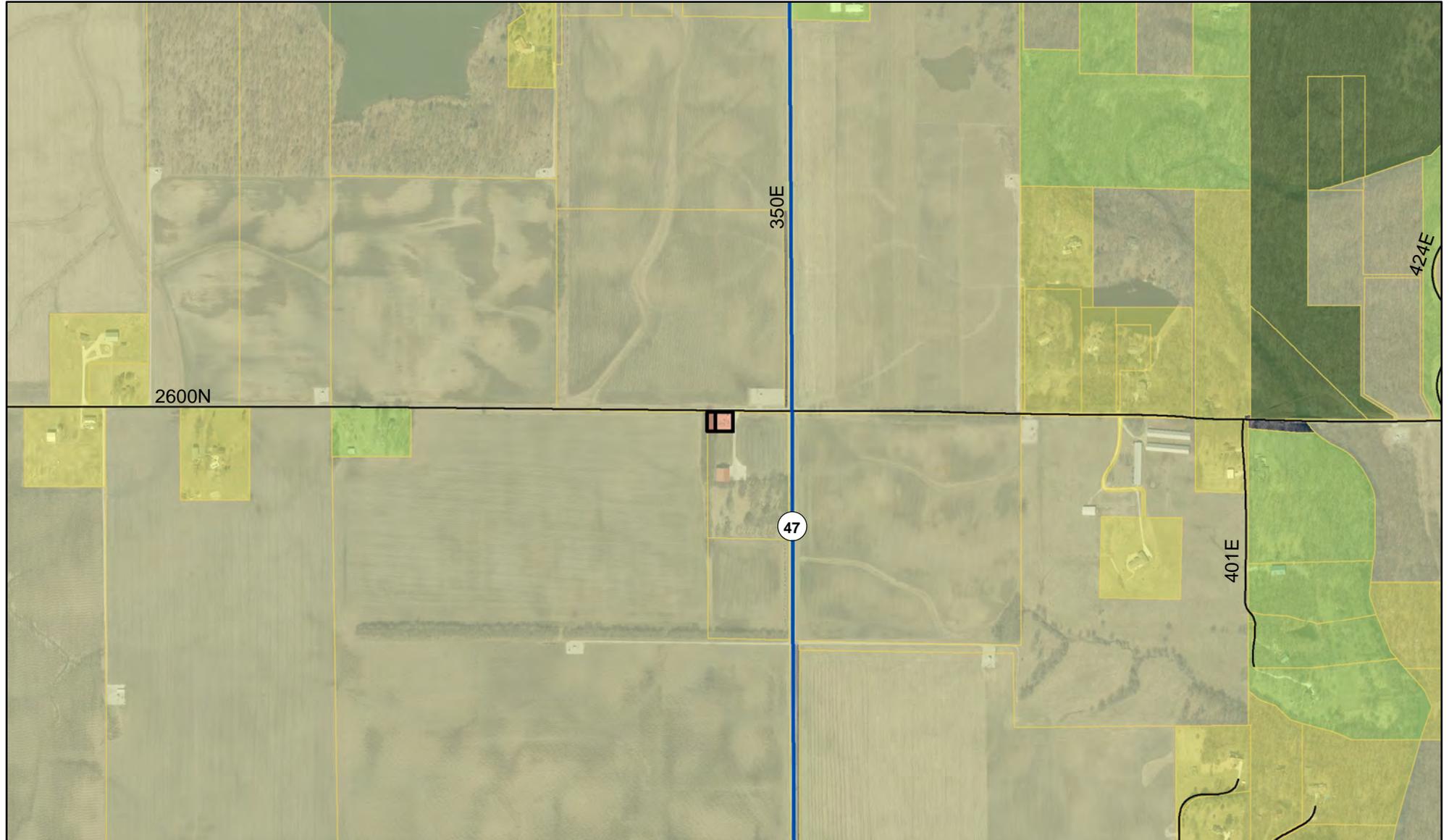


Property location in Champaign County

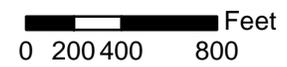


# Land Use Map

Cases 119-S-23 & 120-V-23  
December 14, 2023

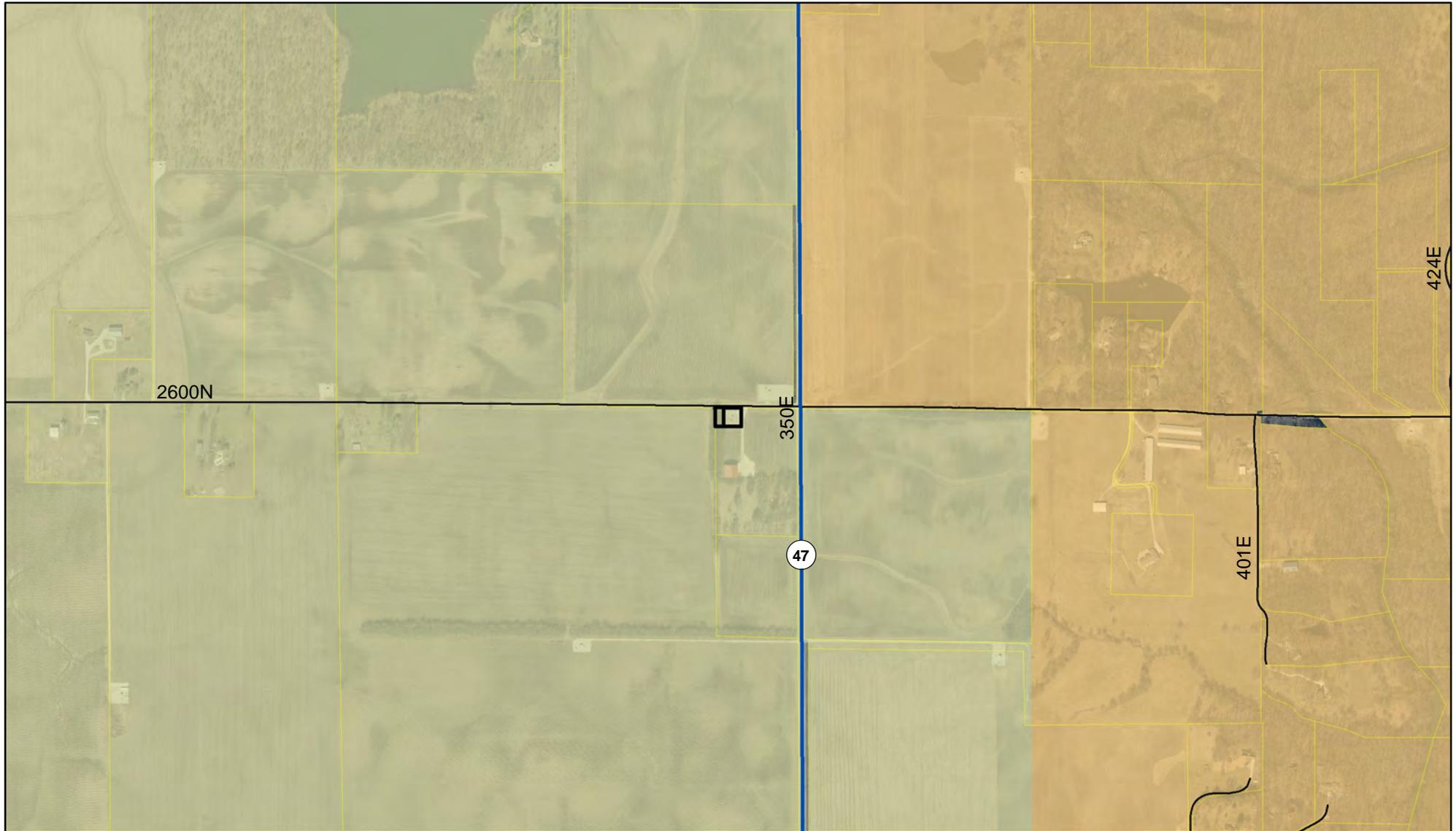


- |   |  |  |
|---|--|--|
|  Subject Property |  Agriculture    |  Utility    |
|  Parcels          |  Ag/Residential |  Tax Exempt |
|   |  Residential    |  |



# Zoning Map

Cases 119-S-23 & 120-V-23  
December 14, 2023



-  Subject Property
-  CR Conservation Recreation
-  AG-1 Agriculture

0 200 400 800 Feet



Champaign County  
Department of  
PLANNING &  
ZONING



# BOUNDARY SURVEY

PART OF N.W. 1/4 SECTION 27, TOWNSHIP 21 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN  
CHAMPAIGN COUNTY, ILLINOIS



**Farnsworth GROUP**

2709 MCGRAW DRIVE  
BLOOMINGTON, ILLINOIS 61704  
(309) 663-8435 / info@f-w.com

www.f-w.com  
Engineers | Architects | Surveyors | Scientists

ISSUE # DATE DESCRIPTION

PROJECT  
EASTERN ILLINI ELECTRIC COOPERATIVE

CHAMPAIGN COUNTY, ILLINOIS

Date: 2-28-23

Design/Drawn: DJM

Reviewed: JDA

Field Book No.: 196/01

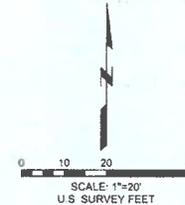
Project No.: 0230132.00

SHEET TITLE  
**BOUNDARY SURVEY**

SHEET NUMBER

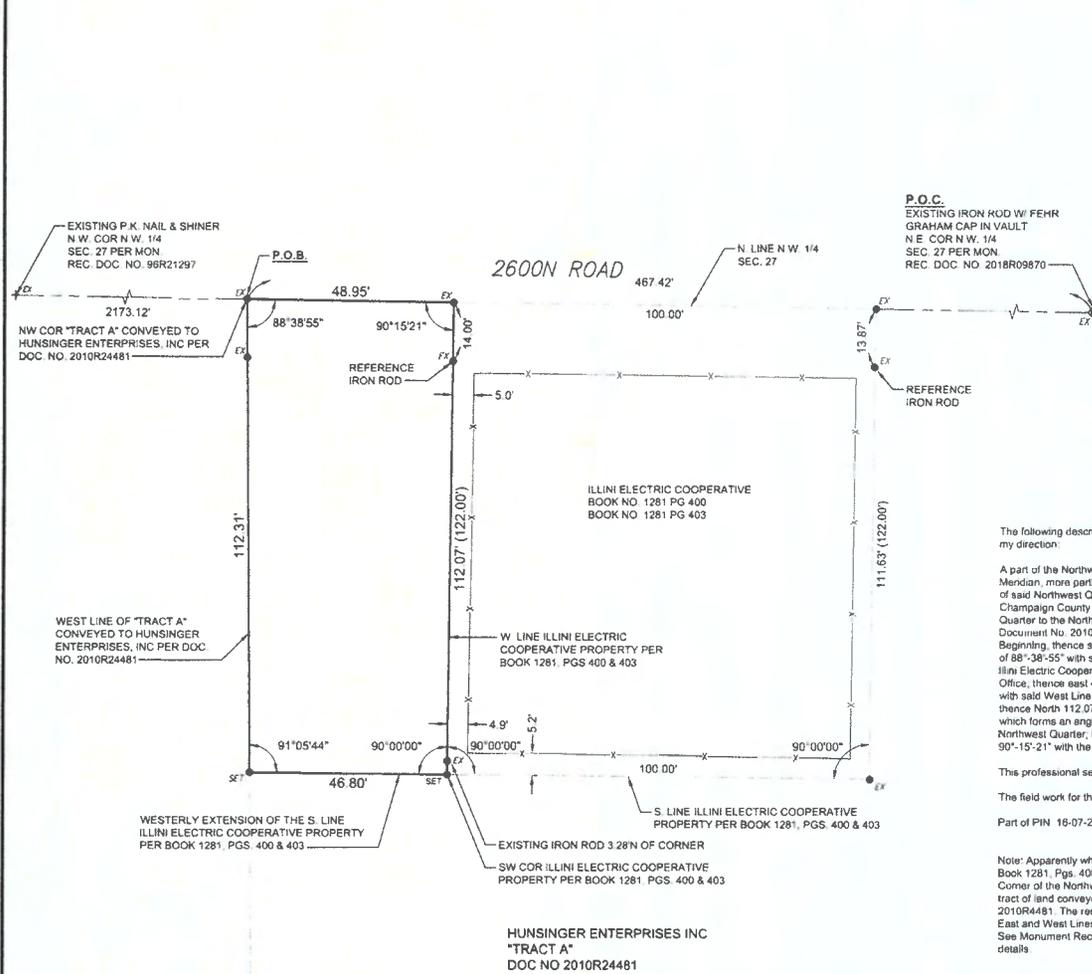
1

File No.: 18-2275



### LEGEND

- EX EXISTING MONUMENT
- SET SET MONUMENT
- IRON ROD
- (22.35') RECORD DIMENSION
- ⊕ PK NAIL
- ⊙ IRON ROD IN VAULT
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING



The following described property has been surveyed and platted for Eastern Illini Electric Cooperative under my direction:

A part of the Northwest Quarter of Section 27, Township 21 North, Range 7 East of the Third Principal Meridian, more particularly described as follows. Commencing at an iron rod in vault at the Northeast Corner of said Northwest Quarter according to Monument Record recorded as Document No. 2018R09870 in the Champaign County Recorder's Office, thence west, 467.42 feet along the North Line of said Northwest Quarter to the Northwest Corner of "TRACT A" conveyed to Hunsinger Enterprises, Inc. per Warranty Deed Document No. 2010R24481 in said Recorder's Office, also being the Point of Beginning. From said Point of Beginning, thence south 112.31 feet along the West Line of said "TRACT A" which forms an angle to the right of 88°38'55" with said North Line to the Westery Extension of the South Line of a tract of land conveyed to Illini Electric Cooperative per Warranty Deeds recorded in Book No. 1281, Pgs. 400 & 403 in said Recorder's Office, thence east 48.95 feet along said Westery Extension which forms an angle to the right of 91°05'44" with said West Line to the Southwest Corner of said tract of land conveyed to Illini Electric Cooperative; thence North 112.07 feet along the West Line of said tract of land conveyed to Illini Electric Cooperative which forms an angle to the right of 90°00'00" with said Westery Extension to the North Line of said Northwest Quarter, thence west 48.95 feet along said North Line which forms an angle to the right of 90°15'21" with the last described course to the Point of Beginning, in Champaign County, Illinois

This professional service conforms to the current Illinois minimum standards for boundary surveys

The field work for this survey was completed on February 1, 2023.

Part of PIN 16-07-27-100-008

Note: Apparently when the Illini Electric Cooperative tract was acquired per Warranty Deeds recorded in Book 1281, Pgs. 400 & 403, the descriptions were written using a different monument at the Northeast Corner of the Northwest Quarter of Section 27 than what was used for the descriptions for the surrounding tract of land conveyed to Hunsinger Enterprises, Inc. per Warranty Deeds Doc. Nos. 2010R4480 & 2010R4481. The result of this is a considerable difference in the measured and record distances along the East and West Lines of said Illini Electric Cooperative tract. See Monument Records Doc. No. 2018R09870, 97R23330 & 82R559 in Book 1281, Pg. 399 for monument details.

FARNSWORTH GROUP, INC  
2709 MCGRAW DRIVE  
BLOOMINGTON, IL 61704

By: *Brent A. Bazan*  
Brent A. Bazan  
Professional Land Surveyor No. 3715



DATE: **2-28-23**  
EXP. DATE: 11-30-2024  
DESIGN FIRM REGISTRATION NO. 184-001856

N.W. 1/4 SEC. 27, T.21N., R.7E. 3P.M.

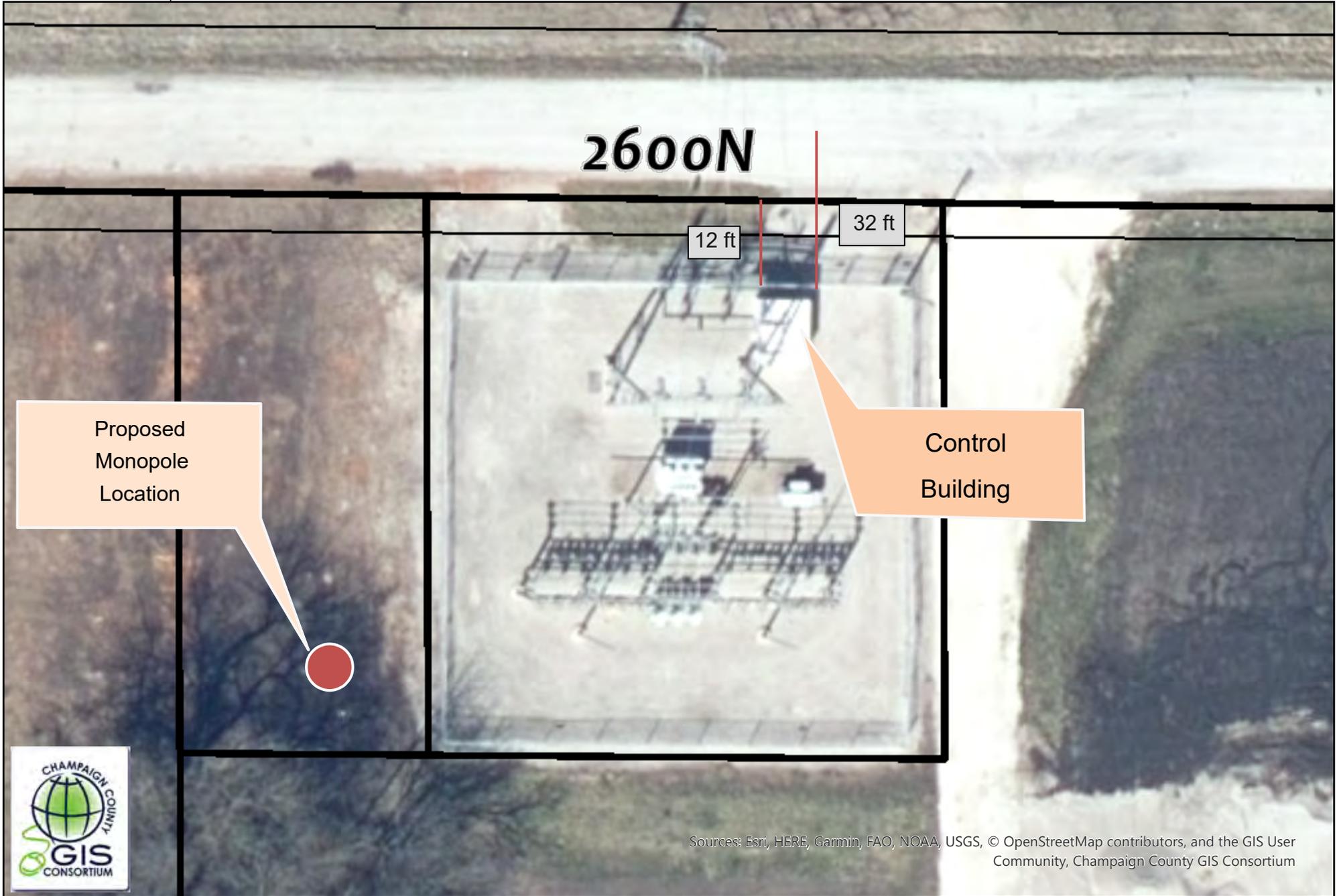
**RECEIVED**

OCT 19 2023

CHAMPAIGN CO. P & Z DEPARTMENT

# Annotated 2023 Aerial

Cases 119-S-23 & 120-V-23  
December 14, 2023

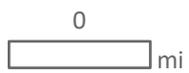


Proposed  
Monopole  
Location

Control  
Building



Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Champaign County GIS Consortium



This map was prepared with geographic information system (GIS) data created by the Champaign County GIS Consortium (CCGIS), or other CCGISC member agency. These entities do not warrant or guarantee the accuracy or suitability of GIS data for any purpose. The GIS data within this map is intended to be used as a general index to spatial information and not intended for detailed, site-specific analysis or resolution of legal matters. Users assume all risk arising from the use or misuse of this map and information contained herein. The use of this map constitutes acknowledgement of this disclaimer.



## Trevor Partin

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**From:** Paul Crutcher <paul.crutcher@eiec.coop>  
**Sent:** Tuesday, December 5, 2023 9:05 AM  
**To:** Trevor Partin; 'mcroop@team.nxlink.com'  
**Cc:** Paul Crutcher  
**Subject:** RE: Upcoming Zoning Case Inquiry

RECEIVED

DEC 05 2023

CHAMPAIGN CO. P & Z DEPARTMENT

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

Hi Trevor,

We've been wanting to expand that side for a while, for accessibility, parking, etc. It just happened to work out at this time. It's fair to say that the need for a communications pole/tower/monopole is the primary driver for the expansion this year, though. The management team at EIEC wasn't aware that permits in the 80/90/s weren't on file with the county.

It worked out that EIEC was needing a communication mounting structure and our cooperation with a rural broadband provider worked out nicely.

Thanks,  
Paul Crutcher  
Electrical Engineer  
217-379-0437

**From:** Trevor Partin <tpartin@co.champaign.il.us>  
**Sent:** Monday, December 4, 2023 12:51 PM  
**To:** Paul Crutcher <paul.crutcher@eiec.coop>; 'mcroop@team.nxlink.com' <mcroop@team.nxlink.com>  
**Subject:** Upcoming Zoning Case Inquiry

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

Hi Paul and Megan

I am finishing up the upcoming Zoning Case for EIEC and Nextlink.

I had a quick question regarding the additional smaller parcel EIEC purchased adjacent to the Electric Substation at 343 CR 2600N. Why did EIEC purchase this 0.12-acre parcel? Was it solely for the construction of the proposed Monopole? Or was it to minimize the variance needed for lot width and area? Any insight you could give would be great; as I don't want to assume why it was bought.

Let me know if you have any questions.

Best,  
Trevor Partin  
Associate Planner

Champaign County Department of Planning & Zoning  
1776 East Washington Street

## 119-S-23 & 120-V-23 Site Images



**From neighboring property adjacent to subject property, facing West to existing substation and control building.**



**From 2600N adjacent to subject property, facing North to existing substation and control building. Neighboring Ag buildings are pictured towards the Southeast.**

### 119-S-23 & 120-V-23 Site Images



**From neighboring property adjacent to subject property, facing Southwest to existing substation and control building. Neighboring agricultural shed pictured to the South.**



**From CR 2600N adjacent to subject property, facing Southeast to existing substation and control building. Illinois State Route 47 is to the East.**

**PRELIMINARY DRAFT**

**119-S-23 & 120-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: ***{December 14, 2023}***

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

Request: **Case 119-S-23**

**Authorize an existing Electrical Substation as a Special Use Permit in the AG-1 Agriculture Zoning District, subject to the variance in related Case 120-V-23.**

**Case 120-V-23**

**Authorize the following variance for the proposed Special Use Permit in related case 119-S-23.**

**Part A: Authorize an existing substation with a front yard of 12 feet and a setback from the street centerline of 32 feet in lieu of the minimum required 25 feet and 55 feet, respectively, per section 4.3.2 of the Zoning Ordinance.**

**Part B: Authorize a lot area of .40 acre in lieu of the minimum required 1 acre in the AG-1 Agriculture Zoning District, per Section 5.3 of the Zoning Ordinance.**

**Part C: Authorize an average lot width of 149 feet in lieu of the minimum required 200 feet in the AG-1 Agriculture Zoning District, per Section 5.3 of the Zoning Ordinance.**

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**PRELIMINARY DRAFT****Cases 119-S-23 & 120-V-23**

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**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **December 14, 2023**, 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. Paul Crutcher is the acting agent for the petitioner.
2. The subject property is a 10,993 square foot parcel and an adjacent 5,316 square foot parcel totaling 16,309 square feet in the Northeast Quarter of the Northwest Quarter of Section 27, Township 21 North, Range 7 East of the Third Principal Meridian in Newcomb Township, and commonly known as the Eastern Illini Electric Cooperative Substation with an address of 343 CR 2600N, Mahomet.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - A. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning.
  - B. The subject property is located within Newcomb Township, which has a Planning Commission. Townships with Plan Commissions have protest rights on a variance and receive notification 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 0.40-acre subject property is zoned AG-1 Agriculture. The land use is an electrical substation.
  - B. Land surrounding the subject property is zoned AG-1 Agriculture and is in agricultural production.

**GENERALLY REGARDING THE PROPOSED SPECIAL USE**

5. Regarding the site plan and operations of the proposed Special Use:
  - A. The Site Plan received October 19, 2023 indicates the following features:
    - (1) One existing 10 foot by 12 feet control building.
    - (2) An existing Transmission Structure.
    - (3) An existing Distribution Structure.
  - B. The Annotated Aerial created by P&Z Staff on December 5, 2023 indicates the following features:
    - (1) One existing Control Building.
    - (2) One proposed Monopole.

- C. Regarding operations:
  - (1) The site has been in service since 1984.
  
- D. Regarding past and/or current Zoning Use permits for the subject property:
  - (1) ZUPA 234-23-03 to construct a 100-foot-tall monopole tower is pending approval.
  - (2) The substation was constructed without a Special Use Permit or a Zoning Use Permit in 1983.
  
- E. There are no previous zoning cases for the subject property.
  
- F. The required variance is as follows:
  - (1) Part A: Authorize an existing substation with a front yard of 12 feet and a setback from the street centerline of 32 feet in lieu of the minimum required 25 feet and 55 feet, respectively, per section 4.3.2 of the Zoning Ordinance.
  - (2) Part B: Authorize a lot area of .40 acre in lieu of the minimum required 1 acre in the AG-1 Agriculture Zoning District, per Section 5.3 of the Zoning Ordinance.
  - (3) Part C: Authorize an average lot width of 149 feet in lieu of the minimum required 200 feet in the AG-1 Agriculture Zoning District, per Section 5.3 of the Zoning Ordinance.

**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS**

- 6. Regarding authorization for an electrical substation as a Special Use in the AG-1 Agriculture Zoning District in the *Zoning Ordinance*:
  - A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
    - (1) “AGRICULTURE” is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry, and the keeping, raising, and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting, and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning, or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.

**PRELIMINARY DRAFT****Cases 119-S-23 & 120-V-23**

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- (2) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
- a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system.
  - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system.
  - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
- (3) “BUILDING” is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.
- (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) “LOT WIDTH, AVERAGE” is the LOT AREA divided by the LOT DEPTH or, alternatively, the diameter of the largest circle that will fit entirely within the LOT LINES.
- (7) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (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.

**PRELIMINARY DRAFT**

- (10) “SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
- a. The site features or site location will not detract from the proposed use;
  - b. The site will not create a risk to health, safety or property of the occupants, the neighbors or the general public;
  - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
  - d. Necessary infrastructure is in place or provided by the proposed development; and
  - e. Available public services are adequate to support the proposed development effectively and safely.
- (11) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.
- (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.
- (13) WELL SUITED OVERALL: A discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be WELL SUITED OVERALL if the site meets these criteria:
- a. The site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public; and
  - b. The site is reasonably well-suited in all respects and has no major defects.
- (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. Section 5.2 authorizes an Electrical Substation as a Special Use in all but the I-2 Heavy Industry District.
- C. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:

**PRELIMINARY DRAFT****Cases 119-S-23 & 120-V-23**

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- a. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
  - b. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
  - c. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
  - d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
  - e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
- (2) Subsection 6.1.3 indicates standard conditions that apply specifically to electrical substations:
- a. A 6-foot wire mesh fence is required at minimum.
  - b. Side and rear yards of 20 feet minimum are required.
- D. 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 that 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.

**PRELIMINARY DRAFT**

- (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.
- E. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
  - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
    - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
    - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
    - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
  - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
  - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
  - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- F. Paragraph 9.1.11 D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.
- G. Regarding the requested variance:
- (1) Minimum setback from the centerline of a minor street for a structure in the AG-1 Agriculture 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 AG-1 Agriculture Zoning District is established in Section 4.3.4 of the Zoning Ordinance as 25 feet.
- (3) Average lot width in the AG-1 Agriculture Zoning District is established in Section 5.3 of the Zoning Ordinance as 200 feet.
- (4) Lot area in the AG-1 Agriculture Zoning District is established in Section 5.3 of the Zoning Ordinance as 1 acre.

**GENERALLY REGARDING WHETHER THE SPECIAL USE IS NECESSARY FOR THE PUBLIC CONVENIENCE AT THIS LOCATION**

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
  - A. The Petitioners testified on the application, **“The site holds an active electric substation serving the rural community outside of Mahomet, IL. It has been active since 1984. Records show that the special use permit was not filed at the time of engineering and/or construction”**.
  - B. The subject property is in a rural setting with no immediate neighbors while having close access to IL Route 47.
  - C. The substation has been at this property since 1983.

**GENERALLY REGARDING WHETHER THE SPECIAL USE WILL BE INJURIOUS TO THE DISTRICT OR OTHERWISE INJURIOUS TO THE PUBLIC WELFARE**

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
  - A. The Petitioners have testified on the application, **“The site has been in service since 1984, and has been maintained in good and clean working order ever since.”**
  - B. Regarding surface drainage:
    - (1) The subject property is exempt from the *Storm Water Management and Erosion Control Ordinance* and a Storm Water Drainage Plan will not be required.
  - C. Regarding traffic in the subject property area:
    - (1) The subject property has access off CR 2600 North.
    - (2) Regarding roadway characteristics:
      - a. CR 2600 North at this location is a two-lane unmarked township road that is approximately 18 feet wide and has foot-wide gravel shoulders.
    - (3) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent

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ADT data is from 2021 in the vicinity of the subject property. CR 2600 North had an ADT of less than 50.

- a. The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines recommends that local roads with an ADT under 250 vehicle trips have a minimum width of 18 feet and a minimum shoulder width of two feet made of aggregate.
  - b. There is no increase in traffic expected for an electrical substation.
- D. Regarding fire protection on the subject property, the subject property is located approximately 4.2 road miles from the Cornbelt Fire Protection District station. Notice of this zoning case was sent to the Cornbelt Fire Protection District, and no comments have been received.
- E. The subject property is not located within a Special Flood Hazard Area, as indicated by FIRM Map Panel No. 17019C0150D with effective date October 2, 2013.
- F. The soil within the 0.4-acre Special Use Permit area on the subject properties is Best Prime Farmland and consists of 481A Raub Silt Loam and has a Land Evaluation (LE) score of 94.
- G. Regarding outdoor lighting on the subject property:
- (1) No outdoor lighting was indicated on the Site Plan received October 19, 2023. A special condition has been added to ensure that any future outdoor lighting complies with Section 6.1.2 of the *Zoning Ordinance*.
- H. Regarding wastewater treatment and disposal on the subject property:
- (1) No septic system is required for the Electrical Substation.
- I. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

**GENERALLY REGARDING WHETHER THE SPECIAL USE CONFORMS TO APPLICABLE REGULATIONS AND STANDARDS AND PRESERVES THE ESSENTIAL CHARACTER OF THE DISTRICT**

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application: **"Yes, an electric substation is permitted to operate in an AG-1 Zone but requires a special use permit to be on file and approved."**
  - B. Regarding compliance with the *Zoning Ordinance*:

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- (1) Section 5.2 authorizes an Electrical Substation as a Special Use in the AG-1 Zoning District.
  - (2) Paragraph 6.1.2 A. establishes standard conditions for exterior lighting that apply to all Special Use Permits (see Item 6.C.1 above).
  - (3) Subsection 6.1.3 indicates standard conditions that apply specifically to electrical substations:
    - a. A 6 foot wire mesh fence is required at minimum. The existing substation has a fence, and a fence is shown on the Site Plan received October 19, 2023.
    - b. Side and rear yards of 20 feet minimum are required. The substation complies with these requirements.
- C. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*, the subject property is exempt from the Ordinance and a Storm Water Management Plan is required.
- D. Regarding the *Special Flood Hazard Area Ordinance*, the subject property is not located in the Special Flood Hazard Area.
- E. Regarding the Subdivision Regulations, the subject property conforms to the Champaign County Subdivision Regulations.
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-1 Agriculture Zoning District:
  - (1) An Electrical Substation is authorized by Special Use Permit in the AG-1 Zoning District.
- G. The proposed Special Use is exempt from the Illinois Accessibility Code.

**GENERALLY REGARDING WHETHER THE SPECIAL USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE**

10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use be in harmony with the general intent and purpose of the Ordinance:
  - A. Regarding the proposed Special Use:
    - (1) An Electrical Substation is authorized by Special Use Permit in the AG-1 Zoning District.
  - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
    - (1) Subsection 5.1.1 of the Ordinance states the general intent of the AG-1 Agriculture Zoning District and states as follows (capitalized words are defined in the Ordinance):

The AG-1 Agriculture DISTRICT is intended to protect the areas of the COUNTY

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where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURE pursuits.

- (2) The types of uses authorized in the AG-1 District are in fact the types of uses that have been determined to be acceptable in the AG-1 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.

C. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:

- (1) Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance, and the proposed site plan appears to be in compliance with those requirements, subject to approval of the proposed variance.

- (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

It is not clear whether the proposed Special Use will have any impact on the value of nearby properties without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.

- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

There should be no increase in traffic induced by the proposed Electrical Substation. No traffic study has been done.

- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

The proposed special use is exempt from the *Storm Water Management and Erosion Control Ordinance* and a Storm Water Management Plan is not required.

- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

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- a. Regarding public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
  - b. Regarding public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
  - c. No comments have been received regarding the proposed Special Use.
- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

These three purposes are directly related to the limits on building height, building coverage, and the minimum setback and yard requirements in the Ordinance, and the proposed site plan appears to be in compliance.

- (7) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the ordinance; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate any problematic conditions.

- (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

This purpose is directly related to maintaining compliance with the Zoning Ordinance requirements for the District and the specific types of uses and the proposed Special Use will have to be conducted in compliance with those requirements.

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- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.
- a. The subject property is not connected to public sanitary sewer service, and therefore is not considered an urban use.
  - b. The subject property will continue to be used for the existing Electrical Substation and proposed monopole.
- (10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The subject property does not contain any natural features.

- (11) Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The subject property is not connected to public sanitary sewer service, and therefore is not considered an urban use.

- (12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

The subject property is located in the AG-1 Agriculture District and serves the rural area by providing power.

- (13) Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed Special Use will not hinder the development of renewable energy sources.

**GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE**

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:
- A. The Petitioners testified on the application: “**NA.**”

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- B. The Special Use is NOT an existing non-conforming use.

**RELATED TO THE VARIANCE, GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT**

12. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved that 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. Regarding variance part A, for an existing substation with a front yard of 12 feet and a setback from the street centerline of 32 feet in lieu of the minimum required 25 feet and 55 feet, respectively: the substation was designed and built by industry standards in 1983.
- C. Regarding variance part B, for a lot area of .40 acre in lieu of the minimum required 1 acre in the AG-1 Agriculture Zoning District: most substations are on smaller lots due to the minimal area needed for operations. The Petitioner purchased additional land to host a proposed communications Monopole and to increase accessibility for service on the substation.
- D. Regarding variance part C: for an average lot width of 149 feet in lieu of the minimum required 200 feet: most substations are on smaller lots due to the minimal area needed for operations. Minimal land was required to host the monopole. The additional 0.12-acres does not infringe on the adjacent farmland.

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

13. 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. The substation layout was optimized for minimal ground usage at the time of design.”**
- B. Regarding variance part A, for an existing substation with a front yard of 12 feet and a setback from the street centerline of 32 feet in lieu of the minimum required 25 feet and 55 feet, respectively: without the proposed variance, the petitioner would have to move a small building that has existed since 1983 to another part of the substation.
- C. Regarding variance part B, for a lot area of .40 acre in lieu of the minimum required 1 acre in the AG-1 Agriculture Zoning District: without the proposed variance, the Petitioner would have to purchase additional land that would go unutilized. Additional land was purchased to host the proposed Monopole. The existing substation and proposed monopole only require the 0.40-acres in order to operate.

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- D. Regarding variance part C: for an average lot width of 149 feet in lieu of the minimum required 200 feet: without the proposed variance, the Petitioner would have to purchase additional land that would go unutilized. The need for a communications monopole was the primary drive for the additional land purchased. The additional 0.12 acres does not infringe on the neighboring farmland.

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

14. 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 petitioners became aware that the substation had never received necessary approvals in 1983 when they applied for a Zoning Use Permit for a monopole in 2023.

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

15. 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. Also, the site does not meet minimum size and width, but was optimized for minimum land use for an electric substation.”**
- B. Regarding variance part A, for an existing substation with a front yard of 12 feet and a setback from the street centerline of 32 feet in lieu of the minimum required 25 feet and 55 feet, respectively: the requested variance for front yard is 48% of the minimum required, for a variance of 52% and the variance for setback is 58% of the minimum required, for a variance of 42%.
- C. Regarding variance part B, for a lot area of .40 acre in lieu of the minimum required 1 acre in the AG-1 Agriculture Zoning District: the requested variance is 40% of the minimum required, for a variance of 60%.
- D. Regarding variance part C: for an average lot width of 149 feet in lieu of the minimum required 200 feet: the requested variance is 74.5% of the minimum required, for a variance of 25.5%.
- E. Regarding the proposed variance part A, 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:

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- (1) Adequate separation from roads. Substations are typically located close to road rights of way.
  - (2) Allow adequate area for road expansion and right-of-way acquisition. There are no known plans for expanding CR 2600N.
  - (3) Parking, where applicable. Substations have little need for parking.
- F. Regarding the proposed variance parts B and C, besides the importance of accommodating onsite wastewater treatment and disposal as part of the basis for the average lot width requirement, other considerations are as follows:
- (1) Adequate light and air: The subject property houses a substation. The surrounding properties are in agricultural use.
  - (2) Separation of structures to prevent conflagration: The nearest structure on adjacent property is a grain bin that is 90 feet from the substation fence.
  - (3) Aesthetics: Aesthetic benefit may be a consideration for any given yard and can be very subjective.

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

16. 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 40 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 Newcomb Township Road Commissioner has been notified of this variance and no comments have been received.
  - C. The Cornbelt Fire Protection District has been notified of this variance and no comments have been received.
  - D. No comments have been received for the proposed variance.

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

17. Generally regarding any other circumstances that justify the Variance:
  - A. The Petitioner did not provide a response on the application.

***PRELIMINARY DRAFT***

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

18. Regarding proposed special conditions of approval for Case 119-S-23:
- A. **A Change of Use Permit and submittal of \$260 Special Use Permit fees shall be applied for within 30 days of the approval of Case 119-S-23.**

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

**The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.**

- B. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

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

**That any proposed exterior lighting is in compliance with the Zoning Ordinance.**

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**DOCUMENTS OF RECORD**

1. Application for Special Use Permit received on October 19, 2023, with attachments:
  - A Site Plan and Survey received October 19, 2023
2. Application for Variance received on October 19, 2023
3. Preliminary Memorandum dated November 6, 2023, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Site Plan and Survey received October 19, 2023
  - C Boundary Survey received October 19, 2023
  - D Annotated 2023 Aerial Photo created by P&Z Staff on December 5, 2023
  - E Email from Paul Crutcher, EIEC, received December 5, 2023
  - F Site images taken November 15, 2023
  - G Summary of Evidence, Finding of Fact, and Final Determination for Cases 119-S-23 and 120-V-23 dated December 14, 2023

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

From the documents of record and the testimony and exhibits received at the public hearing for zoning cases **119-S-23 and 120-V-23** held on **December 14, 2023**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location because:
  - a. The subject property is in a rural setting with no immediate neighbors while having close access to IL Route 47.
  - b. The substation has been at this property since 1983.
2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL NOT / WILL}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
  - a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE / INADEQUATE}* visibility because: *County Road 2600N has minimal daily traffic, estimated to be less than 50 vehicles per day. The site has been in use since 1983 and approval of its special use will not increase traffic.*
  - b. Emergency services availability is *{ADEQUATE / INADEQUATE}* because: *the subject property is located approximately 4.2 road miles from the Cornbelt Fire Protection District station. Notice of this zoning case was sent to the Cornbelt Fire Protection District, and no comments have been received.*
  - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses because: *the proposed special use is most appropriate in a rural setting and there are few neighbors nearby. The station has been in use since 1984 and no comments have been received regarding its use.*
  - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* because: *the subject property is exempt from the Storm Water Management and Erosion Control Ordinance and a Storm Water Management Plan is not required.*
  - e. Public safety will be *{ADEQUATE / INADEQUATE}* because: *relevant jurisdictions have been notified of this case, and no comments have been received.*
  - f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* *{because\*}*: *the site has sufficient space for service vehicles.*
  - g. The property *{IS/IS NOT}* WELL SUITED OVERALL for the proposed improvements *{because\*}*:
    - a. *The site has been in good working condition with no recorded issues since 1984.*
    - b. *The electrical substation has provided needed energy to the rural community for decades without problems.*

**PRELIMINARY DRAFT****Cases 119-S-23 & 120-V-23**

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- h. Existing public services *{ARE/ARE NOT}* available to support the proposed SPECIAL USE without undue public expense *{because\*}*:
  - a. *No additional public services are required for the proposed use.*
- i. Existing public infrastructure together with the proposed development *{IS/IS NOT}* adequate to support the proposed development effectively and safely without undue public expense *{because\*}*:
  - a. *No new infrastructure is required for the proposed use.*

*\*The Board may include other relevant considerations as necessary or desirable in each case.*

*\*The Board may include additional justification if desired, but it is not required.*

- 3a. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}* conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located because:
  - a. The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes.
  - b. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.
  - c. Public safety will be *{ADEQUATE / INADEQUATE}*.
- 4. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:
  - a. The Special Use is authorized in the District.
  - b. The requested Special Use Permit *{IS/ IS NOT}* necessary for the public convenience at this location.
  - c. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL / WILL NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
  - d. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located.
- 5. The requested Special Use **IS NOT** an existing nonconforming use.
- 6. Regarding the variance:
  - a. 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. *Regarding variance part A, for an existing substation with a front yard of 12 feet and a setback from the street centerline of 32 feet in lieu of the minimum required 25 feet and 55 feet, respectively: the substation was designed and built by industry standards in 1983.*

**PRELIMINARY DRAFT**

- b. *Regarding variance part B, for a lot area of .40 acre in lieu of the minimum required 1 acre in the AG-1 Agriculture Zoning District: most substations are on smaller lots due to the minimal area needed for operations. The Petitioner purchased additional land to host a proposed communications Monopole and to increase accessibility for service on the substation.*
- c. *Regarding variance part C: for an average lot width of 149 feet in lieu of the minimum required 200 feet: most substations are on smaller lots due to the minimal area needed for operations. Minimal land was required to host the monopole. The additional 0.12-acres does not infringe on the adjacent farmland.*
- b. 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. *Regarding variance part A, for an existing substation with a front yard of 12 feet and a setback from the street centerline of 32 feet in lieu of the minimum required 25 feet and 55 feet, respectively: without the proposed variance, the petitioner would have to move a small building that has existed since 1983 to another part of the substation.*
- b. *Regarding variance part B, for a lot area of .40 acre in lieu of the minimum required 1 acre in the AG-1 Agriculture Zoning District: without the proposed variance, the petitioner would have to purchase additional land that would go unutilized. Additional land was purchased to host the proposed Monopole. The existing substation and proposed monopole only require the 0.40-acres in order to operate.*
- c. *Regarding variance part C: for an average lot width of 149 feet in lieu of the minimum required 200 feet: without the proposed variance, the petitioner would have to purchase additional land that would go unutilized. The need for a communications monopole was the primary drive for the additional land purchased. The additional 0.12 acres does not infringe on the neighboring farmland.*
- c. The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
- a. *The petitioners became aware that the substation had never received necessary approvals in 1983 when they applied for a Zoning Use Permit for a monopole in 2023.*
- d. The requested variance **{IS / IS NOT}** in harmony with the general purpose and intent of the Ordinance because:
- a. *Regarding the proposed variance part A, the setback from street centerline and front yard minimum is intended to ensure the following:*
- (1) *Adequate separation from roads. Substations are typically located close to road rights of way.*

**PRELIMINARY DRAFT****Cases 119-S-23 & 120-V-23**

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- (2) *Allow adequate area for road expansion and right-of-way acquisition. There are no known plans for expanding CR 2600N.*
- (3) *Parking, where applicable. Substations have little need for parking.*
- b. *Regarding the proposed variance parts B and C, besides the importance of accommodating onsite wastewater treatment and disposal as part of the basis for the average lot width requirement, other considerations are as follows:*
- (1) *Adequate light and air: The subject property houses a substation. The surrounding properties are in agricultural use.*
- (2) *Separation of structures to prevent conflagration: The nearest structure on adjacent property is a grain bin that is 90 feet from the substation fence.*
- (3) *Aesthetics: Aesthetic benefit may be a consideration for any given yard and can be very subjective.*
- e. The requested variance *{WILL / WILL NOT}* be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because:
- a. *Relevant jurisdictions have been notified of the variance, and no comments have been received.*
- f. The requested variance *{IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:
- a. *The existing control building has been in use with no issues, and it would be costly to move the building and redo the wiring.*
- b. *The proposed Monopole will be housed on the additional land purchased.*
- c. *The additional land purchased to the west does not intrude on the line of tillage to the adjacent agriculture property.*
7. **{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}**
- A. **A Change of Use Permit and submittal of the \$260 Special Use Permit fees shall be applied for within 30 days of the approval of Case 119-S-23.**
- The special condition stated above is required to ensure the following:
- The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.**
- B. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

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***PRELIMINARY DRAFT***

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

**That any proposed exterior lighting is in compliance with the Zoning Ordinance.**

**PRELIMINARY DRAFT**

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**FINAL DETERMINATION FOR CASE 119-S-23**

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, the requirements of Section 9.1.11B. for approval *{HAVE/ HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

The Special Use requested in Case **119-S-23** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicant, **Eastern Illinois Electric Cooperative**, to authorize the following:

**Authorize an Electrical Substation as a Special Use Permit in the AG-1 Agriculture Zoning District, subject to the variance in related Case 120-V-23.**

*{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:}*

- A. **A Change of Use Permit and submittal of \$260 Special Use Permit fees shall be applied for within 30 days of the approval of Case 119-S-23.**
- B. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

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

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**PRELIMINARY DRAFT**

**FINAL DETERMINATION FOR CASE 120-V-23**

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 **120-V-23** is hereby *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* to the petitioners, **Eastern Illini Electric Cooperative**, to authorize the following variance in the AG-1 Agriculture Zoning District:

**Authorize the following variance for the proposed Special Use Permit in related case 119-S-23.**

**Part A: Authorize an existing substation with a front yard of 12 feet and a setback from the street centerline of 32 feet in lieu of the minimum required 25 feet and 55 feet, respectively, per section 4.3.2 of the Zoning Ordinance.**

**Part B: Authorize a lot area of .40 acre in lieu of the minimum required 1 acre in the AG-1 Agriculture Zoning District, per Section 5.3 of the Zoning Ordinance.**

**Part C: Authorize an average lot width of 149 feet in lieu of the minimum required 200 feet in the AG-1 Agriculture Zoning District, per Section 5.3 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