

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street
Urbana, IL 61801

DATE: July 14, 2005 **PLACE:** 1776 East Washington
Street **Meeting Room 1**
TIME: 7:00 p.m. **Urbana, IL 61802**

MEMBERS PRESENT: Doug Bluhm, Dennis Goldenstein, Debra Griest, Joseph L. Irle,
Richard Steeves, Melvin Schroeder, Roger Miller

MEMBERS ABSENT : None

STAFF PRESENT : Jeff Roseman, John Hall, Jamie Hitt, Lori Busboom

OTHERS PRESENT : David Thies, Peter Ruedi, Shirley Willard, Steve Willard, Sherry
Newton, Martha Kersey, Cathie Capel, Alex Crump, Micah Boyce,
Stephen Strong, Kitty Strong, Magan Strong, Jim Randol, Marc
Sellers, Sar Keeney, Scott Keeney, Matt Best, Joe Nivers, Sean
Baird, Spencer Murray, Kyle Prillaman, Jake Roth, Will Newton,
Damon Lipscomb, Billy Wolfe, Ercelina Wolfe, Lauren Johnson,
Rachel Faught, Gigi Eschbach, Tom Willard, Jake C. Willard, Pat
Elifritz, Michael Thies, Joe Bran, Jake Lee, Mark Eschbach, Sarah
Hamm, Steve Buck

1. Call to Order

The meeting was called to order at 7:04 p.m.

2. Roll Call and Declaration of Quorum

The roll was called and a quorum declared present.

3. Correspondence

None

4. Approval of Minutes

None

5. Continued Public Hearing

Csae 489-S-05: Seymour Fire Corporation and Marc Seller, Trustee and the Seymour Water District. Request to amend the Special Use Permit previously authorized in Case 254-S-00 for two principal uses on one lot in the B-2, Neighborhood Business Zoning District.

Location: A three acre tract in the NW1/4 of the SW1/4 of Section 16 of Scott Township that is located on the east side of Main Street (County Highway 6) and about 334 feet south of South Street in Seymour and that is commonly known as the Seymour Fire Corporation and Seymour Water District facilities located at 304 South Main Street, Seymour.

Ms. Griest informed the audience that this is an Administrative Case and as such the County allows anyone the opportunity to cross examine any witness. She said that at the proper time she will ask for a show of hands for those who would like to cross examine and each person will be called upon. She requested that anyone called to cross examine go to the cross examination microphone to ask any questions. She said that those who desire to cross examine are not required to sign the witness register but are requested to clearly state their name before asking any questions. She noted that no new testimony is to be given during the cross examination.

Mr. Hall distributed a Supplemental Memorandum dated July 14, 2005, to the Board for review. He said that the memorandum includes a letter has been received from Phil Carper who lives north of the subject property. The memorandum also include photographs submitted by the petitioner indicating recent vandalism on the subject property and a copy of METCAD archived call for service on 5/27/05. He said that the draft Summary of Evidence dated July 14, 2005, indicates a few changes throughout most dealing with the conditions. He said that Summary of Evidence shows the changes from the previous so a lot of information regarding the conditions has been stricken replaced by the information that was in the July 08, 2005, Supplemental Memorandum. He reminded the Board that cannot frustrate the needs and goals of another government entity. The other government entity still has to comply with the Zoning Ordinance and what this Board thinks is reasonable. He said that how much lighting is appropriate and how much lighting is necessary is the issue and the letter which went out with the July 08, 2005, Supplemental Memorandum there was a pretty strong position on how much lighting was necessary.

Mr. Marc Sellers, Trustee of the Seymour Fire Corporation reviewed the process that the they have gone through to accommodate the neighbors. He said that on May 12, 2005, they installed the first visor that was on the only light that was lit at the time. He said that on May 14, 2005, they moved the flagpole light from the building to the pole where it shines to the east. He said that on June 07, 2005, they installed blue tubes in the marquee that go around the flourescent to dampen them down and replaced two burnt out lights on the west side of the building with full cutoff visors. He said that on June 16, 2005, he met with a representative from Hubble Lighting and gave him a layout of the parking lot which is too dark due to the installed full cutoff visors. He said that on July 05, 2005, he received a facsimile from a contractor to install the additional lighting. He said that they can get where they need to be with the additional lighting but at what cost. He said that it will cost over \$8100 to put the additional pole lights on the parking lot. He said that he cannot find another rural fire protection district facility which uses cutoff visors other than Oakwood.

Ms. Griest asked the Board if they had any questions for Mr. Sellers.

Mr. Irlle asked if the Fire Protection District have the soda machines.

Mr. Sellers stated that the soda machines are used as a fund raiser. He said that it took three years to raise the money for the extrication tool.

Mr. Bluhm asked if the new lights would provide any glare.

Mr. Sellers stated that the new lights are not to provide any glare.

Ms. Griest asked if staff had questions for Mr. Sellers and there were none.

Ms. Griest asked if there was anyone in the audience who desired to cross examine Mr. Sellers and there were none.

Mr. Jim Randol, who resides in Seymour, IL stated that he had nothing to add at this time and reserved his right to speak at a later time during the hearing.

Mr. Mark Eschbach, who resides at 303 S. Main, Seymour, IL stated that his home is directly across the street from the fire house therefore they are the ones who are most affected by the lighting. He said that they appreciate how the flagpole light was moved and the sign lighting was changed. He said that they are satisfied with the sign to date. He said that they are willing to wait for parking lot lights to be installed because the full cutoff visors do make the parking lot very dark and unsafe. He asked if the Board was to agree to the conditions does this language stay with the property and its use.

Mr. Hall stated that whatever is decided in this case will stand until an amended Special Use Permit is submitted.

Ms. Griest asked the audience if anyone would like to sign the witness register and testimony for this case at this time and there were none. Ms. Griest closed the witness register.

Mr. Hall reviewed the changes included in the Revised Draft Summary of Evidence dated July 14, 2005. He said that Item 12.E.(1)(e) and the second sentence in Item #14.A(4) should be revised to indicate that a proposal of \$8143.48 was received from Witte Electric to install two parking lot lights that are full cut-off type and are to be mounted on 25 feet tall poles. He said that Item #14.B(1) should read as follows: Following the ZBA meeting on May 12, 2005, the petitioner has relocated the flagpole light to a pole by the fuel pad and relamped with a spotlight so as to minimize glare.

Mr. Bluhm asked if Mr. Eschbach's testimony received at tonight's hearing should be added to the Summary of Evidence.

Mr. Hall stated that an Item #12.G. should be added to read as follows: At the July 14, 2005, meeting Mark Eschbach stated that he agreed with the letter from the Seymour Fire Corporation, received on July 6, 2005, and agreed with full cutoff visors not being required until parking lot lighting is in place and agreed that the changes to the flagpole light and illuminated sign had made sufficient improvements.

Mr. Bluhm stated that in regard to Item #16.B(1)(b) he is not to sure that there isn't a quick and easy shield that could be placed on that light.

Mr. Hall stated that this condition would not require it.

Mr. Bluhm stated that he does not see the reason for this condition.

Mr. Goldenstein stated that in Item #16.B(2) the second version indicating that fire station volunteers shall limit routine vehicle and equipment maintenance conducted out of doors to the hours of 7:30 a.m. to dusk is a much clearer version.

Mr. Hall stated that when the parking lot lighting was first brought up by Mr. Sellers he asked him if the fire corporation would be interested in just installing one pole light but Mr. Sellers was pretty confident that if a pole light was required that they would install two. The condition indicates that the two pole lights must be installed before the cutoff visors need to be installed and given how expensive this undertaking is it may change someone's opinion whether to require that the cutoff visors be installed when one parking lot light is installed or both. He said that there is nothing here that requires parking lot lighting but if parking lot lighting is installed it must be the kind that is described in the condition.

Ms. Griest stated that if the condition was worded differently it maybe placing an undue burden on another taxing body which is providing a public health and safety service.

Mr. Schroeder asked if the ZBA will be held responsible because they required less lighting which allowed the vandalism. He said that the safety of the people and security of the building must be considered as well as the financial burden.

Mr. Irle stated that the Seymour Fire Corporation has shown the willingness to accommodate the ZBA and accommodate the neighbors therefore he believes that they will follow through.

Mr. Irle moved, seconded by Mr. Goldenstein to approve the following conditions: 1. The Petitioner shall install full cutoff visors on the wall mounted lights as soon as funding is available to install full cutoff parking lot lighting; 2. Fire station volunteers shall limit routine vehicle and equipment maintenance conducted out of doors to the hours of 7:30 a.m. to dusk; 3. The petitioner shall use ground asphalt product on aggregate parking lot and driveway surfaces as a top coat for additional dust reduction. The motion carried by voice vote.

Finding of Fact for Case 489-S-05:

From the documents of record and the testimony and exhibits received at the public hearing conducted on May 12, 2005, and July 14, 2005, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit is necessary for the public convenience at this location.

Mr. Miller stated that the requested Special Use Permit is necessary for the public convenience at this location because of numerous vandalism incidents and inadequate lighting in the parking lot and the entrance causes a safety hazard to the department as well as to the public.

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 be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

Mr. Irle stated that 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 be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety and welfare because the fire department has agreed to reinstall cutoff type light shields upon the installation of additional lighting.

- 3a. The requested Special Use Permit (subject to the special conditions imposed herein) does conform to the applicable regulations and standards of the DISTRICT in which it is located.**

Mr. Bluhm stated that the requested Special Use Permit (subject to the special conditions imposed herein) does 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 preserve the essential character of the DISTRICT in which it is located.**

Mr. Steeves stated that the requested Special Use Permit (subject to the special conditions imposed herein) does preserve the essential character of the DISTRICT in which it is located because the fire department worked closely with neighbors to eliminate as much glare as possible yet make the lighting necessary to protect the public and employees safety.

4. The requested Special Use Permit (subject to the special conditions imposed herein) is in harmony with the general purpose and intent of the Ordinance.

Mr. Steeves stated that the requested Special Use Permit (subject to the special conditions imposed herein) is in harmony with the general purpose and intent of the Ordinance because the ZBA is not trying to put an undue burden or prohibit the operation of the fire department.

5. The requested Special Use is not an existing nonconforming use.

Mr. Irle stated that the requested Special Use is not an existing nonconforming use.

Mr. Irle moved, seconded by Mr. Bluhm to adopt the Summary of Evidence, Documents of Record and Finding of Fact as amended. The motion carried by voice vote.

Mr. Irle moved, seconded by Mr. Steeves to close the public hearing for Case 489-S-05: Seymour Fire Corporation and Marc Sellers, Trustee and the Seymour Water District. The motion carried by voice vote.

Final Determination for Case 489-S-05:

Mr. Irle moved, seconded by Mr. Bluhm that the Champaign County Zoning Board of Appeals finds that, based upon the application, testimony and other evidence received in this case, that the requirements of Section 9.1.11B have been met and pursuant to the authority granted by Section 9.1.6B. of the Champaign County Zoning Ordinance determines that the Special Use requested in Case 489-S-05 is hereby granted with special conditions to the petitioners, Seymour Fire Corporation and Trustee Marc Sellers and the Seymour Water District to amend the Special Use Permit previously authorized in Case 254-S-00 for two principal uses on one lot in the B-2, Neighborhood Business Zoning District subject to the following special conditions:

- 1. The Petitioner shall install full cutoff visors on the wall mounted lights as soon as funding is available to install full cutoff parking lot lighting;**
- 2. Fire station volunteers shall limit routine vehicle and equipment maintenance conducted out of doors to the hours of 7:30 a.m. to dusk;**
- 3. The petitioner shall use ground asphalt product on aggregate parking lot and driveway surfaces as a top coat for additional dust reduction.**

The roll was called:

**Bluhm-yes
Miller-yes
Griest-yes**

**Goldenstein-yes
Schroeder-yes**

**Irle-yes
Steeves-yes**

Mr. Goldenstein moved, seconded by Mr. Bluhm to hear Case 500-V-05: Stephen and Kitty Strong prior to Case 497-AM-05 and Case 498-S-05. The motion carried by voice vote.

6. New Public Hearings

Case 497-AM-05: Helen Willard and Steven and Shirley Willard. Request to amend the Zoning Ap to change the zoning district designation from CR-Conservation Recreation to AG-2, Agriculture. Location: A 29 acre tract in the Northwest 1/4 of the Southeast 1/4 of Section 36 of Newcomb Township and located east of CR 550E and north of CR 2425N at the corner of CR 550E and CR 2425N and commonly known as the home and property at 556 CR 2425N, Dewey.

Case 498-S-05: Helen Willard; and Steven and Shirley Willard; and rock the shed, inc. a non-profit corporation with Directors and Officers Steven Willard, Micah Boyce, Sherry Newton, Brian Maroon and Peter Reudi. Request to authorize the establishment and use of a Private Indoor Recreational Development as a Special Use in the AG-2, Agriculture Zoning District pursuant to the final determination in related Case 497-AM-05. Location: a five acre tract in the Southwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 36 of Newcomb Township and located east of CR 550E and north of CR 2425N at the corner of CR 550E and CR 2425N and commonly known as the shed and the home at 552 CR 2425N, Dewey.

Ms. Griest called Case 497-AM-05 and Case 498-S-05, concurrently.

Ms. Griest informed the audience that this is an Administrative Case and as such the County allows anyone the opportunity to cross examine any witness. She said that at the proper time she will ask for a show of hands for those who would like to cross examine and each person will be called upon. She requested that anyone called to cross examine go to the cross examination microphone to ask any questions. She said that those who desire to cross examine are not required to sign the witness register but are requested to clearly state their name before asking any questions. She noted that no new testimony is to be given during the cross examination. She informed the audience that if they submitted letters to the Planning and Zoning office regarding this case that their testimony in those letters has been entered in as evidence therefore there is no need repeat that testimony.

Mr. Hall distributed a Supplemental Memorandum for Case 498-S-05, dated July 14, 2005, for the Board's review. He said that the memorandum includes three additional letters of support and Mr. Willard distributed a map indicating the parking areas for the site. He said that the parking is based on the occupancy load of the assemble space. He said that the occupancy load is based on the State of Illinois Handicap Accessibility Requirements and that number is divided by 5 to determine the number of parking space that are required. He said that this is a Special Use Permit and if the Board thinks that the number of parking required by the Ordinance may not be sufficient then more parking can be required. He said that once the parking requirements are established the traffic load on the road will be determined.

Mr. Steve Willard, who resides at 552 CR 2425N, Dewey, IL stated that he started the venue in November of 2003. He said that he turned an empty 30' x 40' machine shed into a place for kids to come practice, play and hear music. He said that on December 03, 2004, the venue was shut down due to a newspaper article and he perfectly understands the action. He said that he realizes that the property is not zoned for the venue and is requesting the map amendment and the special use permit. He said that this is a community and there is a way of life associated with the shed. He said that his main concern has always been safety for the kids and everyone involved. He said that \$1000 in rock was originally placed on the property and an additional \$2500 in rock was placed this winter due to the soft ground. He said that there is no parking allowed along the township road. He said that they have become a non-profit organization with a Board in place. He said that alcohol and drugs have been very devastating to his family therefore in the mission statement it is stated that no alcohol or drugs are allowed in the visitors possession or person. He said that if he does find that someone has been drinking or appears to be on drugs then they are confronted and are told that this is not acceptable. He said that they are very accepting and they invite everyone and anyone to attend. He said that they do not profess anything but respect and friendship. He said that this fall a youth pastor, affiliated with the Windsor Road Christian Church, would like to come out to the site and hold a home church. He said that he has had some situations come up regarding complaints from a neighbor regarding noise therefore he sealed the doors although there are still two doors which swing out. He said that the neighbor was satisfied. He submitted a booklet with photographs of the activities at the site.

Ms. Griest asked the Board if they had any questions for Mr. Willard and there were none.

Mr. Hall informed Mr. Willard that they will need to discuss the home church aspect.

Mr. Willard stated that he had hope that the youth pastor would be able to attend tonight's meeting but was unable to due to the birth of a child on Tuesday.

Ms. Griest asked staff if they had any further questions for Mr. Willard and there were none.

Ms. Griest asked the audience if they had any questions for Mr. Willard.

Ms. Martha Kersey, who resides at 107 Ridge Road, Mahomet, IL asked Mr. Willard what other safety measures were taken other than gravel.

Mr. Willard responded that the swing doors have been installed. He said that there are no fancy lights which can overheat the electrical system and he does talk to the kids about safety when they leave.

Ms. Kersey asked Mr. Willard if he checks the vehicles for drugs or alcohol.

Mr. Willard responded that he does walk out to the cars as time permits. He said that they are very busy within the shed so that the venue is always supervised. He said that he does get face to face with the kids to make sure that he does not smell alcohol or drugs on their body and if he does he takes them outside and informs them that this is not acceptable.

Ms. Kersey asked Mr. Willard if it is true that there have been times when the visitors show up drunk.

Mr. Willard stated that he is not aware if they were drunk but he is aware of an instance when a kid showed up who had been smoking pot. He said that he did have someone show up at the entrance who was intoxicated enough that he couldn't walk in the gravel without falling down. He said that this person was asked to leave and offered a ride although he refused the offer.

Ms. Kersey asked Mr. Willard if he called the police regarding this individual.

Mr. Willard stated that when this incident occurred it was the first time that he felt that people did not realize the venue and restrictions in coming to the site. He said that he was very busy and a couple of the other kids tried to take care of the issue. He said that he has informed the kids that if this situation happens again that he will be the one to confront the individual and he will take care of the problem.

Ms. Kersey asked Mr. Willard if it fair to say that the venue is drawing kids from several counties and perhaps different states.

Mr. Willard stated that the main draw is from the Champaign County but probably from other close counties.

Ms. Kersey asked Mr. Willard what the maximum attendance has been at any given venue and asked what was the capacity of the shed.

Mr. Willard stated that an average event would consist of 40 to 50 kids. He said that at times they have had a lot more kids at an event but he has also had a lot less. He said that he has spoken with fire chief in Mahomet and he declined to give a suggested capacity amount.

Ms. Kersey asked Mr. Willard if he was aware of the newspaper article which was submitted to this Board for review. She said that the article describes packed crowds, standing room only, shoulder to shoulder and deafening sounds. She asked Mr. Willard if 40 to 50 people would qualify for this description.

Mr. Willard stated that he is aware of the newspaper article. He said that on an average 40 to 50 kids attend a typical event but he will admit that there have been times when as many as 120 kids have been in attendance for a large show.

Ms. Kersey asked Mr. Willard if it is true that no matter who showed up or how many they would not be turned away.

Mr. Willard stated that this is correct. He said that they could always stand outside to listen to the band. He said that a certain band could draw several people. He said that there is a band that is scheduled for this fall and a different location is being considered because they are aware that the shed will not handle the amount of people who may show up. He said that the location is at the McKinley Foundation located on the corner of Fifth Street and John Street in Champaign. He said that if the shed is shut down then the entire venue and be moved to this location.

Ms. Kersey asked Mr. Willard if he felt that he has control over who shows up at the venue.

Mr. Willard stated that he will not have a lot of control who shows up on the campus site. He said that this is a respect issue and if someone does not respect another then they are asked to leave.

Ms. Griest asked if anyone else desired to cross-examine Mr. Willard and there were none.

Mr. David Thies, who resides at 807 S. McKinley, Champaign, IL stated that he is a practicing attorney in the Champaign-Urbana area and served a term on the County Board in the late 80's. He said that during his term he remembers cases such as this when everyone is trying to do the right thing and figure out a way to accommodate the different viewpoints. He said that he has had the opportunity to work with several of the parent's who have created, "rock the shed, inc." He said that this has been a dream of the Willards although it has become clear that the venue does not meet the requirements of the zoning district that they are located within therefore they are before this Board tonight. He said that he has been at the site and it is very consistent with what Mr. Willard has testified. He said that there have been one or two occurrences which have required asking someone to leave but during his viewing of Mr. Willard he does take care of the problem. He said that Mr. Willard offers kids of all ages a place where they can gather together and fellowship together and experience what happens at the shed in a safe environment. He said that when the kids go on campus to experience the same type of venue there is not near the type of control that is available at the Willard's site. He said that the request for AG-2, Zoning District is appropriate for this site. He said that Item #19 refers to the second natural resources goal of the Land Use Goals and Policies. He said that the kind of recreation that is occurring on the site is not exactly type of recreation that is included in this goal but if the Board understands that the

Champaign County community includes the young people of Champaign County which enjoy this type of activity. He said based on his observation use of this kind of facility in this location with an AG-2 zoning maybe perfect. He said that the site is a little bit out of town the cost structure which is involved is perfect due to the generosity of the Willards and any noise issue will be enforced by the Champaign County Nuisance Ordinance unlike the constant noise of a farmer's combine. He asked that the Board to give this activity the same benefit of the doubt that they would consider with any other activity that is allowed under the AG-2 zoning. He said that someone during the creation of this zoning district and allowing 67 different uses allowable by obtaining a Special Use Permit considered the possibility that this type of activity might be good. He said that if it were any other type of activity such as roller skating, ballroom dancing there would be no controversy but since there are kids involved there is concern. He said that this is a positive venue and must be required to comply with all of the laws but should not be shut down.

Ms. Griest asked Mr. Thies if had information regarding the hours of operation.

Mr. Thies stated that Mr. Willard would have the specific hours of operation.

Mr. Willard stated that the venue for the Friday and Saturday night shows begins at 7:00 p.m. and is over by 10:00 p.m. He said that a very infrequent weeknight show would begin at 6:00 p.m. and would be over by 9:00 p.m.

Ms. Griest asked Mr. Willard how many shows occur a year.

Mr. Willard stated that approximately 70 shows are scheduled per year.

Ms. Kersey asked Mr. Thies to clarify that he is an attorney but he has also been to the shed as a parent.

Mr. Thies stated that he is the attorney which helped the "rock the shed, inc." Board become an entity. He said that they created a non-profit entity and are in the process of gaining a tax-exempt status. He said that he is also a parent of a seventeen year old who regularly attends the venues at The Shed.

Ms. Kersey stated that Mr. Thies indicated that the shed is subject to certain laws but yet they are not subject to the EPA noise levels between the hours of 7:00 p.m. and 10:00 p.m., she asked him to explain his statement.

Mr. Thies stated that the no matter what time it was the site is subject to the laws but after 10:00 p.m. there would be a stricter restriction per the County Nuisance Ordinance. He said that the intent of the Willards is to have these events last until midnight.

Ms. Kersey stated that Mr. Willard indicated that the hours of operation were 7:00 p.m. to 10:00 p.m. on the weekends and possibly 6:00 p.m. to 9:00 p.m. during the week nights which would indicate more than 70 shows.

Mr. Thies stated that the shows do not occur every night and not every weekend. He said that 70 shows per year would average out to about 1.2 shows per week.

Ms. Kersey stated that if the events are extremely successful then it is possible that there could be a show every night.

Mr. Thies stated that he does not believe that Mr. Willard is limited to the number of shows which can take place but it is unknown what type of limits the Zoning Board will place on the use.

Ms. Kersey asked Mr. Thies if he is aware of the dancing and stage diving and the mosh pit which takes place during the shows.

Mr. Thies stated that he has personally visited the site and there is a big difference between the stage diving and the mosh pit. He said that when you talk about a venue like this and it is said that there is standing room only it doesn't necessary mean that it is crowded but this is the way that kids listen to music these days. He said that kids do not sit while listening to the venue which plays the music which this generation listens to. He said that there are no seats and it is standing room only even if there were only ten people in attendance. He said that stage diving is when one of the performers dives off into the crowd and the crowd catches, hopefully, the performer. He said that this is a dangerous practice and if it is done they get into big trouble.

Ms. Kersey asked Mr. Thies if he was aware of the subdivision across from the subject property. Mr. Thies stated that the subdivision argues for the appropriateness of the requested AG-2 zoning in that the location is not in the middle of a true agricultural area but indicates the transitional nature of Mahomet and Champaign moving out into the rural area.

Ms. Cathe Capel, who resides at 505 E. South Mahomet Road, Mahomet, IL asked Mr. Thies if he lived in a rural home how would he like to have this activity in your backyard.

Mr. Thies stated that this is not an appropriate question. He said that if he purchased a rural home for his residence he would consider the possibility of all of the uses which could be placed in the areas around me or I would purchase all of the ground around my property. He said that if I were not comfortable with doing this then I would move in town to a subdivision where it is very restrictive and I could count on the fact that certain restrictions were in effect. He said that when a person lives and operate in a rural area you do so because you want to be a little more independent on the use of your land therefore by definition you are accepting the possibility that your neighbors will want to do the same thing. He said that he respects Ms. Capel's feelings but if a person wants to have exclusive restrictive use of land surrounding your property then you must purchase that property but this is not a possibility then you accept the possibility that the greater community will allow different kinds of uses which may not be what you are willing to accept. He said that this process will require that if this type of use is requested that it abides by the laws.

Mr. Hall stated that testimony has been received that 70 performances per year is anticipated and if staff receives comments that there are 100 performances occurring per year then there will be an enforcement issue. He said that when the presentation is that there will only be 70 performances then that is all that is suppose to happen and cannot exceed the 70 performances. He said that currently there is nothing in writing that indicates that any performances will take place other than on Friday and Saturday. He said that this has to be described on paper so that everyone is aware of the hours of operation and an enforcement case is not created by exceeding

those hours. He said that there is not enough information to make a final determination at tonight's meeting but this type of information must be documented.

Mr. Steeves asked if there was difference between a band coming from Chicago to perform or a bunch of kids playing their instruments.

Mr. Hall stated that the kids playing their instruments for those in attendance is much like anyone practicing within their home which is allowable at any time except they are subject to the Nuisance Ordinance. He said that if there is an audience, who are non-residents of the subject property, during these practice sessions then it would be treated as a performance.

Ms. Griest asked if there were any audience members who desired to cross-examine Mr. Thies and there were none.

Ms. Sherry Newton, who resides at 1306 Kimela Dr, Mahomet, IL stated that she is a licensed clinical social worker and is the President of fairly large human service organization and a "rock the shed, inc." board member. She said that she is a parent of two teenagers who frequent the shed and as many other parents she wants to feel comfortable with where her kids are going on Friday and Saturday nights. She said that she and her kids agree that "the shed" is a great place to go. She said that at first she would drive her kids to the site and wait around and she never felt that any of the kids desired her to leave. She said that there are other parents at the shed and she has even taken her eight year old daughter with her and is very comfortable with her being there. She said that at times her kids will even ask she and her husband to attend the performance because there is a cool band playing. She said that she cannot believe that anything horrible and evil is going on at the shed because if it was her kids wouldn't be inviting their parents to go with them. She said that as a business owner she does understand that there are rules and regulations which must be followed. She said that when she realized that the facility may be shut down due to zoning her heart was broken because as a social worker she has worked with many types of populations and we live in a society where we talk about tolerance and acceptance and decreasing prejudice but when most people see kids with pink hair, wearing black t-shirts and listening to rock and roll that they would be judged incorrectly. She said that she was helping with the gate and admissions and it was absolutely remarkable that someone was viewing the band members they would gasp due to their tattoos and hair but in the middle of their performance the band stopped and spoke to the kids about their faith and spirituality and the importance that it holds in their life. He said that the Willards have taken a lot of time and effort to make sure that this is a safe facility for the kids to come to and gather in fellowship and the parents can come to and are welcomed.

Ms. Griest asked if the Board had questions for Ms. Newton.

Mr. Irle asked what attribute make this a safe atmosphere for the kids.

Ms. Newton stated that it is variety of things. She said that it is a monitoring of the Willards and the attitude of the kids. She said that many of the kids have a "straight edge" attitude in that they have chosen not to do drugs, smoke or have sex before marriage and have strong spirituality and faith in God. She said that these kids have chosen this life style and it isn't something that they are being made to do by their parents or they would have probably rebelled. He said that there

was an incident when Steve Willard had to confront some of the kids and she asked her kids how they felt when this took place. She said that her kids told her that it was okay and couldn't understand why someone would risk their life or jeopardize the facility by coming there in such a condition. She said that there is always a combination of kids, parents and grandparents at the events.

Mr. Irle asked Ms. Newton if there were always other parents there to monitor the activities.

Ms. Newton stated that the parents are there with their kids and it is true that they don't always like the music that is being played. She said that her kids play in one of the bands and sometimes she doesn't like the music but most of the time it is pretty darn good and she enjoys being there with them.

Ms. Griest asked if the Board had any further questions for Ms. Newton and there were none.

Ms. Griest asked if staff had any questions for Ms. Newton and there were none.

Ms. Griest asked if the audience had any questions for Ms. Newton and there were none.

Mr. Peter Ruedi, who resides at 1308 Kimela Dr, Mahomet, IL stated that as a parent he feels that this is a great opportunity for the kids and it is very unique. He said that two years ago his son wanted to learn how to play the drums and he must admit that the first six months was very painful but his son a very good drummer. He said that he is an only parent, due to the death of his wife, and he was very hesitant at first when this started and is very conservative. He said that he met with the Willards and began attending the events with his son. He said that many of these kids come to his house and he is able to see that these kids have a bond that most adults do not have. He said that he trusts his son and he trusts these kids. He said that he is the "roadie" for his son in that he carries all of his equipment from place to place but there is a time when he leaves so that his son can be a teenager and enjoy his time with his friends. He said that this is a unique situation and he understands all sides but again this is a great opportunity where we can do something that is unique for these kids and he hopes that other communities have the opportunity to do something similar for their kids. He said that he is also a board member of the "rock the shed, inc." and he is a stickler for safety. He said that these kids are great musicians will only be greater because of this facility.

Ms. Griest asked the Board if they had any questions for Mr. Ruedi and there were none.

Ms. Griest asked if staff had any questions for Mr. Ruedi and there were none.

Ms. Griest asked the audience if they had any questions for Mr. Ruedi and there were none.

Mr. Alex Crump, who resides at 570 CR 2425N, Dewey, IL stated that he the business manager at the agri-business which is at the said address. He said that he agrees that this is providing a great venue for the kids but he has to disagree with the community and respect. He said that important part of community and respect is respect for one's neighbors and building community with those neighbors. He said that he is 25 years old and began going to small venues when he 17 years old and partially because of the lack of security done on campus. He said that every Friday and

Saturday night he is forced to listen to this loud music and he lives approximately 1/8th of mile away on the other side of the rather large steel machine shed. He said that he does not attend heavy metal show anymore but he has been in mosh pits and even as a young man he did not walk very well for several weeks afterwards. He said that he has lived at his address since October, 2004 and has heard several complaints from several clients at their business and many of them are working people who own their horses for recreation and it is important to them that when they are not at work that they have a facility to go to in the evening and unwind and relax. He said that hearing heavy metal music in the evening prevents these people from doing so. He said that on one occasion he has called the deputies and they assured him that no one was drinking or doing drugs although that was not his concern. He said that he has known the Willards since the purchase of their property in 1989 and they have a great relationship but his primary concern is with the noise level. He said that he can sit in his house with his radio on and can hear the metallic sound that is coming from the Willard's property. He said that an additional concern is the elevated traffic levels. He said that during the night's of the shows there is an extreme amount of vehicles that go past his property and since this is a public road he cannot control this. He said that he is only 25 years old and is not far removed from this scene but he is removed from this scene and knows that if he had to look back he would have done things differently. He said that he does not support the request.

Ms. Griest asked the Board if they had any questions for Mr. Crump.

Mr. Irle asked Mr. Crump how many cars would qualify as extreme and what type of agri-business does he operate at his residence.

Mr. Crump stated that he would estimate between 20 to 50 cars. He said that he runs a boarding stable and most of his clients live in Champaign and Mahomet. He said that his clients come to the boarding stable to unwind and ride their horses.

Ms. Griest asked if there were any further questions from the Board for Mr. Crump and there were none.

Ms. Griest asked if staff had any questions for Mr. Crump and there were none.

Ms. Griest asked if the audience had any questions for Mr. Crump.

Mr. Steve Willard asked Mr. Crump if had ever come to him personally with a complaint.

Mr. Crump stated that he has not.

Mr. Willard stated to Mr. Crump that one night it was mentioned that trash was being burnt at his site and asked how the issue was rectified.

Mr. Crump stated that to the best of his knowledge you obtained trash service and ceased with the trash burning which was greatly appreciated.

Mr. Willard asked Mr. Crump if he had ever come to him to report noise complaints.

Mr. Crump stated that he has not.

Mr. Willard asked Mr. Crump if he has ever visited his property to ask his clients about the noise levels.

Mr. Crump stated that you have visited my property and on both occasions he was not on the premises therefore he cannot say what his clients indicated.

Ms. Griest asked if anyone else had questions for Mr. Crump.

Ms. Kersey asked Mr. Crump what was the result of his call to the Sheriff's office regarding the noise.

Mr. Crump stated that two deputies came out and he directed them to the Willard residence. He said that approximately ½ hour later they returned indicating that no one was getting hurt and to the best of their knowledge no one was drinking and no drugs were being done. He said that they assured him that the noise would cease at 10:00 p.m. and that they did not wish to complete a complaint form. He said that the deputies appeared to be in support of the shed and they said that the shows were announced at both of their personal congregations and they knew numerous people who were in attendance who were also members of their churches.

Ms. Kersey asked Mr. Crump if he felt that his interests and rights were represented by the local law enforcement..

Mr. Crump stated that he did not feel that his interests and rights were not represented. He said that the feeling that he got was that he shouldn't be wasting their time and to not call again with something of this nature. He wanted to clarify that his mother owns the property for which he resides and is employed.

Ms. Griest asked Mr. Hall to read the section of the Nuisance Ordinance which would be pertinent to this case.

Mr. Hall stated when a Nuisance Ordinance has been adopted it is not good to rely on that ordinance because Section 3.2.D states: Noise, vibration, glare, heat, odors or fumes, dust or electromagnetic fields in excess of that lawfully permitted and customarily associated with uses permitted in the Zoning District. He said that as Mr. Thies pointed out there are over 67 different uses that you can do in the AG-2, district by Special Use Permit and all having much different characteristics of noise, vibration, glare, heat, odors, fumes, dust or electromagnetic fields. He said that Section 3.2.F. is a little more restrictive because it states: Noise discernable by a person of average sensibility within any dwelling or lodging unit between the hours of 10:00 p.m. and 7:00 a.m. when the noise is of an intensity, tone, characteristic, frequency of occurrence or duration as not to be customarily associated with uses permitted in the zoning district in which such dwelling or lodging unit is located including, but not limited to, noise generated by the following activities: 1. construction; 2. operation of powered tools or equipment; 3. operation of motor vehicles or related equipment on private property; 4. operation of any bell, siren, whistle, horn or similar device except for noncommercial use of unamplified bells or chimes; 5. operation of any sound amplification system; or 6. keeping any domestic animal. He said what is customarily associated with uses in

this district when there are over 67 different uses which can occur by Special Use Permit. He said that our Nuisance Ordinance with our Zoning Ordinance drives our State's Attorney stark raving mad and his advice to this Board in other cases is to not approve something that you think is going to be a nuisance. He said that just like in other previous cases that have had sound amplification there have been set hours as to when this can occur and construct it so that there will be no question what was approved. He said that in this case it is best for this Board to develop the standards that this Board thinks is reasonable for this location. He said that the kind of structure that this activity is occurring in is the worst kind of structure because it is a of very light weight construction and it really doesn't do a lot of sound dampening. He said that to dampen to kind of noise frequencies that are occurring here you need mass by either a masonry wall or lead blanket or any other kind of construction used to control noise. He said that as important as the life safety considerations of having this small space with people shoulder to shoulder the neighbors are probably more concerned about how the noise is going to be controlled.

Mr. Tom Willard, who resides at 2454 CR 550 E, Dewey, IL stated that he lives on the next property north of the subject property. He said that he doesn't have any structures or trees between his property and the subject property and does hear the music outside his home but not inside. He said that he did tell his brother, Steve Willard, that the noise is a lot better with the doors shut rather than open. He said that he isn't a big heavy metal, loud music but the music does not bother him. He said that he has lived on his property for approximately 40 years and wasn't even aware of designation for the zoning of his property. He said that there is a great need for this type of venue for the youth and hopes that some sort of understanding can be made so that it can continue.

Ms. Griest asked the Board if they had any questions for Mr. Tom Willard.

Mr. Irle asked Mr. Willard how he would characterize the traffic during the events.

Mr. Willard stated that there isn't a large amount of extra traffic along his road because most of it would go past Mr. Crump and Ms. Capel's properties.

Ms. Griest asked if there were any further questions from the Board for Mr. Willard and there were none.

Ms. Griest asked staff if there were any questions for Mr. Willard and there none.

Ms. Griest asked the audience if there were any questions for Mr. Willard and there were none.

Mr. Micah Boyce, who resides at 1072 Pomona Dr, Champaign, IL stated that he is also a board member for the facility. He said that he is also a member of a band which plays there about once a month. He said that his band has been at several different locations and the shed is by far the safest and the attitude of the audience is the best.

Ms. Griest asked if there were any questions from the Board for Mr. Boyce.

Ms. Griest asked Mr. Boyce what attributes the safe atmosphere.

Mr. Boyce stated that the whole security issue with the Willards. He said that there are always parents and grandparents present at the shows. He said that everyone knows each other and all ages are present without alcohol present.

Ms. Griest asked Mr. Boyce if he had ever had any problems related to traffic or accessibility.

Mr. Boyce stated that he has not had any problems with traffic or accessibility.

Mr. Irle asked Mr. Boyce if since he is on the board if he assists in the monitoring.

Mr. Boyce stated that he is out at the site a lot even when his band is not playing. He said that he helps take money at the door and has never witnessed a fight nor anyone becoming hurt in the mosh pit. He said that everyone has fun and gets along very well with no negativity. He said that if someone does fall down in the mosh pit the others help them back up.

Mr. Steeves asked Mr. Boyce if there is an established Code of Conduct.

Mr. Boyce stated that Mr. Steve Willard starts off all of the shows and requests that everyone treat each other with respect.

Ms. Griest asked if they Board had any questions for Mr. Boyce and there were none.

Ms. Griest asked staff if they had any questions for Mr. Boyce and there were none.

Ms. Griest asked the audience if there were any questions for Mr. Boyce.

Mr. Steve Willard asked Mr. Boyce if he gets after him if he believes that he is being lazy or is doing stuff that he messes up on.

Mr. Boyce stated yes. He said that Mr. Willard does make sure that things stick to a safe environment and that everyone treats each other with respect.

Ms. Kersey asked Mr. Boyce what he meant by stuff that he messes up on.

Mr. Boyce stated that if his band is playing and they go beyond their time limit he lets him know that they did not get with it so that the show ends at 10:00 p.m.

Ms. Kersey asked Mr. Boyce what he meant when he said that if someone falls down in the mosh pit.

Mr. Boyce stated that it is basically the same thing as if someone fell down doing the tango. He said that everyone loses their footing and falls from time to time. He encouraged Ms. Kersey to attend one of the shows so that she can personally see the venue and the mosh pit.

Ms. Paulette Willard, who resides at 2454 CR 550E, Dewey, IL stated that she is Tom Willard's wife. She said that when Steve, Shirley and Helen Willard stated that they were going to do this adventure she was afraid for them because of the kids and where it may lead. She said that currently she is a huge advocate of "rock the shed, inc." She said that she and her husband have

always been involved in sports and are not involved in music but she does enjoy to sit on her porch to listen to the music of the fellowship and laughter of the kids. She said that the kids are having a good time and enjoying themselves. She said that many of the kids cannot get to the facility on their own and their parents have to bring them out and many of the parents stay.

Ms. Griest asked the Board if there were any questions for Ms. Paulette Willard and there were none.

Ms. Griest asked if staff had any questions for Ms. Paulette Willard and there were none.

Ms. Griest asked Mr. Steve Willard if he had any questions for Ms. Paulette Willard and there were none.

Ms. Griest asked the audience if they had any questions for Ms. Paulette Willard and there were none.

Mr. Goldenstein moved, seconded by Mr. Miller to continue the July 14, 2005, meeting to 10:15 p.m. The motion carried by voice vote.

Mr. Jake Lee, who resides at 3001 Sandhill Lane, Mahomet, IL stated that he has been going to The Shed since it originally opened. He said that it is a community which has been built by the Willards and the kids. He said that there is not just heavy metal music being played at the shows. He said that there is acoustic, pop and rock music on the venue.

Ms. Griest asked the Board if they had any questions for Mr. Lee and there were none.

Ms. Griest asked if staff had any questions for Mr. Lee and there were none.

Ms. Griest asked Mr. Steve Willard if he had any questions for Mr. Lee.

Mr. Steve Willard asked Mr. Lee if the mosh pit is monitored.

Mr. Lee stated that Mr. Steve Willard walks by the mosh pit and if he feels that it is getting to rowdy he puts a stop to it.

Mr. Steeves asked Mr. Lee if there have been any serious injuries due to the mosh pit.

Mr. Lee stated that he is not aware of any serious injuries due to the mosh pit.

Ms. Griest asked the audience if they had any questions for Mr. Lee.

Ms. Paulette Willard asked Mr. Lee what he would be doing on a Friday or Saturday night if he was not attending the shows.

Mr. Lee stated that he would probably be cruising in his car with his friends or hanging out at their house.

Ms. Paulette Willard asked Mr. Lee if he felt secure and happy at The Shed.

Mr. Lee stated that he did feel secure and happy at The Shed.

Ms. Kersey asked Mr. Lee if no one monitored the mosh pit would it have the potential to get out of control.

Mr. Lee stated that it could have the potential to get out of control but the kids have a lot of respect of each other and they don't want to see each other get hurt.

Ms. Griest informed Ms. Kersey that the mosh pit is not a zoning issue and requested that she not continue asking questions about the mosh pit. She said that the approval will be on the use of the property not on the mosh pit.

Ms. Sarah Keeney, who resides at 565 CR 2425N, Dewey, IL stated that she strongly believes that positivity produces positivity and that is what the Willards have shown the kids. She said that she lives across the street from subject property and has had no issue with the noise nor the traffic. She said that the young adults are very respectful of the property and are very respectful of their limits and the adjacent neighbors. She said that she feels that the Willards are doing a wonderful job with these kids and what they are doing has traveled by word of mouth. She said that her children and their friends speak very highly of the Willards and the safe environment that they are given at The Shed with the prohibition of drugs and alcohol.

Ms. Griest asked the Board if they had any questions for Ms. Keeney and there were none.

Ms. Griest asked if staff had any questions for Ms. Keeney and there were none.

Ms. Griest asked Mr. Steve Willard if he had any questions for Ms. Keeney.

Mr. Steve Willard asked Ms. Keeney how often her kids attended the shows.

Ms. Keeney stated that they have attended a few times and are not regulars.

Ms. Griest asked the audience if they had any questions for Ms. Keeney and there were none.

Ms. Lauren Johnson, who resides at 4410 Trostshire, Champaign, IL stated that she has been attending the shows at The Shed for approximately one and one half years. She said that it is an amazing community and the respect runs very deep because The Shed is about relationships with one another. She said that she is a senior in high school and this is the only place in the Champaign-Urbana area that is open to all ages that drug and alcohol free.

Ms. Griest asked the Board if there were any questions from the Board for Ms. Johnson and there were none.

Ms. Griest asked if staff had any questions for Ms. Johnson and there were none.

Ms. Griest asked Mr. Steve Willard if he had any questions for Ms. Johnson and he did not.

Mr. Will Newton, who resides at 1306 Kimela Dr, Mahomet asked Ms. Johnson if they were friends before they met at The Shed.

Ms. Johnson stated that they were not.

Mr. Newton asked Ms. Johnson if it were not for The Shed would they have met or have the ability to see each other and hang out.

Ms. Johnson stated that she does not believe that they probably would not have met therefore lost the ability to see each other.

Mr. Steve Buck, who resides at 409 E Main, Sidney, IL stated that he works for the University of Illinois and manages the Nettie Hart Research Area. He said that the Nettie Hart Research Area is a 40 acre wooded area which is directly west of the Willard property. He said that when he first came aware of the facility he was quite concerned about the impact that it would have on the research area particularly the noise level and trash which may appear along the roadside. He said that he was concerned about the kids trespassing across into the woods but to date he has not had any of these problems. He said that about three weeks ago he went out to the research area, approximately 50 meters back into the woods, and listened to the music. He said that noise level was about the same a conversational noise but he does understand that if he lived there it would probably be annoying. He said that his concern is how The Shed affects the ecology of the research area but at this point he does not feel that there is an impact. He asked how the allowed frequency level or decibel level would be determined if the noise became a problem.

Ms. Griest asked if the Board had any questions for Mr. Buck.

Mr. Irle asked Mr. Buck if the noise issue is during the day or night.

Mr. Buck stated that it is generally evening. He said that his interest is anything from birds to insects to mammals. He said that during the evening there is a lot of communications between the birds and insects interface and he wants to make sure that the noise does not interfere with this natural process. He said that at this point he does not feel that any problem is occurring.

Ms. Griest asked if there were any further questions from the Board for Mr. Buck and there were none.

Ms. Griest asked if staff had any questions for Mr. Buck.

Mr. Hall asked Mr. Buck if he had any concerns regarding the parking and the research area.

Mr. Buck stated that he is not concerned with the parking since they enlarged the area for the parking. He said that it is mainly the noise level and the frequencies that he is concerned about.

Ms. Griest asked if Mr. Steve Willard had any questions for Mr. Buck and he had none.

Mr. Jake Willard, who resides at 552 CR 2425N, Dewey, IL asked Mr. Buck if trash has been a problem since the opening of The Shed.

Mr. Buck stated that trash was one of his original concerns but he has not had a problem with trash since the opening of The Shed.

Mr. Dustin Hoke stated that the shed first opened in November of 2003 and asked Mr. Buck if he felt that any changes that may have occurred in the habitat of the research area would have already occurred.

Mr. Buck stated that he has not noticed any changes to date.

Mr. Alex Crump asked Mr. Buck if any increase in the number of shows or any future expansion would have a negative impact on the research area.

Mr. Buck stated that the two things that he was mainly concerned about was the lighting and the noise. He said that from the literature that he has read nesting birds are impacted by noise due to the frequency and volume of the noise. He said that since the shows last for three hours it is the type thing that would probably exacerbate a problem for wildlife. He said that any wildlife that is affected by the noise will either move deeper into the woods or move from the area.

Mr. Crump asked if an expansion is proposed and lighting would shine into the woods if those lights would affect the research area.

Mr. Buck stated that anything which is going to draw insects into the woods, such as lighting, would be a concern but he cannot state what the impact on the research area would be at this time.

Mr. Irle moved, seconded by Mr. Steeves to continue the meeting to 10:20 p.m. The motion carried by voice vote.

Mr. Matt Best asked Mr. Buck what type of traffic increase would effect the research area and the data which is gathered. He also asked what type of lighting would impact the research area.

Mr. Buck stated that it would depend on the type of lighting. He said that many insects use lighting to navigate and mate. He said that an outside parking lot light would not effect the research area.

He said that the frequency of the cars for a show would not impact the research area he said that usually it is the continuity of the cars which has the affect.

Mr. Best asked if any increase in development result in changing the ecological value of the research area.

Mr. Buck stated that any type of changes would effect the ecological value but The Shed does not seem to be affecting the research area.

Mr. Best asked Mr. Buck if development or an increase in the frequency of shows would impact the research area.

Mr. Buck stated that he cannot answer this question because the scope of research that takes place in the research area could be impacted by both.

Mr. Irle moved, seconded by Mr. Bluhm to continue the meeting to 10:30 p.m. The motion carried by voice vote.

Ms. Sarah Hamm stated that she lives in Tolono and every weekend her mother drives her to the show at The Shed. She said that she feels safe at The Shed and if it weren't for the Shed she would not have had the opportunity to meet the people that she calls her friends. She said that The Shed is very important to her and a lot of other people and requested that it be allowed to continue.

Ms. Griest asked the Board if they had any questions for Ms. Hamm and there were none.

Ms. Griest asked if staff had any questions for Ms. Hamm and there were none.

Ms. Griest asked Mr. Willard if he had any questions for Ms. Hamm.

Mr. Willard asked Ms. Hamm if she felt safe from boys being to forward with her.

Ms. Hamm stated that she does feel safe from boys being to forward.

Mr. Willard asked Ms. Hamm what she thought would happen if this situation occurred.

Ms. Hamm stated that she believes that her friends would stand up for her and stop the situation.

Mr. Willard asked if this situation has happened at The Shed.

Ms. Hamm stated no.

Ms. Griest asked the audience if they had any questions for Ms. Hamm and there were none.

Mr. Irle moved, seconded to continue Case 497-AM-05: Helen Willard and Steven and Shirley Willard; and Case 498-S-05: Helen Willard; Steven and Shirley Willard; and rock the shed, inc a non-profit corporation with Directors and Officers Steven Willard, Micah Boyce, Sherry Newton, Brian Maroon and Peter Ruedi to the October 13, 2005, meeting. The motion carried by voice vote.

Case 500-V-05: Stephen and Kitty Strong. Request to authorize the construction and use of a detached garage with a height of 18'-6" instead of the maximum allowed height of 15'-0" on a lot that is less than one acre in area. Location: Lot 3 of Country Acres Estates and that is commonly known as the residence at 5022 West Dudley Road, Champaign.

Ms. Griest informed the audience that this is an Administrative Case and as such the County allows anyone the opportunity to cross examine any witness. She said that at the proper time she

will ask for a show of hands for those who would like to cross examine and each person will be called upon. She requested that anyone called to cross examine go to the cross examination microphone to ask any questions. She said that those who desire to cross examine are not required to sign the witness register but are requested to clearly state their name before asking any questions. She noted that no new testimony is to be given during the cross examination.

Mr. Hall distributed a Supplemental Memorandum dated July 14, 2005, for the Board's review. He said that the memorandum includes the Land Use Map which departs from tradition and is an aerial photograph from 2002. He said that the petitioners submitted an isometric drawing of the proposed garage and the drawing is attached to the new memo. He said that staff narrative has been added to the Revised Draft Summary of Evidence and any new information is underlined.

Mr. Stephen Strong, who resides at 5022 W. Dudley Rd, Champaign, IL stated that the whole premise for the desired height of the building is because they wanted it tall enough to store a tall recreational vehicle. He said that the camper that they are considering will not fit in a 12 foot door. He said that he has talked to the neighbors and they indicated that they do not have a problem with the height of the building. He said that they reviewed plans for other buildings which would be similar to the other out buildings located in the neighborhood and the only difference in the building that they chose is that it is taller. He said that they were honestly under the impression that they owned a full acre but obviously this is not the case because the lot is measured to the centerline of the road.

Ms. Griest asked if the Board had any questions for Mr. Strong.

Ms. Griest asked if staff had any questions for Mr. Strong and there were none.

Ms. Griest asked the audience if they had any questions for Mr. Strong and there were none.

Mr. Irle asked Mr. Strong if there were any trees around the location that would screen the building.

Mr. Strong stated that there is a row of evergreen trees that are approximately three feet tall to the east of the building which they planted when they purchased the property.

Ms. Kitty Strong, who resides at 5022 W. Dudley, Champaign, IL stated that the covenants of their subdivision dictates that a recreational vehicle must be stored inside a building.

Ms. Griest asked if the Board had any questions for Ms. Strong and there were none.

Ms. Griest asked if staff had any questions for Ms. Strong and there were none.

Ms. Griest asked the audience if they had any questions for Ms. Strong and there were none. Ms. Griest closed the witness register.

Mr. Irle stated that there would be natural screening to the north of the building.

Ms. Hitt, Zoning Officer stated that there are row crops to the north of the building.

Mr. Irle stated that it appears that it is a common issue that all of the lots in this neighborhood are less than one acre in size.

Mr. Hall stated that Country Acres Estates is a platted subdivision with a public street. He said that he does not the date when the subdivision was platted but since the adoption of zoning it has been this way. He said that the statement from Ms. Strong regarding the covenants is not included in the Summary of Evidence and should be added as an Item #8.C. as follows: The covenants of Country Acres Estates requires motor homes to be housed in a garage. He said that an Item #8.D. should be added to read as follows: The petitioners purchased the property in 1988 and were told that the property was one acre in area.

Finding of Fact for Case 500-V-05:

From the documents of record and the testimony and exhibits received at the public hearing conducted on July 14, 2005, the Zoning Board of Appeals of Champaign County finds that:

1. **Special conditions and circumstances do 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.**

Mr. Bluhm stated that special conditions and circumstances do 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 the subdivision requirements have covenants requiring the storage of recreational vehicles and the property in ten feet shy of in depth of being one acre.

2. **Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction.**

Mr. Goldenstein stated that practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction because since the intent is to purchase a recreational vehicle which requires a door that is 14 feet tall. He said that the covenants of the subdivision require that the recreational vehicle be stored indoors.

3. **The special conditions, circumstances, hardships, or practical difficulties do result from actions of the applicant.**

Mr. Irle stated that the special conditions, circumstances, hardships, or practical difficulties do result from actions of the applicant because the petitioners have purchased a recreational vehicle that is required by the covenants to be stored indoors.

- 4. **The requested variance is in harmony with the general purpose and intent of the Ordinance.**

Mr. Bluhm stated that the requested variance is in harmony with the general purpose and intent of the Ordinance because the building is being placed in the back corner of the property meeting all the zoning requirements and has adequate separation distance from other structures.

- 5. **The requested variance will not be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare.**

Mr. Irle stated that the requested variance will not be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because the location of the proposed building is not near any other buildings and there is screening on the north side of the property.

- 6. **The requested variance is the minimum variation that will make possible the reasonable use of the land/structure.**

Mr. Bluhm stated that the requested variance is the minimum variation that will make possible the reasonable use of the land/structure because the recreational vehicle requires a 14 foot door therefore meeting the 15 foot height requirement would not be possible. He said that no other property is available for purchase to make the property one full acre.

Mr. Miller moved, seconded by Mr. Goldenstein to adopt the Summary of Evidence, Documents of Record and Finding of Fact as amended. The motion carried by voice vote.

Mr. Steeves moved, seconded by Mr. Schroeder to close the public hearing for Case 500-V-05: Stephen and Kitty Strong. The motion carried by voice vote.

Final Determination of Case 500-V-05:

Mr. Bluhm moved, seconded by Mr. Steeves that the Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements of Section 9.1.C have been met and pursuant to the authority granted by Section 9.1.6B of the Champaign County Zoning Ordinance, determines that the Variance requested in Case 500-V-05 is hereby granted to the petitioners, Stephen and Kitty Strong, to authorize the construction and use of a detached garage with a height of 18'-6" instead of the maximum allowed height of 15'-0" on a lot that is less than one acre in area in the AG-2, Agriculture Zoning District.

The roll was called:

Goldenstein-yes	Irle-yes	Miller-yes
Schroeder-yes	Steeves-yes	Bluhm-yes
Griest-yes		

Mr. Bluhm moved, seconded by Mr. Irle to recess the meeting. The motion carried by voice

vote.

**The Board recessed at 8:17 p.m.
The Board resumed at 8:25 p.m.**

7. Staff Report

None

8. Other Business

Ms. Griest stated that she will be absent from the July 28, 2005, meeting.

Mr. Goldenstein stated that he may also be absent from the July 28, 2005, meeting.

Mr. Irle stated that he may also be absent from the July 28, 2005, meeting but he will call the office to confirm.

Ms. Griest requested that the Board members contact staff regarding this issue.

9. Audience Participation with respect to matters other than cases pending before the Board

None

10. Adjournment

The meeting adjourned at 10:27 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals

