

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street

Urbana, IL 61801

DATE: May 04, 2006

PLACE: Brookens Gymnasium  
1776 East Washington Street

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 : Lori Busboom, John Hall, Jamie Hitt, Leroy Holliday, Susan Monte

OTHERS PRESENT : Herbert Schildt, Sherry Schildt, Margaret Pribble, Brad Pribble, Marilyn Hunter, Eric Thorsland, Hal Barnhart, Claudia Washburn, Don Wauthier, Duke Goodwin, Margaret Goodwin, Scott Bidner, Lou Wozniak, JoAnn Wozniak, Kostas Yfantis, Randy Graham, Ross Brower, Steve Burdin

1. Call to Order

The meeting was called to order at 7:11 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 (April 06, 2006)

Mr. Hall stated that the written statement submitted by Mr. Ron Cook at the April 06, 2006, meeting should have been included with the copies of the minutes. He said that the statement was distributed to the Board and the public at tonight's meeting.

Ms. Griest stated that Line 33 of Page 2 of the April 06, 2006, minutes should be corrected to state the following: Mr. Schroeder, Mr. Goldenstein, Mr. Bluhm, Mr. Miller, Mr. Irle and Ms. Griest stated that Ordinance Objective #8 PARTIALLY ACHIEVE. Mr. Steeves stated that Ordinance Objective #8 ACHIEVE. She questioned the text on Line 5, Page 13.

1 Mr. Hall stated that the paragraph which begins on Line 5, Page 13 discusses the special condition which  
 2 had been proposed to allow homes which are located in the Public Resource Buffer to allow to be expanded  
 3 further in to the buffer. He said that Ms. Griest questioned whether staff would recommend that the Board  
 4 consider the special condition if the Board felt that even with the change proposed that the Ordinance  
 5 Objectives would not be fully achieved. He said that the Board concluded not to include the special  
 6 condition in the final recommendation.

7  
 8 Mr. Hall stated that he suspects that the text included on Line 5, Page 13 is what was stated on the tape.

9  
 10 Ms. Griest stated that if this is the case then the text should remain as written.

11  
 12 **Mr. Bluhm moved, seconded by Mr. Irlle to approve the April 06, 2006 minutes as amended with the**  
 13 **attachment submitted by Mr. Ron Cook. The motion carried by voice vote.**

14  
 15 **5. Continued Public Hearing**

16  
 17 **Case 522-AT-05 TEXT AMENDMENTS PROPOSED AS PART OF PHASE ONE OF THE**  
 18 **CHAMPAIGN COUNTY COMPREHENSIVE ZONING REVIEW (CZR) PARTS A-M.**

19  
 20 Ms. Monte stated that Joel Fletcher, Champaign County Senior Assistant State’s Attorney has finally had a  
 21 chance to comment on the parts that the Board was planning on considering at tonight’s meeting. She said  
 22 that Mr. Fletcher’s comments have been provided to the Board and those comments indicate that additional  
 23 time is required for his review of Part F because he is concerned with drainageway setbacks. She said that  
 24 the Board must decide whether or not they desire to spend time reviewing Part F in light of comments that  
 25 they are expecting to receive from Mr. Fletcher. She said that Mr. Fletcher has two types of concerns and  
 26 prior to the start of this meeting he requested additional time for review.

27  
 28 Ms. Monte stated that the Board could review the Finding of Fact for Part F for conformance with the Land  
 29 Use Regulatory Policies. She said that the Board may not want to review the Ordinance Objectives until  
 30 Mr. Fletcher’s input is available. She said that Mr. Fletcher had no concerns regarding Part E. She said that  
 31 Part H, as proposed, includes five different proposals and staff has recommended a sixth proposal. She said  
 32 that Mr. Fletcher does have a concern regarding the sixth part of Part H which relates to the allowance of  
 33 accessory single family dwellings on a temporary basis. She said that the Board was set to move and  
 34 consider Parts E and H together but she would recommend that the Board move through Part E and H and go  
 35 all the way through the findings through the consideration of conformance with the LURP then stop short of  
 36 the Ordinance Objectives until Mr. Fletcher’s comments are received. She said that Mr. Fletcher does have  
 37 concerns regarding different portions of Part J which includes the provisions with regard to replacing the  
 38 Rural Residential Overlay with the Rural Planned Development District. She said that Mr. Fletcher had  
 39 three different types of concerns and the memo which he provided to the ZBA indicated that his concerns  
 40 pertain to the transfer of development rights and whether or not it would be something allowable under the  
 41 State of Illinois Constitution. She said that Mr. Fletcher has informed the Board that there are principled  
 42 arguments in support of this but there are some elements of legal risk in proceeding to have that kind of  
 43 provision. She said that this is one of the types of questions that he has submitted to the Attorney General  
 44 and that he has a lingering concern about the transfer of development rights and a similar concern with

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1 regard to the voluntary provision for a Resource Reserve which is located in Chapter 21.4. She said that Mr.  
2 Fletcher indicated some minor editorial corrections regarding the removal of the word “preponderantly” to  
3 describe affirmative findings in Subsection 37.90.300. She said that the Board may want to discuss whether  
4 or not to reconsider the Public Review Draft 3 and whether or not they want to continue to move forward  
5 without changing the draft. She said that the State’s Attorney has indicated that he would be more  
6 comfortable if the changes discussed as conditions were made to the draft while it is in the public hearing  
7 process and not just keep referring to conditions.

8  
9 Mr. Irle stated that at the last public hearing the Board decided that they would begin this public hearing  
10 with Part F therefore he spent most of his time reviewing Part F. He asked if the Board could progress with  
11 Part F or would it be redundant in the future if the Board had to revisit everything that they reviewed at  
12 tonight’s public hearing.

13  
14 Ms. Monte stated that what the Board could do tonight without wasting any time or needing to repeat things  
15 is to review the Finding of Fact and go through the parts of the finding where the Board is deciding whether  
16 Part F is consistent with the LURP. She said that any concerns that Mr. Fletcher has would relate more to  
17 the Ordinance Objectives.

18  
19 Ms. Griest stated that the most significant thing that Ms. Monte indicated which will affect all of the  
20 segments was her last statement indicating the recommendation or consideration of revising the Public  
21 Review Draft 3. She said that she believes that each member of the Board has operated from the beginning  
22 of the hearings with the clearly hard and fast rule that any revision would not be permitted. She said that she  
23 would like hear the Board’s comments on whether their views on any of the subject matter areas will change  
24 if there is an opportunity to change or modify the text.

25  
26 Ms. Monte stated that the Board has already made a final determination for Parts I and G. She said that staff  
27 was not planning to make any changes to the Stream Protection Buffer provisions and the only changes that  
28 staff was planning to recommend were those that are listed as conditions. She said that Part F had a  
29 significant change in the measurement procedures used for non-intermittent drainageway measurement  
30 procedure but so far the only change recommended was to Part G which was to allow for the additional  
31 expansion of an existing dwelling within the Public Resource Buffer. She said that Mr. Fletcher may have  
32 some additional changes.

33  
34 Ms. Griest asked Ms. Monte if her previous statement is limited to only changes that staff would propose  
35 and is not accepting input from the Board therefore if there is something that the Board members would  
36 change their opinion or modify the text in some fashion to eliminate their concern those are not open for  
37 consideration. She said that the Board needs to know where the boundaries are.

38  
39 Ms. Monte stated that this is one way to draw the line.

40  
41 Mr. Hall stated that it is fair that if staff opens this up to making changes staff should consider any change  
42 that the Board thinks should be made but even more importantly he would like to document things like that  
43 as a condition. He said that if the process is completed and the Board doesn’t document changes that it feels  
44 should be made then something has been lost. He said that the whole idea of accepting changes was

1 presented to staff this afternoon and staff is still wrestling with it because, like the Board, staff has been  
2 operating with amendments that no changes would be allowed. He said that he wouldn't want to begin  
3 making a lot of changes because everyone does want this process to get over with, but if we do start making  
4 changes then we should consider any changes that the Board deems important.  
5

6 Mr. Bluhm stated that we do not want to go backwards with changes to where we are trying to change a  
7 moving target. He said that he could see some legal changes that Mr. Fletcher believes should be taken care  
8 of but if changes are implemented to where the entire draft has to be re-written and re-done the Board will  
9 be here for another year with this process.

10  
11 Mr. Hall stated that we do not want to get to that stage.

12  
13 Ms. Griest asked the Board if they are in agreement that the boundaries will be that the only changes that  
14 will be considered would be those documented as a condition and predominately limited to the  
15 recommendations of the State's Attorney or staff. She said that she wants to make sure that everyone is  
16 operating under the same guidelines.

17  
18 Mr. Steeves asked if the Board recommended a condition would it not be considered because it did not come  
19 from staff.

20  
21 Ms. Griest stated that this is the question.

22  
23 Ms. Monte reminded the Board that in the end the adoption of Parts of this Case will be a political decision  
24 by the County Board.

25  
26 Mr. Hall stated that the only changes that he would prefer be made are those changes that the State's  
27 Attorney requires in order for this thing to be feasible when it is all said and done.

28  
29 Mr. Irlle stated that he agrees with Mr. Hall. He said that it will be very difficult to move forward very  
30 quickly if we try to change the language of the text but he also believes that the only way that the Board  
31 would have any input is by conditions. He said that in the long run at least the County Board would  
32 understand what the ZBA's recommendations would be for individual parts.

33  
34 Ms. Monte stated that staff has a list of proposed conditions to recommend. She said that the list could be  
35 reviewed by Mr. Fletcher so that he can see which conditions he would like to see included in the text. She  
36 said that perhaps some of the conditions can wait until later.

37  
38 Ms. Griest asked Ms. Monte if the list of conditions was included in the Board's packet.

39  
40 Ms. Monte stated that what the Board received in the packet was the Part F and Part H condition.

41  
42 Ms. Griest stated that only as they pertain to individual pieces of the draft were included.

43  
44 Ms. Monte stated that most of the conditions proposed by staff relate to the Table of Authorized Principal

1 Uses and the Standard Conditions but there is one proposed condition for Part F and one for Part H.

2  
3 Ms. Griest asked the Board how they would like to proceed.

4  
5 Mr. Hall stated that in regard to drainage, the Ordinance which the Board has before them is the most that  
6 we could imagine the County could do to protect drainage. He said that Mr. Fletcher's comments indicate  
7 that perhaps the County can not do as much as what staff believed it could. He said that whether or not the  
8 Ordinance achieves the LURPs, the Board has the most, perhaps more, of what the County is trying to do  
9 therefore the Board could evaluate whether or not it achieves the LURP. He said that the Board could move  
10 forward with Part F evaluating the LURPs not being bothered with the concerns raised in Mr. Fletcher's  
11 memo and then at the next meeting the Board would have better information from Mr. Fletcher to sort  
12 through the Ordinance Objectives.

13  
14 Mr. Bluhm stated that if the Board is going to move forward then he would prefer to start one section and  
15 move all the way through it so that he keeps his mind set on the same Finding of Fact but as he sees it the  
16 Board has Part F, Part E and Part H which can be worked through to a point and stopped.

17  
18 Ms. Monte stated that Mr. Fletcher informed staff that the Board could work through Parts J and L and if the  
19 Board desires they could complete their determination. She said that Mr. Fletcher just wanted to bring those  
20 issues to the Board's attention during deliberation.

21  
22 Mr. Bluhm stated that Mr. Fletcher's comments on Page Two of his memorandum indicates that he is  
23 awaiting response from the Illinois Attorney General on the County's authority to even have transferable  
24 rights. He said that he does not want to go through the Finding of Fact and say "yes" this meets the legal  
25 guidelines and all of a sudden the Illinois Attorney General indicates that it cannot be done. He said that it  
26 would be a finding in error.

27  
28 Mr. Hall stated that the Board should not expect to have a response from the Illinois Attorney General  
29 before this hearing is over therefore those concerns will have to be worked through. He said that if the  
30 County waits for a response from the Attorney General's office then this process could take longer than  
31 another year. He said that if this causes the Board's evaluation to be a certain way then that is the way that it  
32 has to be.

33  
34 Ms. Griest asked the Board how they would like to proceed.

35  
36 Mr. Bluhm stated that like Mr. Irle he spent a lot of time studying Part F because this was the first section  
37 that the Board anticipated working on first at tonight's public hearing. He said that he would like to proceed  
38 with Part F through to the LURPs and stop when they get to the Ordinance Objectives.

39  
40 Ms. Griest asked Mr. Hall if the Board could work through the Ordinance Objectives for Part F without  
41 taking final action so the Ordinance Objectives could be amended at a later date.

42  
43 Mr. Hall stated that as long as final action is not taken on Part F the Board could revise any Ordinance  
44 Objective finding that they deemed necessary.

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Ms. Griest asked the Board if this was acceptable and if they wanted to begin with Part F.

**The consensus of the Board was to begin with Part F.**

Ms. Griest stated that the numbering sequence for Item #11C of the Finding of Fact should be corrected. She said that there are two #(3) items included in Item #11C. She said that each of the Board members received a written letter from the Champaign County Farm Bureau on Part F and asked Mr. Hall if staff received the same letter as well.

Mr. Hall stated that staff did not receive a letter from the Champaign County Farm Bureau regarding Part F.

Ms. Griest stated that she also received a similar letter regarding Part J. She requested that the two letters be added as Items #49 and #50 of the Documents of Record. Ms. Hitt made copies of the letters and distributed the copies to the Board and staff.

Mr. Bluhm asked Mr. Hall to elaborate on Item #11.C(6)(b) of the Finding of Fact for Part F. He asked how the Zoning Administrator will make the determination if a tile which is encountered does not serve a dominant estate. He asked if it will be by information submitted by the Soil and Water Conservation District or just the Zoning Administrator making the determination because if it is just the Zoning Administrator making the determination and that person does not have an agricultural background there could be a big problem.

Mr. Hall stated that one instance in which this could clearly be determined is when staff receives a letter from every landowner, upstream, stating that they are not concerned about the tile. He said that when he reviews 22.30.700 he does not see that it adds any more detail and it does grant a considerable amount of discretion to the Zoning Administrator.

Mr. Bluhm stated that if there is not substantial evidence that the encountered tile doesn't go very far and is cut and capped it could just fill up the basement with water.

Mr. Hall stated that Paragraph A under Subsection 22.30.700 places a requirement on the applicant to submit documentation in sufficient detail for the Zoning Administrator to determine if there are upstream areas served by the tile. He said that presumably that means that if the tile goes off of the property it is serving upstream areas unless a statement is submitted otherwise but it is a good point that careful judgment must be made regarding cutting and capping a tile.

Mr. Bluhm stated that his concern is that the Zoning Administrator may not have the qualifications or the knowledge to know if the tile is a non-dominant estate. He said that he could understand if the Zoning Administrator had documentation from the Soil and Water Conservation District indicating that they went out and probed the tile and determined that the tile ends 20 feet from a house but his concern is that the Zoning Administrator determines that it is a 4 inch tile therefore it can be capped. He said that some 4 inch tiles run for a mile and one half.

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1 Mr. Hall stated that the Ordinance requires that the tile be mapped and of course the quality of the mapping  
2 is dependent upon the quality that is put into that mapping by whoever is trying to do it. He said that if the  
3 mapping is done poorly then the Zoning Administrator will have bad information.

4  
5 Mr. Bluhm stated that there must be some type of collaboration between the drainage district, Zoning  
6 Administrator and upstream landowners.

7  
8 Mr. Hall stated that a letter could be submitted from the Soil and Water Conservation District commenting  
9 on their understanding of the tile and that obviously if it is a larger tile then relevant information should be  
10 received from the drainage district also.

11  
12 Mr. Bluhm stated that a mapping of the tile is probably the only way that the Soil and Water Conservation  
13 District will submit a recommendation.

14  
15 Mr. Hall stated that the Ordinance already requires such mapping.

16  
17 Mr. Irle stated that he would disagree with having any functional tile capped. He said that Item 11.C(6)(b)  
18 gives too much discretion to the Zoning Administrator where that scenario could happen. He said that this  
19 item is problematic and is not sure if there is an easy way to resolve a small tile issue even with a discussion  
20 by someone at the Soil and Water Conservation District. He said that the SWCD could give  
21 recommendations but he has seen instances where not everyone is aware of where the tiles end up. He said  
22 that a tile could be capped and it may seem non-functional at the time during a drought or period where it is  
23 not functioning fully.

24  
25 Mr. Hall stated that Subsection 22.30.300 of the Draft Ordinance requires the mapping to be done as  
26 recommended by the Soil and Water Conservation District and requires written notice to be provided to each  
27 upstream landowner. He said that presumably the upstream landowners would notify the Zoning  
28 Administrator if that tile serves their property.

29  
30 Mr. Irle stated that instances in the past the Board has required the developer or petitioner to reroute the tile  
31 to keep it functioning where the text in 11.C(6)(b) terminates the tile.

32  
33 Mr. Hall asked if the Board would find it acceptable if only after doing the mapping which is recommended  
34 by the SWCD the tile does not go off the property of the applicant.

35  
36 Mr. Bluhm stated that it is unknown how many "T" connections are attached to a tile on one property. He  
37 said that if it is a 4-inch tile it could be assumed that it is the only tile but there are a lot of people who put in  
38 4 inch tiles and then install a "T" which feeds off to another direction and by just probing the tile the "T"  
39 connections will never be found. He said that if the Zoning Administrator determines that the 4 inch tile  
40 stops at the property line and the tile is capped there could be laterals feeding into the capped tile leaving a  
41 landowner with either a full basement or a saturated yard. He said that he does not agree that any tile should  
42 be capped because it is unknown what it is hooked on to.

43  
44 Mr. Hall stated that a condition could be proposed. He said that the condition should establish Mr. Irle's and

1 Mr. Bluhm's concern that a tile should never be capped and the Ordinance should not authorize the Zoning  
2 Administrator to authorize such practice.

3  
4 Mr. Bluhm stated that he is only one member of the Board and perhaps other members feel differently.

5  
6 Ms. Griest asked the other members to comment on the proposed condition.

7  
8 Mr. Schroeder stated that he is the oldest member on the Board but he knows that 800 acres of his land was  
9 hand-tiled and not machine-tiled. He said that the only person that he would have respect for in doing this  
10 determination would be a tile man who the Zoning Administrator would follow around to each location. He  
11 said that when his home was built they found 8 inch tiles in areas that he wasn't aware had tiles. He said  
12 that 50 years ago he was fortunate enough to know a gentleman who installed a lot of the hand-tiling on his  
13 property and mapping was completed. He said that most people do not know where the tiles are located  
14 because so many of the old farmers have died and the tile information went with them. He said that he does  
15 not believe that the Zoning Administrator will be able to determine the tile's location and importance. He  
16 said that he just had 40 acres machine-tiled and received a \$2600 bill because a tile was cut and required  
17 repair. He said that these types of problems will arise more as the broken down tiles are discovered and he  
18 does not believe that any one person can make the decision on which tiles should be capped. He said that it  
19 must be a cooperative process with the Soil and Water Conservation District, the Zoning Administrator and  
20 the tile people themselves should be restricted on what they can and cannot do with the existing tiles. He  
21 said that the tile people must be required to map the tiles and that they don't just cut the tiles and install new  
22 ones.

23  
24 Mr. Miller stated that the existing tiles were placed in their current locations for good reason and in his  
25 opinion interrupting the natural flow is no different than interfering with natural riparian areas located for  
26 surface drainage. He said that the surface drains were placed where they are visible but capping subsurface  
27 tiles makes no sense at all.

28  
29 Mr. Goldenstein stated that he agrees with Mr. Bluhm, Mr. Irle, Mr. Schroeder and Mr. Miller and does not  
30 believe that any tiles should be capped.

31  
32 Mr. Steeves stated that he also agrees that existing tiles should not be capped. He said that it is too  
33 important to those people who are relying on those tiles to do a job to just authorize someone to cut one or  
34 cap it.

35  
36 Ms. Griest stated that she also agrees. She said that everything that she had been taught regarding tile and  
37 drainage indicated that a tile should never be capped and if an exiting tile is encountered it is to be rerouted  
38 or repaired to its original or better condition. She said that she would be uncomfortable supporting anything  
39 that authorized capping.

40  
41 Mr. Steeves stated that the Board came to an agreement not to authorize Item #11.C(6)(b), but he is not sure  
42 if a condition was determined to eliminate that item.

43  
44 Ms. Griest stated that the Board came to the agreement that they did not support the way Item #11.C(6)(b)



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1 read and at a point further in the discussion a condition could be proposed.

2  
3 Mr. Hall stated that he does have text sketched out for Item #24, but he was not sure if the Board wanted to  
4 review the text at this point or wait until they reach Item #24 for review.

5  
6 Mr. Bluhm stated that since it didn't appear that the Board would take final action on this case tonight staff  
7 could draft a condition for Item #24 for the Board's review.

8  
9 Ms. Griest asked the Board if there were any other concerns or changes to the Finding of Fact for Part F and  
10 there were none at this time. Ms. Griest stated that the Board will move to the conformance of Part F to the  
11 two relevant Land Use Regulatory Policies for Part F.

12  
13 Ms. Griest read LURP 1.1.2.

14  
15 Mr. Bluhm stated that Part F DOES CONFORM to LURP 1.1.2. He said that the drainageways and tile  
16 systems that were placed into this ground were to make this land some of the best agricultural land in the  
17 nation and this amendment does everything to protect that.

18  
19 **The consensus of the Board was that Part F DOES CONFORM to LURP 1.1.2.**

20  
21 Ms. Griest read LURP 1.4.2.

22  
23 Mr. Steeves stated that Part F DOES CONFORM to LURP 1.4.2. He said that the amendment protects the  
24 tile which is line with the Ordinance.

25  
26 **The consensus of the Board was that Part F DOES CONFORM to LURP 1.4.2.**

27  
28 Ms. Griest stated that the Board will begin its review of the Ordinance Objectives for Part F.

29  
30 Ms. Griest read Ordinance Objective #1.

31  
32 Mr. Bluhm stated that the tile setbacks are very easy to understand but when you get to the waterways,  
33 intermittent, non-intermittent, measurement from the centerline, side of the ditch bank becomes a little bit  
34 more ambiguous therefore he would indicate that Ordinance Objective #1 PARTIALLY ACHIEVES.

35  
36 **The consensus of the Board was that Ordinance Objective #1 PARTIALLY ACHIEVES.**

37  
38 Ms. Griest read Ordinance Objective #2.

39  
40 Mr. Steeves stated that he became confused when the Ordinance spoke about swales and being able to  
41 identify them. He said that an unsuspected buyer who may be looking at some land to purchase may not  
42 understand what a swale is and to what degree they could identify something as being a swale. He said that  
43 he does not believe that the language in the Ordinance will be easily understood by the average person. He  
44 said that Ordinance Objective #2 PARTIALLY ACHIEVES.

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**The consensus of the Board was that Ordinance Objective #2 PARTIALLY ACHIEVES.**

Ms. Griest read Ordinance Object #3.

Mr. Goldenstein stated that Ordinance Objective #3 PARTIALLY ACHIEVES. He said that the reasons given for Ordinance Objective #1 apply to Ordinance Objective #3.

Mr. Miller stated that without conditions Ordinance Objective #3 DOES NOT ACHIEVE.

Ms. Griest asked the Board if they would like to review the proposed conditions and then come back to Ordinance Objective #3.

Mr. Steeves stated that he is concerned about how many man hours the Zoning Administrator or the Zoning Officer are going to put into this. He said that he is concerned about the impact that this will have on staff.

Mr. Hall stated that currently staff does not get bothered when tiles are interrupted by construction therefore this would all be new work. He said that historically the SWCD deals with all of those instances and the SWCD would still be involved, probably as much as they ever were involved. He said this will be work that generally involves the Zoning Administrator.

Mr. Steeves stated that Mr. Hall's comments gives him concern on whether or not Ordinance Objective #3 achieves or not because staff is shorthanded and the current staff may not be able to administer or enforce this without additional staffing. He said that some of the details of the Ordinance may be skipped over because the staff does not have the time to apply the oversight that is required.

Mr. Hall stated that this is a valid concern but it is more relevant to Ordinance Objective #7. He said that looking at the Ordinance as a whole if the whole package is adopted there should be far fewer homes being constructed in the rural areas than there have been in rural Champaign County. He said that there should be fewer chances for tiles to be interrupted and at the same time the County will be making a greater investment in every one of those few rural homes which are allowed out there. He said that staff will be putting more investment in each permit but overall the number of permits should be greatly reduced. He said that this is something that the budget does not take in to account.

Mr. Steeves stated that under those conditions he would say that Ordinance Objective #3 PARTIALLY ACHIEVES.

Ms. Griest asked the Board again if they would like to review the conditions before a decision is made for Ordinance Objective #3.

Mr. Irlle asked if the Board should get a number of objectives that require conditions prior to review of the conditions. He recommended that the Board review the Ordinance Objectives and determine which ones need conditions and delay the assessment until the conditions are approved.

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1 Ms. Griest stated that the Board agrees that Ordinance Objective #3 requires a condition therefore the  
2 assessment will be delayed until the condition is approved.

3  
4 Ms. Griest read Ordinance Objective #4.

5  
6 Mr. Bluhm stated that Ordinance Objective #4 ACHIEVES. He said that not only agricultural drainage tiles  
7 and land will be protected but also the best interest of the homeowner. He said that if a tile is encountered it  
8 will be mapped and rerouted rather than capped. He said that the cost of compliance to do a tile search or a  
9 tile probe may cost money but in the long run it will save them money therefore the trade off is about equal.

10  
11 Mr. Steeves asked if there are enough Certified Illinois Professional Engineers around to do this job. He  
12 said that he agrees with Mr. Bluhm in that it may cost the homeowner some money but in the long run it will  
13 save them money.

14  
15 **The consensus of the Board was that Ordinance Objective #4 ACHIEVES.**

16  
17 Ms. Griest read Ordinance Objective #5.

18  
19 Mr. Steeves asked Mr. Hall to clarify the last sentence of Ordinance Objective #5.

20  
21 Mr. Hall stated that he has difficulty relating this to the drainageway protections but one way where it is  
22 most directly related is in regard to the drainageway setbacks. He said that a number of different standards  
23 were listed and what they would or would not do. He said that staff has tried to be as encompassing as they  
24 could be and if there was an arbitrary recommendation made after that then it must be specified.

25  
26 Mr. Bluhm stated that this relates to the condition which will be reviewed later. He said that there are some  
27 drainageways which are wider than 150 feet so the information is telling the Board that what is written in the  
28 Draft isn't going to work. He said that the determination for Ordinance Objective #5 should be delayed until  
29 the condition is reviewed.

30  
31 Ms. Griest read Ordinance Objective #6.

32  
33 Mr. Hall stated that at a staff level there has been discussion about is there a strategy to combine some of the  
34 Ordinance Objectives. He said that he is wondering if it would make sense to combine Ordinance Objective  
35 #6 and #7. He said that he has difficulty evaluating Ordinance Objective #6 and #7 differently. He said that  
36 if the Board could see that the two objectives are different then they could be determined separately.

37  
38 Mr. Steeves stated that he would include Ordinance Objective #4 also. He said that he believes that  
39 Ordinance Objective #4, #6 and #7 appears to be going in the same direction as to whether the Ordinance is  
40 cost effective.

41  
42 Mr. Hall stated that he understands Mr. Steeves' point but personally he does not have as much trouble with  
43 Ordinance Objective #4 as he does with Ordinance Objectives #6 and #7.

1 Mr. Bluhm stated that he agrees with Mr. Hall.

2  
3 Mr. Irle stated that his problem with Ordinance Objective #6 and #7 usually boils down to the cost of  
4 administering the Ordinance and the cost to the petitioner for complying. He said that these are separate  
5 issues yet they are included in the same question therefore which one will supercede the other. He said that  
6 it would almost be better if each question was broken down to be all one type of a question rather than  
7 commingling of benefits to both administering and cost of complying.

8  
9 Ms. Griest stated that she agrees with Mr. Irle. She said that on some of the objectives the cost of  
10 administering is not necessarily achieved. She said that the cost of compliance could be substantial or may  
11 not be substantial depending upon the circumstances therefore those circumstances may be weighed  
12 differently and if they were opposite ends of the spectrum the determination could vary. She said that she  
13 does not have a problem with the two objectives being separate.

14  
15 Mr. Irle asked the Board if anyone believed that the Ordinance was economically unsound and there were  
16 none. Mr. Irle asked the Board if anyone believed that the Ordinance was economically sound and there  
17 were none. Therefore he recommended that Ordinance Objectives #6 and #7 PARTIALLY ACHIEVES.

18  
19 **The consensus of the Board was that Ordinance Objectives #6 and #7 PARTIALLY ACHIEVES.**

20  
21 Ms. Griest read Ordinance Objective #8. She recommended that the Board delay a determination on  
22 Ordinance Objective #8 until a later time.

23  
24 Ms. Griest read Ordinance Objective #9. She recommended that the Board delay a determination on  
25 Ordinance Objective #9 until a later time.

26  
27 Ms. Griest read Ordinance Objective #10. She recommended that the Board delay a determination on  
28 Ordinance Objective #10 until a later time.

29  
30 Ms. Griest read Ordinance Objective #11. She asked if Ordinance Objective #11 falls into the category of  
31 needing the condition. She recommended that the Board delay a determination on Ordinance Objective #11  
32 until the condition is reviewed.

33  
34 Ms. Griest read Ordinance Objective #12.

35  
36 Mr. Bluhm stated that Ordinance Objective #12 ACHIEVES.

37  
38 **The consensus of the Board was that Ordinance Objective #12 ACHIEVES.**

39  
40 Ms. Griest read Ordinance Objective #13.

41  
42 Mr. Irle stated that he does not see much adaptability in the Ordinance therefore he recommended that  
43 Ordinance Objective #13 PARTIALLY ACHIEVE.

44

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1 Mr. Bluhm stated that the Ordinance is not very flexible although there are provisions for variance.

2  
3 **The consensus of the Committee was that Ordinance Objective #13 PARTIALLY ACHIEVES.**

4  
5 Ms. Griest read Ordinance Objective #14.

6  
7 **The consensus of the Board was that Ordinance Objective #14 is NOT RELEVANT TO THE MERIT**  
8 **OF PART F.**

9  
10 Ms. Griest read Ordinance Objective #15.

11  
12 **The consensus of the Board was that Ordinance Objective #15 is NOT RELEVANT TO THE MERIT**  
13 **OF PART F.**

14  
15 Mr. Steeves asked Mr. Hall if staff has made an estimate of what Part F would cost staff as far as time  
16 equated to a full-time or part-time employee.

17  
18 Mr. Hall stated that staff has not completed that estimate. He said that he did ask staff that if they saw a  
19 permit come in to the office which would appear to be a good model then an estimate would be processed.  
20 He said that to date it is all staff can do to keep up with the current workload. He said that it would take a  
21 couple of hours to determine whether an intermittent drainageway is present and once a tile is encountered it  
22 is unknown how much time and trouble it will be.

23  
24 Ms. Griest asked if the provisions are in anyway replicating what is covered by the SWCD.

25  
26 Mr. Hall stated no. He said that the SWCD is probably going to be bothered as much as they ever have but  
27 at least it will be documented in our records and he hopes that it will make the SWCD's job a little easier.  
28 He said that the SWCD has been giving a great service to the County for a number of years without ever  
29 really having to do so.

30  
31 Ms. Griest stated that the Board will review Item #25.(1) which reviews the special conditions required in  
32 order to correct the technical flaw of the proposed Drainageway Setback from non-intermittent drainageway  
33 in the proposed Public Review Draft 3 Zoning Ordinance dated November 14, 2005 (PRD3). She said that  
34 the special conditions relate to the calculation of the setback based upon the methodology described in  
35 Attachment #1.

36  
37 Ms. Griest asked why the setback would be necessary or valuable if there were a hill in the middle of the 75  
38 foot and why wouldn't it be to the top of that range. She said that along the Sangamon where there are  
39 raised areas where the property goes to the edge and then there is a drop off where the water never comes  
40 above that level.

41  
42 Ms. Monte stated that one reason to have a Drainageway Setback is to allow for access adjacent to the bank  
43 for maintenance. She said that the County would not want to have buildings located close to a bluff that  
44 could erode to some degree.

1  
2 Ms. Griest stated that the 75 foot seemed like such a distance.  
3  
4 Mr. Irle stated that he had the same question. He said that he reviewed the comments are reviewed about the  
5 methodology and scientific reasoning and the excerpt from the SWCD letter that was submitted in January,  
6 2006, which indicated that they believe the proposed setback of 75 feet may be wider than needed to meet  
7 the objective for minor drainageways. He said that the SWCD excerpt also stated that they also believe that  
8 the proposed 25 foot setback on each side of the centerline, in relation to drain tile regulations, may be wider  
9 than what is needed to meet the objective. He said that he agrees with the theory but he thinks the setbacks  
10 are a little bit more than what is needed and is the Board able to make a condition saying that the Board  
11 would embrace this if it weren't so large of a number.  
12  
13 Mr. Hall stated that in regards to the Drainageway Setback the recommendations of the SWCD eventually  
14 get up to 75 feet and in staffs' view one number is easier to be dealt with.  
15  
16 Mr. Irle stated that a different county indicated that they used a sliding scale as they went along the drainage  
17 area. He asked Mr. Hall if a model such as this would be hard to follow.  
18  
19 Ms. Monte stated that staff was trying to avoid any unnecessary confusion because there are five different  
20 stream orders within Champaign County. She said that it is not immediately apparent which stream order it  
21 is unless you have a map therefore it got confusing in trying to use the sliding scale model.  
22  
23 Mr. Irle asked if it would be problematic if staff goes by stream order as in 5, 4, 3, 2, 1 and they all have  
24 their own separate standard, rather than one standard.  
25  
26 Ms. Monte stated that the range of the stream orders would add to a person's confusion.  
27  
28 Ms. Griest stated that in some of the materials there were some counties that did not allow building in the  
29 100-year floodplain and she assumes that this was examined and elected not to use that restriction. She  
30 asked Ms. Monte what the advantage would be of utilizing the 75 foot over a combination of no building in  
31 the floodplain and a lesser footage if it were outside of the floodplain.  
32  
33 Ms. Monte stated that staff did review this option but again it was just a matter of trying to keep the  
34 provision straight forward and simple and to allow for the probability or need for access at some point in the  
35 future along a drainageway.  
36  
37 Ms. Griest asked if this would allow someone to build in the floodplain if they are outside the 75 foot.  
38  
39 Ms. Monte stated that if other provisions are adopted the buildable area will not be permitted in a 100 year  
40 floodplain if possible. She said that it is covered in a provision included in Chapter 15.  
41  
42 Ms. Griest asked if this would perpetuate the confusion that already exists in the Ordinance to where you  
43 have to look in multiple places to find this provision.  
44

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1 Ms. Monte stated that when someone applies for a Zoning Use Permit they will be concerned about where  
2 their buildable area will be therefore that is their starting point. She said that most people will be directed to  
3 provisions in Chapter 15 and the buildable area indicates that it cannot be located within the 100-year  
4 floodplain, if possible, and within 25 feet of a drain tile, if possible.

5  
6 Mr. Schroeder stated that the width or depth of the rivers has not been discussed. He said he lives near the  
7 Kaskaskia River and when the ditch is running full force there is more erosion due to the pressure rather  
8 than a ditch that is only four or five feet deep and quickly empties. He said that perhaps the 75 foot would  
9 relieve some of the pressure rather than an overflow type thing on a shallower ditch. He said that he can see  
10 both sides of the story but he has no reason to believe that 75 foot is wrong when so many different  
11 waterways are being dealt with.

12  
13 Ms. Griest asked the Board if there were questions regarding the proposed condition.

14  
15 Mr. Hall stated all of the discussion regarding the special conditions required in order to correct the  
16 technical flaw of the proposed Drainageway Setback should be indicated under 25.A and then the next  
17 condition would be 25.B, etc. He said that 25.A has Subparagraph 1) 'Subsection 22.20.200' and then  
18 Subparagraph 2) 'Revise Section 48.30' and Subparagraph 3) 'Revise Section 48.40'.

19  
20 Mr. Bluhm asked if Item #24 of the Finding of Fact is being eliminated.

21  
22 Mr. Hall stated no. He said that Item #24 relates to any conditions necessary related to the Land Use  
23 Regulatory Policies and there is one at least that the Board was going to consider.

24  
25 Ms. Griest asked Mr. Hall if he had this condition sketched out for the Board's review.

26  
27 Mr. Hall stated yes. He said that the Board indicated that the County can go to all of this trouble thinking  
28 this all the way through and when someone is allowed to cap a tile nothing has been changed at all and that  
29 would not meet the LURP.

30  
31 Mr. Bluhm stated that he reviewed the definition of how the elevation of ordinary high water is determined.

32  
33 Mr. Irle stated that the definition is there but the Board has to be happy with the fact that 75 feet is the  
34 determination for intermittent and non-intermittent drainageway setbacks and once these are accepted they  
35 are set in stone.

36  
37 Ms. Griest stated that if the Board would like the condition to be revised with different amounts for setback  
38 then now is the time to make that recommendation although it will make it more difficult to administer and  
39 more burdensome on staff and more complex for the petitioners.

40  
41 Mr. Irle stated that he accepts the explanation given by staff that there are a lot of different ways to  
42 determine the setback but it would be more problematic for staff to administer and harder for the public to  
43 understand even though there will be a lot of parts that are difficult to understand. He reminded the Board  
44 that once the 75 foot setback is accepted there is no deviation.

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Mr. Bluhm stated that 75 feet seemed excessive but when you think about some of the 100-year rains that are received the swales and waterways, that are not actually ditches, have 75 feet on each side with water. He said that the 75 feet would be easier to administer if it is standard throughout. He said that there will be streams that will never get out of their banks therefore 75 feet may be too much but the problem with identifying those streams would be a nightmare.

Ms. Griest stated that in those instances a variance is available.

Mr. Irle stated that the variance is there for the petitioner’s use if they chose to challenge the 75 foot requirement.

Ms. Griest stated that the petitioner could submit verifiable documentation that indicates that the need for a 75 foot drainageway setback is not an issue in this particular circumstance on this individual parcel then there is relief available.

Mr. Irle stated that there isn’t anything easy about setting the standard for something of this nature.

**Mr. Irle moved, seconded by Mr. Goldenstein to accept the condition as written in Item #25.A of the Finding of Fact dated March 30, 2006.**

Mr. Irle stated that he had a problem with a hard and fast number that is blanket all the way through but the petitioner does have the right to request a variance therefore there is some adaptability.

**The motion carried by voice vote.**

Ms. Griest asked if staff had text drafted for the Board for the condition that was previously discussed regarding capping of drainage tiles.

Mr. Hall stated that if the Board feels that this is relevant to the Ordinance Objectives more so than the Land Use Regulatory Policies then it is the Board’s call. He said that where ever the text is placed it could be as simple as follows: Revise Paragraph 22.30.700B so that the Zoning Administrator cannot authorize capping of a tile. He said that whether that means eliminating the subparagraph or just simply change the wording the intent is that the Board does not want the Zoning Administrator to be able to authorize capping a tile.

Ms. Griest asked if it is only the Zoning Administrator that the Board does not want to authorize the capping of a tile or is it anyone. She said that she would prefer a provision that indicates that the tile has to be rerouted or restored to as good or better condition.

Mr. Steeves stated that he agrees with Ms. Griest. He said that indicating that the Zoning Administrator does not have the authority to cap a tile is not answering the question. He said that what is to be done in this case is what should be identified so that if this Ordinance is going to make sense to the average person they have a direction to follow and will know what to do if he encounters this situation.



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1 Mr. Bluhm stated that he is concerned with #11.C.(3)(h)i. He said that it may be easy for someone to tell a  
2 neighboring landowner that they found a tile but it is no good therefore could you write us a letter. He said  
3 that he does not agree that the upstream landowner should have the right to indicate that the tile could be  
4 capped because they may not be aware of where that tile runs.

5  
6 Ms. Griest stated that the upstream landowner may also be an intermediate landowner that is being served  
7 by that tile because possible the tile system was put in when it was a larger section and that parcel has since  
8 been sold off and now that section is in the middle of the tile system.

9  
10 Mr. Bluhm stated that there are many parcels in the County that someone has sold off a five acre parcel or a  
11 40 acre parcel. He said that if someone really wanted to they could probably buffalo the adjacent landowner  
12 and indicate that the tile is full of dirt. He said that if the SWCD actually went out to the site and probed the  
13 site and actually felt that the tile was inactive then maybe he would agree but even with probing a tile within  
14 five feet of probing the tile could take a left turn. He said that a tile, when found, should be rerouted and not  
15 capped.

16  
17 Mr. Schroeder stated that some of the tiles that were put in were placed in sink holes or seep holes. He said  
18 that they went out in to the center of the hole and hooked on to another tile to drain it therefore he does not  
19 believe that any tile should be capped. He said that every tile that was placed was important and should be  
20 respected.

21  
22 Mr. Hall stated that the Board appears to be saying that there is no need to determine if a tile is inactive  
23 therefore paragraph 11.C(3)(h) could be deleted. He said that the following text in paragraph (g) should  
24 also be deleted: unless the tile is determined inactive. He said that in Subsection 22.30.700 paragraph (b)  
25 could be deleted and the following text in paragraph (c): If the Zoning Administrator determines that a tile  
26 encountered during CONSTRUCTION serves a dominant estate, should also be deleted. He asked if it is  
27 important to map the tile if it is rerouted.

28  
29 Mr. Bluhm stated yes it is important to map the tile if it is rerouted. He said that if the tile is not mapped and  
30 the parcel is divided with a flag lot with the same tile running through the entire property then the same  
31 situation is present.

32  
33 Mr. Hall stated that text could be added or revised to 22.30.700.A.i, regarding the mapping of the located  
34 tiles.

35  
36 Ms. Griest asked if staff would like to have sufficient time to draft the text and include that text in the next  
37 mailing for the May 25, 2006, public hearing regarding the Comprehensive Zoning Review.

38  
39 Mr. Hall stated yes.

40  
41 Ms. Griest stated that it has been the past practice of the Board not to draft a condition on the spot that  
42 would not be as well crafted if sufficient time was allowed to do it right.

43  
44 Mr. Schroeder stated that if someone is not careful during the rerouting of a tile they could be rerouting into

1 a bigger mess than they had to begin with. He said that it is very important for someone to be totally aware  
2 of what territory they are going into when rerouting a tile.

3  
4 Ms. Griest stated that in rerouting a tile someone would have to use all of the necessary precautions in  
5 rerouting it and not just every rookie can do it.

6  
7 Mr. Hall stated that the Board indicated that they would like to have conditions on some of the Ordinance  
8 Objectives in particular #3, #5, and #11.

9  
10 Ms. Griest stated that Ordinance Objective #3 pertained to the condition that was already approved and that  
11 was relevant to determining the 75 foot and how it is calculated.

12  
13 Mr. Bluhm stated that if the condition is included in Ordinance Objective #3 then he would recommend that  
14 Ordinance Objective #3 PARTIALLY ACHIEVES. He said that determining high water elevation may be  
15 able to be visible from the bank but banks erode and move.

16  
17 Ms. Griest stated that she agrees with Mr. Bluhm. She said that the key word is “easy” but she does not  
18 believe that this is “easy” perhaps “possible” but not “easy.”

19  
20 Mr. Goldenstein stated that it will also be hard to enforce.

21  
22 **The consensus of the Board was that subject to the condition indicated in #25.A of the Finding of Fact**  
23 **dated March 30, 2006, Ordinance Objective #3 PARTIALLY ACHIEVES.**

24  
25 Ms. Griest asked the Board if the same condition would apply to Ordinance Objective #5.

26  
27 Mr. Irlé stated that Ordinance Objective #5 PARTIALLY ACHIEVES. He said that some of the earlier  
28 discussion indicated that some of the best scientific information was applied however some of the standards  
29 are still uncertain.

30  
31 Ms. Griest stated that during the earlier review the Board determined that Ordinance Objective #5 required a  
32 condition. She asked if the approved condition would apply to Ordinance Objective #5.

33  
34 Mr. Bluhm stated that the condition does apply to Ordinance Objective #5. He said that the Board is basing  
35 this on what information is available with the County’s limited resources. He said that he still wonders if a  
36 75 foot standard is too restrictive or not enough therefore he would agree that Ordinance Objective #5  
37 PARTIALLY ACHIEVES.

38  
39 **The consensus of the Board was that subject to the condition in #25.A of the Finding of Fact dated**  
40 **March 26, 2006, Ordinance Objective #5 PARTIALLY ACHIEVES.**

41  
42 Ms. Griest asked the Board if the same condition would apply to Ordinance Objective #11.

43  
44 Mr. Bluhm stated that the condition does apply to Ordinance Objective #11. He said that Ordinance

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1 Objective #11 indicates that the Ordinance should leave landowners with the maximum freedom of action  
2 possible. He said that the petitioner does have the ability to request a variance if desired.

3  
4 Mr. Irle recommended that Ordinance Objective #11 PARTIALLY ACHIEVES.

5  
6 **The consensus of the Board was that subject to the condition in #25.A of the Finding of Fact dated**  
7 **March 26, 2006, Ordinance Objective #11 PARTIALLY ACHIEVES.**

8  
9 Ms. Griest stated that Ordinance Objectives #8, #9 and #10 will be revisited after comments are received  
10 from Joel Fletcher, Champaign County Senior Assistant State's Attorney. She said that an overall  
11 recommendation should not be discussed until the comments are received.

12  
13 **The Board consensus of the Board was that an overall recommendation of Part F would not be made**  
14 **until comments were received from Joel Fletcher, Champaign County Senior Assistant State's**  
15 **Attorney.**

16  
17 Ms. Griest stated that at this time she will open the hearing for public testimony based upon tonight's  
18 discussion regarding Part F. She noted that each witness will be limited to a three minute presentation.

19  
20 Mr. Scott Bidner, who resides at 732 CR 2400N, Champaign declined to testify.

21  
22 Mr. Randy Graham, who resides at 3812 S. Duncan Rd, Champaign was absent.

23  
24 Mr. Herb Schildt, who resides at 398 CR 2500N, Mahomet stated that Section 22.10.100 indicates the  
25 purpose of the regulations. He read 22.10.100.i. He referred to Attachment 1 which was included in the  
26 March 30, 2006, Supplemental Memorandum and distributed revised copies to the Board for review. He  
27 said that they have two silos and a barn on their property and when they measured their location from the  
28 bank of the Sangamon River. He said that the silos were approximately 37 feet from the bank and the barn  
29 was approximately 75 feet from the bank. He said that he is about 40 feet over the Sangamon River and he  
30 would guess that they have 75 feet from the edge of the river to where the break point is and then this  
31 proposal would take another 75 feet where buildings have been standing for probably 60 years. He said that  
32 the Stream Buffer proposal had an exemption for land that was not in the floodplain and it seems that it  
33 would be a good idea, for consistency, to deal with that situation now and not require variances. He said  
34 that it is needed to meet the policy purpose which is to prevent the obstruction of surface drainage and since  
35 this isn't part of the surface drainage system it is an undo hardship in general.

36  
37 Mr. Irle stated that Mr. Schildt's point is well taken and the hard part is drawing the line as to how much  
38 tweaking the Board is going to do. He said that Mr. Schildt made a very good point with his specific case  
39 but he can think of a lot of other ones therefore that is why he has to agree with staff that there has to be  
40 some type of set standard. He asked Mr. Schildt if he believes that asking a petitioner to request a variance  
41 is an undue burden in itself.

42  
43 Mr. Schildt stated that only in the case where there is an objective standard. He said that if the land isn't in  
44 the floodplain and it is 40 foot above the river it appears to be a simple case that does not require a variance.

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Mr. Bluhm stated 22.10.100.ii indicates that the purpose is to protect the function of the surface and drain tile systems. He said that if maintenance work was required along the bank then the 75 fEEt is needed.

Mr. Schildt stated that he is totally sympathetic to that view although the drainage districts already have their own setbacks. He said that in the case of their property this would be taking 150 feet. He asked if the drainage district setback would be more than adequate for maintenance.

Mr. Bluhm stated that if a property is not in a drainage district then there is no setback but if the Army Corps of Engineers wanted to come in they would have their right-of-way. He said that the cleaning of the Salt Fork probably needed 75 feet to do their maintenance.

Mr. Schildt stated that in their particular case it is not part of any surface system drainage and is just land that sits there and the water runs off into the road ditch. He said that this condition is on his land it is hard for him to understand why something that is 40 foot above the drainageway would be part of a Drainageway Setback.

Ms. Griest asked the audience if there was anyone else who would like to present testimony regarding Part F and there were none.

Mr. Hall stated that the gymnasium is not available for June 1<sup>st</sup> but it is available on May 25, 2006. He said that the Board could have a CZR meeting in the gymnasium on May 25, 2006, and have a meeting for regularly scheduled cases on June 1, 2006.

Ms. Griest asked Mr. Hall if the CZR meeting had to be held in the gymnasium.

Mr. Hall stated that he believes that the State’s Attorney would feel much more comfortable if the CZR hearing was held in the gymnasium.

Ms. Griest requested that only 1/3 of the chairs are set up for the meeting with the availability of more chairs if necessary.

**Mr. Irlle moved, seconded by Mr. Bluhm to continue Case 522-AT-05 to May 25, 2006, to be held in the Brookens Gymnasium. The motion carried by voice vote.**

Ms. Griest stated that at the May 25, 2006, meeting the Board will start with Parts J and L continue to Parts E & H and then finalize Part F if comments have been received from the State’s Attorney.

**6. New Public Hearings**

None

**7. Staff Report**

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1 None

2

3 **8. Other Business**

4

5 None

6

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

8

9 None

10

11 **10. Adjournment**

12

13 The meeting adjourned at 9:35 p.m.

14

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18 Respectfully submitted

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23 Secretary of Zoning Board of Appeals

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***DRAFT SUBJECT TO APPROVAL DRAFT***

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