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**MINUTES OF SPECIAL MEETING**

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**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

**1776 E. Washington Street  
Urbana, IL 61801**

**DATE: June 05, 2006**

**PLACE: Brookens Gymnasium  
1776 E. Washington St.**

**TIME: 7:00 p.m.**

**Urbana, IL 61802**

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**MEMBERS PRESENT:** Dennis Goldenstein, Debra Griest, Joseph L. Irle, Richard Steeves, Melvin Schroeder

**MEMBERS ABSENT :** Doug Bluhm, Roger Miller

**STAFF PRESENT :** Connie Berry, John Hall, Jamie Hitt, Lori Busboom, Leroy Holliday, Susan Monte

**OTHERS PRESENT :** Jim Heimburger, Elizabeth Cameron, Neil Malone, Herb Schildt, Sherry Schildt, Lou Wozniak, JoAnn Wozniak, Ralph Langenheim, Brad Pribble, Margaret Pribble, Aleta Holt, Sarah Holt, Amy Murray, Hal Barnhart

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**1. Call to Order**

The meeting was called to order at 7:05 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

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**5. Continued Public Hearing**

**Case 522-AT-05 TEXT AMENDMENTS PROPOSED AS PART OF PHASE ONE OF THE CHAMPAIGN COUNTY COMPREHENSIVE ZONING REVIEW (CZR)**

Ms. Griest stated that the Board will review Parts E & H jointly.

Ms. Monte apologized for the temporary unavailability of the web page. She said that she was informed that the servers were down and it was undetermined when the web page will be available for public viewing.

Ms. Monte said with regard to Parts E & H that one of the revisions to Subsection 16.60.300 that staff had recommended in the May 31, 2006 Supplemental Memorandum was to increase the setback from the centerline of a Collector street from 75 feet to 80 feet and to reduce the required front yard adjacent to a Collector street from 30 feet to 25 feet. She said that, since the mailing of the Supplemental Memorandum, staff improved the proposed revision so that it is more specific, straightforward and easier to administer. She said the proposed revision is that a new street category called ‘Section Line’ streets be included in the Subsection 16.60.300 table. She said that a ‘Section Line’ street is any street situated on a township Section line, and that the Subsection 16.60.300 table indicates that the required setback from the centerline of a Section Line street is 80 feet and that a front yard adjacent to a Section Line street will need to be 25 feet.

Ms. Monte stated that staff recommends revisions regarding the accessory single family dwelling provisions in Subsection 4.20.200 and 29.60.200 of Public Review Draft 3 Zoning Ordinance dated May 19, 2006. She said that staff received comment from the State’s Attorneys office which requested that the language describing “family” be modified so that it no longer applies to just relatives and that it fits the definition of the existing “family” defined term which opens it up to a limited number if non-relatives. She said that, as advised, staff made this adjustment to the term “family.” She said that two conditions were added to Subsection 4.20.200 to tighten up this provision and those two conditions are: 1) the owner must reside in a Single Family Dwelling on the lot; and 2) the accessory Single Family Dwelling needs to adhere to principal

1 building setback requirements.

2

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

4

5 Ms. Griest asked Ms. Monte if the information which was just covered was the same information that was  
6 included in the Board's packet.

7

8 Ms. Monte stated yes. She said that the Draft Finding of Fact, dated June 1, 2006, for Parts E & H that was  
9 mailed to the Board contains all of the changes that she mentioned and that these changes are underlined in  
10 the Draft Finding of Fact.

11

12 Ms. Griest stated that the Board will review the Land Use Regulatory Policies that are most relevant to Part  
13 E.

14

15 Ms. Griest read Land Use Regulatory Policy 1.1.3.

16

17 Mr. Irle asked if the definition of 'elsewhere' is anything less than best prime farmland with an LE score of  
18 less than 85.

19

20 Mr. Hall stated yes.

21

22 Mr. Irle stated that Part E DOES CONFORM to LURP 1.1.3.

23

24 **The consensus of the Board was that Part E DOES CONFORM TO LURP 1.1.3.**

25

26 Ms. Griest read Land Use Regulatory Policy 1.1.4.

27

28 Mr. Goldenstein stated that Part E DOES CONFORM to LURP 1.1.4.

29

1 **The consensus of the Board was that Part E DOES CONFORM to LURP 1.1.4.**

2

3 Ms. Griest read Land Use Regulatory Policy 1.3.1.

4

5 Mr. Goldenstein stated that Part E DOES CONFORM to LURP 1.3.1.

6

7 **The consensus of the Board was that Part E DOES CONFORM to LURP 1.3.1.**

8

9 Ms. Griest stated that the Board will review the Land Use Regulatory Policies that are most relevant to Part  
10 H.

11

12 Ms. Griest read Land Use Regulatory Policy 1.1.3.

13

14 Mr. Irle stated that Part H DOES CONFORM to LURP 1.1.3.

15

16 **The consensus of the Board was that Part H DOES CONFORM to LURP 1.1.3.**

17

18 Ms. Griest read Land Use Regulatory Policy 1.1.4.

19

20 Mr. Irle stated that Part H DOES CONFORM to LURP 1.1.4.

21

22 **The consensus of the Board was that Part H DOES CONFORM to LURP 1.1.4.**

23

24 Ms. Griest read Land Use Regulatory Policy 1.3.1

25

26 Mr. Goldenstein stated that Part H DOES CONFORM to LURP 1.3.1

27

28 **The consensus of the Board was that Part H DOES CONFORM to LURP 1.3.1.**

29

1 Ms. Griest read Land Use Regulatory Policy 1.9.

2

3 Mr. Steeves stated that Part H DOES CONFORM to LURP 1.9.

4

5 **The consensus of the Board was that Part H DOES CONFORM to LURP 1.9.**

6

7 Ms. Griest stated that the Board will review the achievement of Ordinance Objectives by Parts E and H.

8

9 Ms. Griest requested a recommendation from the Board regarding the review of the Ordinance Objectives  
10 and asked if the Board would like to review Parts E & H jointly or separately.

11

12 The consensus of the Board was to review the achievement of Ordinance Objectives by Parts E & H jointly.

13

14 Ms. Griest read Ordinance Objective #1.

15

16 Mr. Irle stated that Parts E & H ACHIEVE Ordinance Objective #1.

17

18 Mr. Steeves stated that his major concern is with the text. He said that he became lost in the meaning of the  
19 text. He said that as he was reading the Draft Ordinance he got the impression that he was reading a tax  
20 document versus a Reader's Digest version, which is sad because he is in the tax service business. He said  
21 that he placed himself in the position of the average person trying to read this document and found that there  
22 are too many referrals to different chapters. He said that he was primarily lost in the text regarding Part E.

23

24 Mr. Irle stated that perhaps the Board should review the Parts E & H separately.

25

26 Mr. Griest asked Mr. Steeves if there are too many citation references made which required comparison of  
27 various parts at the same time. She asked if Mr. Steeves believed that the Ordinance could have been more  
28 simply written.

29

1 Mr. Steeves stated that there is a difference in writing text at a higher level for a professional who

2  
3 understands that type of text versus a lower level for the average person to understand.

4  
5 Ms. Griest asked Mr. Steeves if the Ordinance is more geared towards the professional or to the general  
6 public who is not professionally trained in this discipline.

7  
8 Mr. Steeves stated that the Ordinance is written towards the expert versus the general public. He said that  
9 Ordinance Objective #1 states that the Ordinance must be consistent with the public's values and it must  
10 make sense to the average person. He said that the Ordinance is written at such a high level that he sees a  
11 difficulty for the general public and believes that it should be written at a lower level.

12  
13 Ms. Griest stated that perhaps Parts E & H should be evaluated separately so that the individuals beyond this  
14 Board who will evaluate the Board's input will have some tools to work with during their review.

15  
16 Mr. Steeves stated that he would not say that Parts E and H DO NOT ACHIEVE because there are two  
17 questions for Ordinance Objective #1. He said that he may say that it ACHIEVES in the area of being  
18 consistent with the public's value but the area that he has the most concern is does it make sense to the  
19 average person. He said that perhaps a different editor could equal the text out.

20  
21 Mr. Irle asked Mr. Steeves if, when he compares the existing Zoning Ordinance to the new version, which is  
22 easier to understand.

23  
24 Mr. Steeves stated that he cannot answer this question because currently he has been involved in reading the  
25 new version.

26  
27 Mr. Irle stated that it is hard not to incorporate some of the legalistic language into the zoning laws because  
28 it tends to make a tighter package and that looser grammar may allow a broader interpretation which could  
29 cause problems. He noted that Ordinance Objective #2 is about the Ordinance being easy to understand and

1 that Ordinance Objective #1 is about the Ordinance making sense to the average person. He said that Mr.

2

3 Steeves may say that Ordinance Objective #2 is not achieved because he feels that the Ordinance is not  
4 understandable to the average person and therefore it probably doesn't make sense, which is Ordinance  
5 Objective #1. He said that there are a lot of things in the currently adopted Ordinance which require  
6 additional clarification from the zoning office.

7

8 Mr. Schroeder stated that the statement that "the Ordinance must it make sense to the average person" is  
9 what bothers him. He said that the Board has requested comments from the County's legal advisors and  
10 other professionals so that the average person can understand what the Board is attempting to work through.

11 He said that he is a below average person on some of the issues but yet the Board has tried to incorporate  
12 what they feel is best for the average person. He said that at some point the Board has to accept the text that  
13 has been written and believe that they have done their best to make it understandable to the average person.

14

15 Ms. Griest stated that she agrees with both Mr. Steeves and Mr. Schroeder. She said that the Objective  
16 question is not asking if the language is appropriate, but is it easy for the average person to understand. She  
17 said that it may not be easy for the average person to understand while still being the most appropriate  
18 language to meet the task.

19

20 Mr. Schroeder stated that there is a fine line and the Board is trying to make it appropriate and adequate for  
21 what they want it to do.

22

23 Ms. Griest stated that she understands Mr. Steeves' concern about too many citations. She said that when  
24 she read through the text, she felt as though she was on a scavenger hunt. She said that at the same time as a  
25 person who writes policy in different areas she finds that it is best and more appropriate to write policies  
26 with a citation rather than having the same language requoted in subsequent sections, because if it is ever  
27 updated, then the parent section is updated properly and all trailing citations are appropriately updated and  
28 not lost.

29

1 Mr. Steeves stated that he understands Ms. Griest's comments. He said that he would indicate that Parts E  
2 &

3  
4 H PARTIALLY ACHIEVES Ordinance Objective #1. He said that the average person can take their time  
5 and sort through each reference and put all of those references together into one paragraph, but it does not  
6 make it easy for the average person to understand.

7  
8 Ms. Griest asked Mr. Steeves if he would like to separate Parts E & H during the review of the Ordinance  
9 Objectives or continue dealing with them jointly.

10  
11 Mr. Steeves stated that he does not feel that separating Parts E & H is necessary because his comments are  
12 relevant to both. He said that he is not trying to be difficult but this could be the easier way to get this done.

13 He said that his recommendation for Ordinance Objective # 1 and #2 is that Parts E & H PARTIALLY  
14 ACHIEVE.

15  
16 Mr. Schroeder, Mr. Irle, Mr. Goldenstein stated that Parts E & H, ACHIEVES Ordinance Objective #1 and  
17 #2.

18  
19 Ms. Griest and Mr. Steeves stated that Parts E & H PARTIALLY ACHIEVES Ordinance Objective #1 and  
20 #2.

21  
22 Ms. Griest stated that she agrees with Mr. Steeves in that the Ordinance is difficult for the average person to  
23 understand, however she is not sure if there is a better way to write the text.

24  
25 **The Board's determination of 3-ACHIEVES vs. 2-PARTIALLY ACHIEVES indicates that Parts E &**  
26 **H ACHIEVE Ordinance Objectives #1 and #2.**

27  
28 Ms. Griest stated that she would like the document which is passed on to the Environment and Land Use  
29 Committee and the County Board to reflect that the Board is cognizant that the Ordinance will be somewhat



1 difficult for the average person to understand, but that there is no recommendation for a better presentation.

2 She said that this is very complex material.

3

4 Ms. Griest read Ordinance Objective #3.

5

6 Mr. Steeves stated that Parts E & H ACHIEVE Ordinance Objective #3. He said that staff works with this  
7 everyday and it should not be difficult for staff to administer or enforce the Ordinance.

8

9 Mr. Schroeder stated that Parts E & H ACHIEVE Ordinance Objective #3.

10

11 Mr. Irle stated that Part H requires a somewhat intrusive process to ensure that accessory dwellings are  
12 occupied by family members and it might be harder to enforce. He said, therefore, he would indicate that  
13 Parts E & H PARTIALLY ACHIEVE Ordinance Objective #3. He said that anytime there is a temporary  
14 dwelling, it never becomes temporary until it is removed and trying to monitor this would place a burden on  
15 staff.

16

17 Mr. Hall stated that staff will start off with a clean sheet and on the first day of the Ordinance staff will make  
18 a list of temporary permits. He said that this will be a new task for staff which should not prove to be  
19 difficult. He said that currently it is hard to tell someone that staff understands the need for a son or  
20 daughter to place a home on their lot to provide health care, but that a new lot must be created in order to do  
21 such, which also places a burden.

22

23 Mr. Irle stated that staff will have additional monitoring which is a new task, yet the budget will stay the  
24 same, and that therefore it is a burden upon staff and that therefore he is staying with PARTIALLY  
25 ACHIEVES.

26

27 Mr. Goldenstein asked Mr. Hall how staff will obtain the information regarding temporary dwellings.

28

29 Mr. Hall stated that staff will begin a list of temporary dwellings and those approved in January, 2008, for

1 example, will be revisited in January, 2009.

2

3 Mr. Goldenstein asked Mr. Hall how many temporary dwellings are anticipated.

4

5 Mr. Hall stated that staff receives a couple of inquiries each year about situations like this, and that therefore  
6 he would not anticipate more than 15 in the first two years.

7

8 Mr. Goldenstein stated that he understands Mr. Irle's concerns, but if staff only anticipates 15 for the first  
9 two years then it would appear to be manageable. He said that when the number of temporary dwellings  
10 becomes 60 to 100, an additional staff member may be needed to keep track of this new task.

11

12 Mr. Hall stated that he can only recall perhaps two dozen such inquiries during his sixteen years with the  
13 department.

14

15 Ms. Griest asked if presently in the AG-2 zoning district there can be two single family dwellings occupied  
16 by family members on the same lot.

17

18 Mr. Hall stated only if it is a duplex authorized by a Special Use Permit, but otherwise no. He said that  
19 perhaps Ms. Griest is thinking of a zoning lot approach wherein, if there is no change in ownership of the  
20 real estate and there is a way that a lot can be created, staff can take that in to account when writing the  
21 permit. He said that generally staff can only do that if the property is more than one and one-half miles from  
22 any municipality. He said that it would be very unusual to see a zoning lot in AG-2.

23

24 Ms. Griest asked if there was a primary residence with an accessory structure, could the accessory structure  
25 become a residence for their children.

26

27 Mr. Hall stated that the accessory structure cannot become a dwelling in that it cannot have both a bath and  
28 a kitchen. He said that the current Ordinance does not allow two dwelling units on the same lot.

29

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1 Ms. Griest stated that the proposed provision would allow someone to have two dwelling units if one of  
2 those units was temporary. She asked for the definition of “temporary”.

3  
4 Mr. Hall stated that the temporary dwelling must be a manufactured home which could be a mobile home or  
5 modular home. He said that if a mobile home is chosen for the temporary residence it must be newer than  
6 1976. He said that a stick-built home would not be allowed as the accessory dwelling.

7  
8 Mr. Schroeder asked if apartments in tool sheds would be allowed.

9  
10 Mr. Hall stated no. He said that staff understands that it is common practice for tool sheds to have  
11 bathrooms and perhaps even kitchens for a truly agriculture operation, which is exempt but that to totally  
12 convert a tool shed into another dwelling is prohibited. He said that if an accessory dwelling resided on a  
13 property for 20 years, it could be argued that it was no longer temporary. He said that a property owner will  
14 be required to obtain a yearly permit for an accessory dwelling. He said that the whole provision may be  
15 eliminated by the County Board if they are unhappy with the definition of “family.” He said that the  
16 intention was to make the proposed Ordinance text more restrictive, and that it was found that it cannot be  
17 made more restrictive and because of that it maybe deleted by the County Board because they may not want  
18 to open this matter up to the broad definition of “family” that is included in the currently adopted Ordinance.  
19 He said that the proposed Part H text is a way to achieve the policies in a way that the State’s Attorney is  
20 comfortable with and the ultimate decision is up to the County Board.

21  
22 Mr. Goldenstein and Ms. Griest stated that Parts E & H ACHIEVE Ordinance Objective #3.

23  
24 **The Board’s determination of 1-PARTIALLY ACHIEVE vs. 4 ACHIEVES indicates that Parts E &**  
25 **H ACHIEVE Ordinance Objective #3.**

26  
27 Ms. Griest read Ordinance Objective #4.

28  
29 Mr. Goldenstein stated that Parts E & H ACHIEVE Ordinance Objective #4.

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**The consensus of the Board was that Parts E & H ACHIEVE Ordinance Objective #4.**

Ms. Griest read Ordinance Objective #5.

Mr. Irlle stated that Parts E & H ACHIEVE Ordinance Objective #5.

**The consensus of the Board was that Parts E & H ACHIEVE Ordinance Objective #5.**

Ms. Griest read Ordinance Objective #6.

Mr. Schroeder requested that Mr. Hall clarify Ordinance Objective #6.

Mr. Hall stated that Page 2 of the Supplemental Memorandum dated May 31, 2006, summarizes the proposed Parts E & H provisions, and, if the list is reviewed, the costs and benefits of specific proposed standards can be considered. He said that under Part E, twice as much land is going to be taken in terms of the minimum lot area and there is a cost associated with that, but staff believes that this is justified because it is hoped that this will eliminate the errors that lead to variances when lots are created that are too small.

Ms. Griest asked if increasing the minimum lot area required from 1 to 2 acres for lots not created with a recorded plat of subdivision or plat of survey is to minimize the number of variances required for minimum lot area, will a variance then be required if the lot is less than 2 acres. She said that they may have more space to accommodate it and it may be more reasonable to grant the variance without impacting adjoining parcels, but at the same time, they would still be below that arbitrary threshold that must be established at some point. She said that the number of variance cases may not be reduced by the changing the threshold from one acre to two acres, although the impacts will be reduced in their intrusion onto others.

Mr. Hall stated that Ms. Griest's comment is a fair criticism to a point, but that with the new standards the need for variances could be fewer. He said that a 1.8 acre tract will be a problem, but that no longer will

1 staff

2 have to worry about the inclusion of the road right-of-way. He said that if someone creates a lot that the  
3 road right-of-way can be included if the lot is 2 acres in total.

4

5 Ms. Griest clarified that a 2-acre lot can include the road right-of-way, as opposed to creating a one acre lot  
6 excluding the road right-of-way.

7

8 Mr. Irlle stated that one of the beneficial trade-offs will be that the Board will see fewer variances for side  
9 yard setbacks due to the larger buildable area of a 2-acre lot and the ability for the landowner to site their  
10 buildings away from the property line.

11

12 Mr. Schroeder stated that Parts E & H ACHIEVE Ordinance Objective #6.

13

14 **The consensus of the Board was that Parts E & H ACHIEVE Ordinance Objective #6.**

15

16 Ms. Griest read Ordinance Objective #7.

17

18 Mr. Goldenstein stated that Parts E & H ACHIEVE Ordinance Objective #7.

19

20 **The consensus of the Board was that Parts E & H ACHIEVE Ordinance Objective #7.**

21

22 Ms. Griest read Ordinance Objective #8.

23

24 Mr. Steeves stated that the Board must rely on the comments received from the State's Attorney's Office  
25 and the Ordinance provides provisions for a variance. He said that Parts E & H ACHIEVE Ordinance  
26 Objective #8.

27

28 Mr. Schroeder stated that Parts E & H ACHIEVE Ordinance Objective #8.

29

1 Mr. Irle and Mr. Goldenstein stated that Parts E & H PARTIALLY ACHIEVES.

2

3 Ms. Griest stated that Parts E & H ACHIEVE Ordinance Objective #8. She said that the proposed Parts E &  
4 H provisions do not take away or modify the existing rights of people with existing parcels and primarily  
5 deal with new lots that are not yet created. She said that the added input from the State’s Attorney’s Office  
6 in redefining the term “family” strengthens the ACHIEVES aspect of Objective #8.

7

8 **The Board’s determination of 3-ACHIEVES vs. 2-PARTIALLY ACHIEVES indicates that Parts E &**  
9 **H ACHIEVE Ordinance Objective #8.**

10

11 Ms. Griest read Ordinance Objective #9.

12

13 Mr. Irle stated that Parts E & H ACHIEVE Ordinance Objective # 9.

14

15 **The consensus of the Board was that Parts E & H ACHIEVE Ordinance Objective #9.**

16

17 Ms. Griest read Ordinance Objective #10.

18

19 Mr. Goldenstein stated that Parts E & H ACHIEVE Ordinance Objective #10.

20

21 **The consensus of the Board was that Parts E & H ACHIEVE Ordinance Objective #10.**

22

23 Ms. Griest read Ordinance Objective #11.

24

25 Mr. Schroeder stated that Parts E & H ACHIEVE Ordinance Objective #11.

26

27 Mr. Irle stated that placing the words “Ordinance” and “maximum freedom” in the same sentence is always  
28 problematic. He said that Parts E & H PARTIALLY ACHIEVE Ordinance Objective #11.

29

1 Mr. Goldenstein and Mr. Steeves agreed with Mr. Irle's determination.

2

3 Ms. Griest stated that Parts E & H ACHIEVE Ordinance Objective #11. She said that the free market will  
4 rise to fill what the Ordinance offers and that the proposed Parts E & H provisions do not place any undue  
5 burdens on certain groups.

6

7 **The Board's determination of 2-ACHIEVES vs. 3-PARTIALLY ACHIEVES indicates that Parts E &**  
8 **H PARTIALLY ACHIEVE Ordinance Objective #11.**

9

10 Ms. Griest read Ordinance Objective #12.

11

12 Mr. Steeves stated that Parts E & H PARTIALLY ACHIEVE Ordinance Objective #12. He said that there  
13 is such a difference in landowners and what their values and priorities are regarding their property. He said  
14 that he would not know how to write an Ordinance that everyone is going to accept.

15

16 Mr. Irle stated that Ordinance Objective #12 states that the Ordinance should protect all citizens equally, and  
17 that to him it appears that the Parts E & H provisions are trying to achieve this Objective.

18

19 Ms. Griest stated that if the creation of a lot requires two acres and the small business owner or low income  
20 household requires a much smaller footprint to meet their maximum need, their economic resources may not  
21 be available to meet the unattainable requirement of two acres.

22

23 Mr. Irle stated that he did not see any intent in the language to do such.

24

25 Ms. Griest stated that if someone requires a smaller parcel, they do have the option of obtaining that smaller  
26 parcel with a plat which will again raise their cost. She said that Parts E & H PARTIALLY ACHIEVE  
27 Ordinance Objective #12.

28

29 Mr. Irle, Mr. Goldenstein and Mr. Schroeder agreed with Ms. Griest's determination.

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**The consensus of the Board was that Parts E & H PARTIALLY ACHIEVE Ordinance Objective #12.**

Ms. Griest read Ordinance Objective #13.

Mr. Goldenstein stated that Parts E & H PARTIALLY ACHIEVE Ordinance Objective #13. He said that this issue was discussed at the last meeting and the term “unforeseen changes” was reviewed.

Ms. Griest stated that options for alternatives are being provided for people.

Mr. Goldenstein stated that for someone to argue their point due to “unforeseen changes” they would not have anything to base their argument upon.

Ms. Griest considered a scenario where someone comes in to the office and informs staff that they require two temporary dwellings on their lot because of an unforeseen divorce that caused a change in lifestyle.

Mr. Hall stated that he cannot see how the Board can evaluate Ordinance Objective #13. He said that the Ordinance proposed is the Ordinance that is proposed, and it is flexible to the extent that anytime the County Board wants it changed, it can be changed. He said that this is an Ordinance and cannot be flexible. He said that the Objectives were written back in 1999, and staff did not think about whether or not they needed to be reviewed before this process started. He said that he would group Ordinance Objectives #13, #14 and #15 together and determine that they are not relevant to the merit of Parts E & H.

Ms. Monte stated that if all of the Ordinance standards were performance based there would be opportunities for variation with regard to how the Ordinance is achieved, but the Parts E & H provisions are not performance-based standards.

Mr. Hall stated that the Draft Ordinance is more flexible than the current adopted Ordinance. He said that under the proposed Parts E & H provisions, if someone does not want to purchase more land, then a plat can



1 be provided and that is about as performance-based as we can get in the Zoning Ordinance.

2

3 Ms. Griest stated that people are provided choices.

4

5 Mr. Goldenstein stated that Ordinance Objectives #13, #14 and #15 are not relevant to the merit of Parts E &  
6 H.

7

8 **The consensus of the Board was that Ordinance Objectives #13, #14 and #15 are not relevant to the**  
9 **merit of Parts E & H.**

10

11 **The consensus of the Board was that overall, Parts E & H ACHIEVE the Ordinance Objectives.**

12

13 Ms. Griest asked the Board and staff if there were any other changes or additions to the Summary of  
14 Evidence, Documents of Record and Finding of Fact for Parts E & H and there were none.

15

16 Ms. Griest stated that at this time she will move to the witness register. She noted that the testimony will be  
17 limited to three minutes and only testimony relevant to Parts E & H will be accepted.

18

19 Mr. Neil Malone, Attorney for Champaign County Association of Realtors and the local Governmental  
20 Affairs Director for the Illinois Association of Realtors, stated the lot size minimums create an economic  
21 burden for people who cannot afford to build on two acre lots in lieu of the one acre lot. He said that in no  
22 way does this protect the people who desire to build in the rural areas of the County. He said that a lot of the  
23 requirements are excessive and are more in favor of agricultural land uses than any other type of land uses.

24

25 Ms. Griest asked the Board and staff if there were any questions for Mr. Malone and there were none.

26

27 Mr. Louis Wozniak, who resides at 401C CR 2425N, Mahomet stated that in going from a one-acre to a  
28 two- acre requirement goes against the objectives of the entire Ordinance which is to preserve farmland. He  
29 said that this concept appears to be backwards. He said that he does not understand the meaning of the word

1 “temporary” when used with the term residence. He said that he could claim that having built his house 30  
2 years ago that he plans to live in it for another 50 years which would make his home temporary.

3  
4 Ms. Griest asked the Board and staff if there were any questions for Mr. Wozniak and there were none.

5  
6 Mr. Herb Schildt, who resides at 398 CR 2500N, Mahomet stated that the innovation of the buildable area  
7 does remove flexibility from someone wanting to build because it effects the specific sighting of a house  
8 which may be less than optimal.

9  
10 **Mr. Goldenstein moved, seconded by Mr. Schroeder, to adopt the Summary of Evidence, Documents**  
11 **of Record and Finding of Fact as amended. The motion carried by voice vote.**

12  
13 **Mr. Irle moved, seconded by Mr. Steeves, to close the public hearing for Case 522-AT-05, Parts E &**  
14 **H. The motion carried by voice vote.**

15  
16 **Final Determination for Case 522-AT-05, Parts E & H:**

17  
18 **Mr. Goldenstein moved, seconded by Mr. Steeves, that pursuant to the authority granted by Section**  
19 **9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**  
20 **determines that the Text Amendment requested in Case 522-AT-05, Parts E & H, as they appear in**  
21 **Public Review Draft 3 Zoning Ordinance Revised 5/19/06, should be enacted by the County Board as**  
22 **requested.**

23  
24 The roll was called:

25			
26	<b>Bluhm-absent</b>	<b>Goldenstein-yes</b>	<b>Irle-yes</b>
27	<b>Miller-absent</b>	<b>Steeves-yes</b>	<b>Schroeder-yes</b>
28	<b>Griest-yes</b>		

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1 **Mr. Schroeder moved, seconded by Mr. Steeves, to recess the Board for a ten-minute break. The**  
2 **motion carried by voice vote.**

3

4 **The Board recessed at 8:20 p.m.**

5 **The Board resumed at 8:40 p.m.**

6

7 Ms. Griest stated that the Board's plan was to move forward with Parts A, B, C and M. She said that two  
8 Board members are absent from tonight's meeting and Parts E & H were fairly simple to accomplish but  
9 Parts A, B, C and M gets into much more complex regulation, therefore she requested the Board's opinion if  
10 any substantial progress could be made on Parts A, B, C and M towards a final outcome without two  
11 important Board members.

12

13 Mr. Goldenstein stated that he believes that all Zoning Board members should be present during the  
14 deliberation of Parts A, B, C and M. He said that the Board has put a lot of time and public testimony in to  
15 this and it is coming down to the final votes and opinions and that the full Board should be present.

16

17 Mr. Schroeder stated that this is an important topic and he would hate to move forward with two Board  
18 members absent. He asked if a full Board will be present at the rest of the meetings.

19

20 Ms. Griest asked the Board if any of the Board members anticipated being absent at the tentative August 3<sup>rd</sup>  
21 and August 10<sup>th</sup>, ZBA meetings in regard to CZR.

22

23 Mr. Schroeder requested staff's opinion.

24

25 Ms. Monte stated that the Board could choose to proceed in its review of Parts A, B, C and M without  
26 moving to a final determination. She said that it is staff's hope to have the final package before ELUC in  
27 August.

28

29 Mr. Steeves asked staff if back-to-back meetings in August would be a burden upon staff.

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Ms. Monte stated that the packets for ELUC would be ready for mailing short of the ZBA's final determination on August 10<sup>th</sup>.

Ms. Griest asked the Board if anyone anticipated being absent from the August 3<sup>rd</sup> or August 10<sup>th</sup> meetings. She said that she and Mr. Bluhm will be absent from the July 27, 2006, regularly scheduled ZBA meeting.

Mr. Irle stated that at the last meeting the Board discussed scheduling an additional CZR meeting on August 10<sup>th</sup>, so that there would be back-to-back meetings with a full Board to hash these final items out. He said that rather trying to do a partial job on Parts A, B, C and M, the public and the Board may be better served to wait until a full Board is present.

Ms. Griest asked the Board if they would prefer to have all Board members present and if that required extending the meeting past the 10:00 dismissal time on August 3<sup>rd</sup> and August 10<sup>th</sup> they would be willing to commit to that to meet staff's objective for the August 14<sup>th</sup> ELUC meeting.

Mr. Steeves stated that with the Board's current work load and the number of cases on the docket to do a concentrated effort, with a full Board, on Parts A, B, C and M the Board and the public would be better served.

Ms. Griest asked Mr. Hall if the gymnasium is available for August 3<sup>rd</sup> and August 10<sup>th</sup>.

Mr. Hall stated yes.

Ms. Griest stated that she is trying to gauge how serious the Board is in their commitment to having all members present versus having to recover the same ground. She said that, based on earlier discussions, that the members which are absent would benefit from the discussion that would be held tonight.

Mr. Hall stated that by August 3<sup>rd</sup> the minutes of this meeting will be ready for review and to the extent that

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1 the five members which are present tonight could work out questions that they may have on Parts A, B, C  
2 and M, those questions would be reflected in the minutes for the absent members' review. He said that he  
3 would like to see the Board work through Parts A, B, C and M at tonight's hearing without taking final  
4 action then at the remaining two meetings there is a likelihood that the Board could come to a final  
5 determination within the three-hour time limit. He said that the Board is getting to the point that each hour  
6 of a ZBA meeting is important even if a final determination is not made.

7  
8 Mr. Goldenstein stated that the Board could begin with Part A and that for any area that a full Board is  
9 desired the present Board will move on to the next.

10  
11 Ms. Griest asked the Board if they would agree with Mr. Goldenstein. She said that the Board will review  
12 Parts A, B, C and M separately.

13  
14 Ms. Monte stated that the only modifications to Parts A, B, C and M are those included in the Supplemental  
15 Memorandum dated May 31, 2006. She said that these are the requested necessary changes that staff has  
16 identified since publication of Public Review Draft 3 dated November 14, 2005, and that these changes are  
17 based on staff's review of Part B with the planning staffs of local municipalities. She said that those  
18 changes are detailed in the Supplemental Memorandum dated May 31, 2006. She reviewed Parts B & C  
19 revisions proposed in Chapters 6, 7 and 8 of the Public Review Draft 3 Zoning Ordinance revised May 19,  
20 2006. She said that most of the changes were to add more restricted conditions to certain uses and that there  
21 are a few requests to change "by-right" to "conditional use" or to upgrade the level of review for certain  
22 uses. She said that generally changes in the Draft are to be more restrictive, to allow fewer permitted uses in  
23 the rural districts of CR and AG; and to allow additional uses in the B-1 District to utilize that land but not  
24 to expand  
25 the B-1 District. She said that, in regards to the AG-2 District, some uses are added and some deleted. She  
26 noted that Part M has no substantive changes, therefore it is not associated with any Land Use Regulatory  
27 Policies.

28  
29 Mr. Schroeder stated that people have asked him how the County feels about small airports for flight

1 training. He asked if such a facility would be allowed in the rural areas of Champaign County.

2

3 Ms. Monte stated that the Table of Authorized Principal Uses in Subsection 6.20.400, of the Public Review  
4 Draft 3 revised May 19, 2006 includes land use categories of: airport; airport, residential; heliport or  
5 helistop; and heliport, restricted landing area. She said that restricted landing areas are proposed to be  
6 allowed as a Special Use in the CR District.

7

8 Ms. Griest asked why airports are not allowed in the B-1 district.

9

10 Ms. Monte stated that the intent of the B-1 District is to accommodate structures and buildings more so than  
11 runways. She said that the required separation distance between buildings and runways would be in conflict  
12 in the B-1 district.

13

14 Mr. Schroeder stated that staff has done a good job in addressing uses that are proposed in the County.

15

16 Ms. Griest recommended that the Table of Authorized Uses is probably the most comprehensive and  
17 complex element and should be reserved until a full Board is present. She said that there may be specific  
18 questions which the Board has individually that could be answered tonight and that the Board should review  
19 others parts which cause less confusion and discussion. She said that perhaps substantial process could be  
20 made on Part M regarding the structural changes of the way the Ordinance is laid out. She said that at  
21 previous meetings the Board has suggested that they are supportive of those changes and have been in  
22 agreement with what they have seen so far. She said that if there are any areas that the Board is unclear on,  
23 perhaps those areas could be resolved at tonight's meeting.

24

25 Ms. Griest stated that there are no LURP's related to Part M, and therefore the Board could begin with Item  
26 #34 Regarding Achievement of Ordinance Objectives by Part M only. She read the request for Part M.

27

28 Mr. Herb Schildt stated that during his review of Public Review Draft Ordinance 3, he noticed that there are  
29 places in the document where words are capitalized but occasionally they are used in their normal English

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1 sense but are still capitalized, therefore causing some clauses to read in an absurd manner. He said that the  
2 word "ACCESS" is basically defined as a driveway but it is occasionally used in the document as granting  
3 access to the premises for the building permit. He said that if access is capitalized the landowner is granting  
4 a driveway to the property for a building permit therefore there are cases where the capitalization has been  
5 incorrectly applied and will have to be dealt with at some point.

6  
7 Ms. Griest read Ordinance Objective #1 for Part M only.

8  
9 Mr. Goldenstein stated that Part M ACHIEVES Ordinance Objective #1.

10  
11 **The consensus of the Board was that Part M ACHIEVES Ordinance Objective #1.**

12  
13 Ms. Griest read Ordinance Objective #2 for Part M only.

14  
15 Mr. Irle stated that Part M ACHIEVES Ordinance Objective #2.

16  
17 **The consensus of the Board was that Part M ACHIEVES Ordinance Objective #2.**

18  
19 Ms. Griest read Ordinance Objective #3 for Part M only.

20  
21 Mr. Goldenstein stated that Part M ACHIEVES Ordinance Objective #3.

22  
23 **The consensus of the Board was that Part M ACHIEVES Ordinance Objective #3.**

24  
25 Ms. Griest read Ordinance Objective #4 for Part M only.

26  
27 Mr. Irle stated that Part M ACHIEVES Ordinance Objective #4.

28  
29 **The consensus of the Board was that Part M ACHIEVES Ordinance Objective #4.**

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Ms. Griest read Ordinance Objective #5 for Part M only.

Ms. Griest stated that Part M is not based on scientific data, and therefore she would recommend that Ordinance Objective #5 is not relevant to the merit of Part M.

**The consensus of the Board was that Ordinance Objective #5 is not relevant to the merit of Part M.**

Ms. Griest read Ordinance Objective #6 for Part M only.

Mr. Steeves stated that Ordinance Objective #6 is not relevant to the merit of Part M.

**The consensus of the Board was that Ordinance Objective #6 is not relevant to the merit of Part M.**

Ms. Griest read Ordinance Objective #7 for Part M only.

Mr. Irle stated that Part M ACHIEVES Ordinance Objective #7.

**The consensus of the Board was that Part M ACHIEVES Ordinance Objective #7.**

Ms. Griest read Ordinance Objective #8 for Part M only.

Mr. Steeves stated that Ordinance Objective #8 is not relevant to Part M.

**The consensus of the Board was that Ordinance Objective #8 is not relevant to Part M.**

Ms. Griest read Ordinance Objective #9 for Part M only.

Mr. Irle stated that Part M ACHIEVES Ordinance Objective #9.



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**The consensus of the Board was that Part M ACHIEVES Ordinance Objective #9.**

Ms. Griest read Ordinance Objective #10 for Part M only.

Mr. Goldenstein stated that Part M ACHIEVES Ordinance Objective #10.

**The consensus of the Board was that Part M ACHIEVES Ordinance Objective #10.**

Ms. Griest read Ordinance Objective #11.

Mr. Steeves stated that Ordinance Objective #11 is not relevant to the merit of Part M.

**The consensus of the Board was that Ordinance Objective #11 is not relevant to the merit of Part M.**

Ms. Griest read Ordinance Objective #12 for Part M only.

Mr. Goldenstein stated that Part M ACHIEVES Ordinance Objective #12.

**The consensus of the Board was that Part M ACHIEVES Ordinance Objective #12.**

Ms. Griest read Ordinance Objectives #13, #14 and #15 for Part M only.

Mr. Steeves stated that Ordinance Objectives #13, #14 and #15 are not relevant to the merit of Part M.

**The consensus of the Board was that Ordinance Objectives #13, #14 and #15 are not relevant to the merit of Part M.**

Ms. Griest requested a determination for overall achievement the Ordinance Objectives for Part M.

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Mr. Schroeder stated that, overall, Part M ACHIEVES the Ordinance Objectives.

**The consensus of the Board was that, overall, Part M ACHIEVES the Ordinance Objectives.**

Ms. Griest stated that the final determination for Part M will be addressed with the total package for Parts A, B, C and M.

Mr. Hall stated that Part A deals with only the purpose and intent statements of the districts would be his recommendation for the Board’s next review. He said that Parts B and C are more intense and should probably be reviewed with the full Board.

Ms. Griest directed the Board to Item #31 of the Draft Finding of Fact which is Part A’s conformance with relevant Land Use Regulatory Policies. She read LURP 1.1.1 regarding Part A.

Mr. Irlle stated that Part A DOES CONFORM to LURP 1.1.1.

**The consensus of the Board was that Part A DOES CONFORM to LURP 1.1.1.**

Ms. Griest read LURP 1.1.2 regarding Part A.

Mr. Irlle stated that Part A DOES CONFORM to LURP 1.1.2.

**The consensus of the Board was that Part A DOES CONFORM TO LURP 1.1.2.**

Ms. Griest read LURP 1.6.1 regarding Part A.

Mr. Goldenstein stated that Part A DOES CONFORM to LURP 1.6.1.

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1 **The consensus of the Board was that Part A DOES CONFORM TO LURP 1.6.1.**

2

3 Ms. Griest read LURP 1.6.3 regarding Part A.

4

5 Mr. Goldenstein stated that Part A DOES CONFORM to LURP 1.6.3.

6

7 **The consensus of the Board was that Part A DOES CONFORM to LURP 1.6.3**

8

9 Ms. Griest stated that the Board will review the Achievement of Ordinance Objectives by Part A only.

10

11 Ms. Griest read Ordinance Objective #1 for Part A only.

12

13 Mr. Irle stated that Part A ACHIEVES Ordinance Objective #1.

14

15 **The consensus of the Board was that Part A ACHIEVES Ordinance Objective #1.**

16

17 Ms. Griest read Ordinance Objective #2 for Part A only.

18

19 Mr. Goldenstein stated that Part A ACHIEVES Ordinance Objective #2.

20

21 **The consensus of the Board was that Part A ACHIEVES Ordinance Objective #2.**

22

23 Ms. Griest read Ordinance Objective #3 for Part A only.

24

25 Mr. Goldenstein stated that Part A ACHIEVES Ordinance Objective #3.

26

27 **The consensus of the Board was that Part A ACHIEVES Ordinance Objective #3.**

28

29 Mr. Griest read Ordinance Objective #4 for Part A only.

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Mr. Goldenstein stated that Part A ACHIEVES Ordinance Objective #4.

**The consensus of the Board was that Part A ACHIEVES Ordinance Objective #4.**

Ms. Griest read Ordinance Objective #5 for Part A only.

Mr. Irle stated that Part A ACHIEVES Ordinance Objective #5.

**The consensus of the Board was that Part A ACHIEVES Ordinance Objective #5.**

Ms. Griest read Ordinance Objective #6 for Part A only.

Mr. Goldenstein stated that Part A ACHIEVES Ordinance Objective #6.

Mr. Steeves, Mr. Schroeder and Mr. Irle agreed with Mr. Goldenstein’s determination.

Ms. Griest stated that Part A PARTIALLY ACHIEVES Ordinance Objective #6. She said that strictly related to the LURP’s Part A achieves, but in the broader sense of the costs and benefits which should be considered cumulatively and over the long term, the Board will have to factor in the non-agricultural costs and impacts that the goal of achievement minimizes or limits the development and artificially influences the values of those parcels.

**The Board’s determination of 4-ACHIEVES vs. 1-PARTIALLY ACHIEVES indicates that Part A ACHIEVES Ordinance Objective #6.**

Ms. Griest read Ordinance Objective #7.

Mr. Irle stated that Part A ACHIEVES Ordinance Objective #7.

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**The consensus of the Board was that Part A ACHIEVES Ordinance Objective #7.**

Ms. Griest read Ordinance Objective #8 for Part A only.

Ms. Griest stated the Part A ACHIEVES Ordinance Objective #8.

**The consensus of the Board was that Part A ACHIEVES Ordinance Objective #8.**

Ms. Griest read Ordinance Objective #9 for Part A only.

Mr. Irlé stated that Part A ACHIEVES Ordinance Objective #9.

**The consensus of the Board was that Part A ACHIEVES Ordinance Objective #9.**

Mr. Schildt stated that the Illinois Statute which enables County zoning does not authorize zoning to protect endangered species, and therefore the intent of the CR District does not meet the requirement of being in line with the statute which enables County zoning.

Ms. Griest read Ordinance Objective #10 for Part A only.

Mr. Goldenstein stated that Part A ACHIEVES Ordinance Objective #10.

Mr. Steeves asked Mr. Schildt if he believes that Ordinance Objective #10 conflicts with his previous testimony.

Mr. Schildt stated that it absolutely conflicts. He said that there are federal statutes to protect endangered species and that there is no language in the statute which authorizes zoning to use its powers to protect endangered species. He said that he is sure that everyone in the room desires to protect endangered species,

1 but it is a matter of what legislative means is achieving this desire and, in his opinion, the Ordinance is  
2 redundant.

3

4 Mr. Steeves stated that Part A PARTIALLY ACHIEVES Ordinance Objective #10.

5

6 Mr. Schroeder, Mr. Irle and Ms. Griest stated that Part A ACHIEVES Ordinance Objective #10.

7

8 Mr. Schildt stated that he does understand the distinction that staff is making, however the intent statements  
9 define the context and goals and will be used for the justification. He said that Public Review Draft 3 may  
10 be passed, but down the road the intent statements will be used to justify the Board's actions, and therefore  
11 the ideology sets the stage for practical action.

12

13 **The Board's determination of 4-ACHIEVES vs. 1-PARTIALLY ACHIEVES indicates that Part A,**  
14 **ACHIEVES Ordinance Objective #10.**

15

16 Ms. Griest read Ordinance Objective #11 for Part A only.

17

18 Mr. Irle stated that Part A PARTIALLY ACHIEVES Ordinance Objective #11. He said that there is some  
19 restriction involved in Part A.

20

21 Mr. Goldenstein, Mr. Steeves and Mr. Schroeder agreed with Mr. Irle's determination.

22

23 Ms. Griest stated that she also agrees with Mr. Irle's determination. She said that Part A intrudes on the  
24 operation of the free market by design in that agriculture has been determined as the first and best use of the  
25 land, therefore limiting those uses to a specific application rather than allowing the free market to come in  
26 and openly compete.

27

28 **The consensus of the Board was that Part A PARTIALLY ACHIEVES Ordinance Objective #11.**

29

1 Ms. Griest read Ordinance Objective #12 for Part A only.

2

3 Mr. Steeves stated that Part A ACHIEVES Ordinance Objective #12. He said that overall it treats everyone  
4 the same and everyone has equal opportunities.

5

6 Mr. Schroeder agreed with Mr. Steeves' determination.

7

8 Ms. Griest stated that Part A DOES NOT ACHIEVE Ordinance Objective #12. She said that the primary  
9 objective of this Ordinance is that all citizens are treated equally. She said that all citizens are treated  
10 equally if they are of the same group. She said that if they are all part of an agriculturally based industry,  
11 then they are treated the same, but if they are of a non-agricultural group they are treated differently by the  
12 purpose and intent of the districts as they are designed. She said that it is not to say that the intent of the  
13 districts has been designed inappropriately to the objectives or the LURP's, but they were designed to favor  
14 one group. She said that when you favor one group it is always at the expense of another.

15

16 Mr. Steeves stated that this synopsis could be used for the entire Ordinance and everything that the Board  
17 has started off with has been decided based on the policy that agriculture is the best use of the land. He said  
18 that no matter what the intent or what the group is, if they have an intent for a piece of land, they can come  
19 in and make the request.

20

21 Mr. Irle asked Mr. Steeves if he is stating that recognizing the variation means special use permits, variance,  
22 map amendments, etc.

23

24 Mr. Steeves stated yes. He said that they can come forward equally with their request and perhaps that  
25 request will not be approved, but they do have the same opportunity.

26

27 Ms. Griest stated that some classes do not have to come forward "by-right".

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29 Mr. Steeves stated Ms. Griest is correct because agriculture is exempt.

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Mr. Goldenstein stated that this would be true with any ordinance.

**The Board's determination of 4-ACHIEVES vs. 1-DOES NOT ACHIEVE indicates that Part A ACHIEVES Ordinance Objective #12.**

Ms. Griest read Ordinance Objective #13 for Part A only.

Mr. Goldenstein stated that Part A ACHIEVES Ordinance Objective #13.

**The consensus of the Board was that Part A ACHIEVES Ordinance Objective #13.**

Ms. Griest read Ordinance Objectives #14 and #15 for Part A only.

Mr. Goldenstein stated that Ordinance Objectives #14 and #15 are not relevant to the merit of Part A.

**The consensus of the Board was that Ordinance Objectives #14 and #15 are not relevant to the merit of Part A.**

Ms. Griest requested a determination for overall achievement the Ordinance Objectives for Part A.

Mr. Schroeder stated that overall, Part A, ACHIEVES the Ordinance Objectives.

**The consensus of the Board was that overall, Part A ACHIEVES the Ordinance Objectives.**

Ms. Griest stated that the final determination for Part A will be addressed with the full determination for Parts A, B, C and M.

Ms. Griest stated that Parts B and C as well as Part K will be reviewed at the August 03, 2006, meeting.



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**Mr. Irle moved, seconded by Mr. Goldenstein to continue Case 522-AT-05, Parts A-M to the August 03, 2006, meeting. The motion carried by voice vote.**

**6. New Public Hearings**

None

**7. Staff Report**

None

**8. Other Business**

None

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

None

**10. Adjournment**

The meeting adjourned at 10:00 p.m.

Respectfully submitted

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Secretary of Zoning Board of Appeals

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***DRAFT SUBJECT TO APPROVAL DRAFT***

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