

AS APPROVED MAY 13, 2010

**MINUTES OF REGULAR MEETING**

**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

**1776 E. Washington Street**

**Urbana, IL 61801**

**DATE: April 15, 2010**

**PLACE: Lyle Shields Meeting Room  
1776 East Washington Street**

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

**Urbana, IL 61802**

**MEMBERS PRESENT:** Doug Bluhm, Catherine Capel, Thomas Courson, Eric Thorsland, Paul Palmgren

**MEMBERS ABSENT :** Roger Miller, Melvin Schroeder

**STAFF PRESENT :** Lori Busboom, John Hall, J.R. Knight, Christina Papavasiliou (Assistant State's Attorney),

**OTHERS PRESENT :** Lisa Karcher, Jeff Tock, Jim Heimburger, Gene Ziegler, Mary Ziegler, Harold Scharlau, Janet Scharlau, Billy Ziegler, Virginia Ziegler, Carl Smith, Leslie Cooperband, Wes Jarrell, Kathy Dyson, Sherry Schildt

**1. Call to Order**

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

**2. Roll Call and Declaration of Quorum**

The roll was called and a quorum declared present with two members absent.

**3. Correspondence**

None

**4. Approval of Minutes (March 11, 2010)**

**Mr. Thorsland moved, seconded by Mr. Courson to approve the March 11, 2010, minutes as submitted. The motion carried by voice vote.**

**Mr. Thorsland moved, seconded by Mr. Courson to re-arrange the docket and hear new Case 663-V-10, Dan and Debra Johnson prior to Case 645-S-09, Robert and Barbara Gerdes and Case 667-S-10, Leslie Cooperband and Wesley Jarrell. The motion carried by voice vote.**

**5. Continued Public Hearing**

1 **Case 645-S-09 Petitioner: Robert and Barbara Gerdes Request to authorize the construction and use**  
2 **of a “Restricted Landing Area” as a Special Use in the AG-1 Agriculture Zoning District. Location:**  
3 **An approximately 83 acre tract that is approximately the West Half of the Southwest Quarter of**  
4 **Section 33 of Ayers Township and commonly known as the farm at 52 CR 2700E, Broadlands.**  
5

6 Mr. Bluhm informed the audience that this is an Administrative Case and as such the County allows anyone  
7 the opportunity to cross examine any witness. He said that at the proper time he will ask for a show of  
8 hands for those who would like to cross examine and each person will be called upon. He requested that  
9 anyone called to cross examine go to the cross examination microphone to ask any questions. He said that  
10 those who desire to cross examine are not required to sign the witness register but are requested to clearly  
11 state their name before asking any questions. He noted that no new testimony is to be given during the cross  
12 examination. He said that attorneys who have complied with Article 6.5 of the ZBA By-Laws are exempt  
13 from cross examination.  
14

15 Mr. Hall distributed a new Supplemental Memorandum dated April 15, 2010, to the Board for review. He  
16 said that the memo explains that staff received a call on April 12, 2010, from a neighbor who had planted  
17 trees along the east and south sides of the subject property. He said that the diagram included with the new  
18 Supplemental Memorandum dated April 15, 2010, illustrates the location of the trees and their impact on the  
19 proposed RLA. He said that both rows of trees will encroach into either the transition zone on the east side  
20 of the RLA or the approach zone. He said that obviously the trees will not be encroaching into this area any  
21 time soon but they are planted and they will eventually reach a height of 60 feet. He said that he does expect  
22 a request for a continuance by the petitioner.  
23

24 Mr. Bluhm asked the Board if there were any questions for Mr. Hall and there were none.  
25

26 Mr. Bluhm called Mr. Jeff Tock to testify.  
27

28 Mr. Jeff Tock, attorney representing Mr. and Mrs. Gerdes stated that when he was before the Board on  
29 January 15, 2010, he requested a continuance until April 15, 2010, because it was thought that within the 90  
30 day timeframe they would have some response from the court however that was being optimistic. He said  
31 that the judge reviewed his complaint which requested that the court make a determination whether or not  
32 the County has jurisdiction over this particular land use. He said that if the court indicates that the County  
33 has no jurisdiction then the public hearing for this case can be terminated and the Gerdes’ can build their  
34 RLA but if the court determines that the County does have jurisdiction then the public hearing will be  
35 continued forward for a final decision by the ZBA. He said that when the judge first looked at his request  
36 for a determination the judge indicated that he was not sure if he had jurisdiction as a judge because this  
37 may be an administrative procedure issue rather than a statutory interpretation issue. Mr. Tock stated that  
38 the Champaign County State’s Attorney has agreed to a point and a hearing is scheduled for next week so  
39 the court can make a determination as to whether or not the judge has the authority to make a ruling or if  
40 and his clients must to go back to the public hearing process. He requested that the Board continue this  
41 public hearing for 30 days with the thought that the court will make a ruling next week as to who has  
42 jurisdiction. He said that if the court does not have jurisdiction then the public hearing before this Board can  
43 continue but if the court determines that it does have jurisdiction on the complaint for declaratory judgment  
44 as to whether the County has jurisdiction he would request a continuance at the May meeting. He said that

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1 due to the amendments to the wind farm ordinance in regards to setbacks, restricted landing areas, height  
2 restrictions and the new information regarding the newly planted trees he would like the opportunity to  
3 present new evidence regarding those issues.

4  
5 Mr. Bluhm asked the Board if there were any questions for Mr. Tock and there were none.

6  
7 Mr. Bluhm asked if staff had any questions for Mr. Tock and there were none.

8  
9 Mr. Bluhm stated that there is a possible cancellation for the May 13, 2010, meeting. He asked Mr. Tock if  
10 he would like a continuance to May 13, 2010, or if he would prefer a continuance to May 27, 2010.

11  
12 Mr. Tock stated that he would prefer a continuance to May 27, 2010.

13  
14 **Mr. Palmgren moved, seconded by Mr. Thorsland to continue Case 645-S-09, Robert and Barbara**  
15 **Gerdes to the May 27, 2010, meeting. The motion carried by voice vote.**

16  
17 **6. New Public Hearings**

18  
19 **Case 663-V-10 Petitioner: Dan and Debra Johnson Request to authorize the following variances in**  
20 **the R-3, Two Family Residence Zoning District: A. Replacement and use of an existing dwelling with**  
21 **the following variances: 1. A front yard of 16 feet, six inches and a setback of 36 feet, six inches in**  
22 **lieu of the minimum required front yard of 25 feet and minimum setback of 55 feet in regard to**  
23 **Carroll Avenue, a minor street; and 2. A rear yard of 12 feet, six inches in lieu of the minimum**  
24 **required 20 feet rear yard; and 3. Lot coverage of 36% in lieu of the maximum allowed 30% lot**  
25 **coverage. B. Replacement and use of an existing detached garage with side and rear yards of zero**  
26 **feet in lieu of the minimum required side and rear yards of five feet for detached accessory buildings,**  
27 **Location: An approximately 5,000 square foot lot that is the North 47 feet of the South 241 feet of Lot**  
28 **46 of Fred C. Carroll's Subdivision of the East Half of the Northwest Quarter of Section 9, Township**  
29 **19 North, Range 9 East of the Third Principal Meridian and commonly known as the manufactured**  
30 **home at 1507 Carroll Avenue, Urbana.**

31  
32 Mr. Bluhm stated that on April 12, 2010, Mr. Johnson submitted a request to withdraw Case 663-V-10.

33  
34 **Case 667-S-10 Petitioner: Leslie Cooperband and Wesley Jarrell, d.b.a. Prairie Fruits Farm.**  
35 **Request: Authorize a Major Rural Specialty Business in the AG-2 District with waivers of standard**  
36 **conditions including, but not limited to, the prohibition of sales of alcohol not produced on the**  
37 **premises. Location: Lot 1 of Jamestown Subdivision in the Northeast Quarter of the Southeast**  
38 **Quarter of Section 29 of Somer township and commonly known as Prairie Fruits at 4410 North**  
39 **Lincoln Avenue, Champaign.**

40  
41 Mr. Bluhm informed the audience that this is an Administrative Case and as such the County allows anyone  
42 the opportunity to cross examine any witness. He said that at the proper time he will ask for a show of  
43 hands for those who would like to cross examine and each person will be called upon. He requested that  
44 anyone called to cross examine go to the cross examination microphone to ask any questions. He said that

1 those who desire to cross examine are not required to sign the witness register but are requested to clearly  
2 state their name before asking any questions. He noted that no new testimony is to be given during the cross  
3 examination. He said that attorneys who have complied with Article 6.5 of the ZBA By-Laws are exempt  
4 from cross examination.

5  
6 Mr. Thorsland stated that he would like to disclose that Prairie Fruits Farm, on occasion, is a customer of his  
7 farm and he is, on occasion, present at the subject property although he has no financial interest in the  
8 outcome of this case therefore he believes that he can serve without bias.

9  
10 Mr. Hall distributed a Supplemental Memorandum dated April 15, 2010, which includes an e-mail which  
11 staff received from William Bates on April 12, 2010, to the Board for review. He said that the memorandum  
12 also includes some very bad black and white reproductions of photographs which were included with Mr.  
13 Bates' e-mail. Mr. Hall said that at each of the Board member's tables there are color photographs which  
14 are somewhat intelligible. He said that Mr. Bates stated in his e-mail that he is concerned about how the  
15 manure is handled on the subject property and the parking along North Lincoln Avenue.

16  
17 Mr. Bluhm asked the Board if there were any questions for Mr. Hall.

18  
19 Mr. Bluhm asked Mr. Hall if photographs #2 and #3 are indicating the manure pile.

20  
21 Mr. Hall stated yes.

22  
23 Mr. Bluhm called Mr. Wes Jarrell to testify.

24  
25 Mr. Wes Jarrell, who resides at 4410 North Lincoln Avenue, Champaign distributed a handout dated April  
26 15, 2010, which addresses the concerns expressed in the Preliminary Memorandum dated March 5, 2010.  
27 He said that they have had breakfasts at the farm that have resulted in many more customers than they  
28 initially intended therefore they were not prepared in getting all of those customers directed off the road and  
29 onto their property. He said that he was not aware that parking along the side of the road for a brief period  
30 of time was an issue therefore in the future he intends to place "No Parking" signs temporarily, if  
31 acceptable, along the side of the road so that there is no confusion. He said that part of the problem was that  
32 once someone began parking along the side of the road others followed suit and it got out of control. He  
33 said that they will issue parking instructions to their clients and place signs along their driveway and in areas  
34 where parking is acceptable. He said that for the farm dinners they typically have 45 to 50 guests along with  
35 guest farmers who provide part of the produce that is served and for any one point in time they feel that they  
36 have about 100 people at the very most. He said that staff took up some of the available parking spaces  
37 because they were not expecting the crowd that was received although staff will be instructed to park  
38 elsewhere on the property. He referred to Figure 1. of the handout that was distributed to the Board at  
39 tonight's meeting during his discussion of parking. He said that there are a number of ways that parking  
40 could be handled because the driveway is graveled and the lawn is covered in turf and is well drained. He  
41 said that he measured parking areas at the mall and at the University of Illinois and found that he would be  
42 very generous in allowing 10 foot per vehicle in width. He said that if parking was angled on the north side  
43 of the driveway at the allowance of 10 foot per vehicle there could be a total of 20 cars at that location. He  
44 said that if parallel parking was utilized on the south side of the driveway allowing 18 foot per vehicle a

1 total of 10 cars could be in that location. He said that if head-in parking was utilized on the south side of the  
2 barn at 10 foot per vehicle 8 vehicles could be generously placed in one direction facing to the south and 5  
3 vehicles could be placed facing the east. He said that with this kind of spacing 43 vehicles could be located  
4 on the property and if overflow parking is required the grassy field portion of their property, next to the  
5 Dyson property, could be easily utilized for parking allowing three rows of 10 vehicles each with a total of  
6 30 vehicles. He said that a parking attendant will be on the site directing vehicles assuring that there will be  
7 no parking issues with vehicles along the side of the road. He said that no one came to them to complain  
8 about the presence of the vehicles along the road therefore he was very surprised to read Mr. Bates'  
9 complaint. He said that there was no farm equipment that was stopped during the time of their events unless  
10 they were forced to turn around before he could see them.

11  
12 Mr. Jarrell stated that there were concerns about the type and amount of lighting that was used during the  
13 events. He said that the events are held during the day or inside the dining area and as it gets dark they use  
14 candles or oil lamps. He said that normally the events end before it gets too dark because it would not be  
15 practical to manage such an event in the dark. He said that there is a question about the display or dining  
16 area. He said that this area is located in a room in the barn which has a cement floor, sheetrock on the walls  
17 and a lofted ceiling and is about 1,000 square feet in area. He said that everything is at ground level  
18 therefore handicap accessibility is not an issue and there are two cement parking spaces next to the barn  
19 which are available for those clients. He said that they have had clients in wheelchairs at the farm and have  
20 not had any issues raised. He said that in 2005 when they got started on the farm, dairy, cheese plant and  
21 kitchen they contracted with J & S Waste Water Systems to install three 1,500 gallon tanks and those tanks  
22 are to accommodate the water that comes out of the system to the drain field. He said that they only have a  
23 very small amount of actual impermeable surface, other than roof tops, on the entire farm. He said that they  
24 applied for and received a zoning use permit for the dinners in 2008 and 2009 and understands that the  
25 reason that they currently need a special use permit is because they desire to increase the frequency of the  
26 dinners. He said that staff requested copies of the permits for the kitchen therefore he provided copies,  
27 included in the handout, of all of the permits that they have been granted.

28  
29 Mr. Jarrell stated that he considers himself as a water quality expert who has worked in Wisconsin, Oregon  
30 and here in Illinois on water quality issues. He said that his wife is a compost expert therefore they are very  
31 careful with their compost pile assuring that they do things right. He said that Mr. Bates' letter indicates his  
32 immediate concerns about the compost pile. Mr. Jarrell stated that they prefer to call their manure pile a  
33 compost pile because it is not just thrown out there and left. He said that they do keep track of it and they  
34 turn it so that organic compost is produced. He said that organic compost means that there are specific  
35 requirements for the frequency of turning and maintaining the temperature and records must be kept of each  
36 process. He said that the material is handled very carefully and water has not run off more than three or four  
37 feet from the base of the pile because it is almost dead flat in the area of the pile. He said that the compost  
38 pile is over 200 yards from the Saline Branch. He said that Figure 2 of the handout indicates a photograph  
39 of the compost pile over two years ago because since then a pasture of hay, prairie grass and alfalfa has been  
40 planted therefore creating a 700 foot buffer. He said that in Wisconsin manure is piled much closer on  
41 steeper hills to water resources. He said that a couple of photos have been included for the Board indicating  
42 that the compost is turned and as soon as it is ready they spread it on the fruit and vegetable fields and on  
43 their pasture crops.

44

- 1 Mr. Bluhm asked the Board if there were any questions for Mr. Jarrell.  
2  
3 Mr. Courson asked Mr. Jarrell if the compost is sold or only used for the farm’s agricultural purposes.  
4  
5 Mr. Jarrell stated that the compost is not sold because there is not enough of it and they use it on their  
6 organic farm.  
7  
8 Mr. Thorsland stated that as a fellow certified organic farmer he is aware that every movement of the pile  
9 must be documented.  
10  
11 Mr. Courson asked if the compost pile is considered exempt because it is agriculture.  
12  
13 Mr. Bluhm stated yes and no.  
14  
15 Mr. Courson asked if the Board is going to manage every compost pile in the County.  
16  
17 Mr. Hall stated that the Board is not going to manage every compost pile in the County but he would  
18 recommend with this special use permit that if there is a protocol that is used for compost that the Board  
19 know what that protocol is so that it is clearly established. He said that he assumes that the compost pile is  
20 in full compliance with the Livestock Management Act.  
21  
22 Mr. Jarrell stated yes but they are very small in comparison to other livestock facilities. He said that he can  
23 supply staff with the protocol that they are required to follow as organic farmers.  
24  
25 Mr. Bluhm stated that such information would be ideal. He asked Mr. Jarrell if goats are buried on the  
26 property.  
27  
28 Mr. Jarrell stated that dead livestock, goats, are one of the elements of their compost pile. He said that  
29 because of the dairy permit and the cheese processing plant permit the Illinois Department of Health does  
30 require that they indicate how they handle the livestock so that there is no potential for contamination. He  
31 said that they are under the microscope more than a typical farmer would be and they are inspected twice a  
32 year.  
33  
34 Mr. Bluhm asked the Board if there were any additional questions for Mr. Jarrell and there were none.  
35  
36 Mr. Bluhm asked if staff had any questions for Mr. Jarrell.  
37  
38 Mr. Hall asked Mr. Jarrell if there may be as many as 100 vehicles at one time for an event.  
39  
40 Mr. Jarrell stated that he has not had time to count the number of vehicles at the events but he believes that  
41 100 vehicles at one time is an exaggeration. He said that he would guess that there are probably 60 or 70  
42 vehicles at any given time.  
43  
44 Mr. Hall stated that at the time of permitting, if the Board approves the special use permit, a change of use

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1 permit will be required changing the designation of the use from a home occupation to a full major rural  
2 specialty business. He said that at the time of permitting it will need to be documented that not only are the  
3 handicap accessibility requirements being accommodated but that the facility is in compliance with the State  
4 of Illinois Accessibility Code. He said that at the end of the meeting he will be happy to give Mr. Jarrell the  
5 contact name and number for the Illinois Capital Development Board, which are requirements not set by the  
6 County, for full compliance. He said that this is only the fourth use where there are a lot of outdoor  
7 activities therefore handicap accessibility is a challenge. He said that he assumes that they will continue to  
8 plan to only prepare and serve the dinner onsite.

9  
10 Mr. Jarrell stated yes. He said that a major part of the dinner's ambiance is to connect people to their food  
11 therefore they use food that they grow or purchase from smaller farms. He said that the preparation is a big  
12 part of dinner and they have a full-time cheese maker/chef who is well trained and he would not want any  
13 of the food to be prepared or served anywhere other than onsite.

14  
15 Mr. Hall asked Mr. Jarrell if the previously mentioned display area which consists of 1,000 square feet is  
16 used for the dinners during inclement weather.

17  
18 Mr. Jarrell stated that they do prefer to hold the dinners outside under the shade cover but at times they  
19 cannot count on the weather therefore they have to move the dinner to the inside. He said that any event that  
20 will be held in the evening will also be held in the display area.

21  
22 Mr. Hall asked Mr. Jarrell to identify the number of people that could be in the display area at one time.

23  
24 Mr. Jarrell stated that he would estimate that at an absolute maximum there may be 60 to 70 people.

25  
26 Mr. Hall requested that Mr. Jarrell obtain such information for the record so that there are no concerns with  
27 safety. He said that he would also like to have the number of doors that are available for life and safety  
28 concerns. He said that the County does not have a building code therefore the Board generally follows the  
29 State Fire Marshall's Life/Safety Code. He said that he would like to receive information from the  
30 petitioners indicating that they are following the state regulations.

31  
32 Mr. Jarrell stated that he will obtain whatever information the Board requires regarding life and safety.

33  
34 Mr. Thorsland asked Mr. Jarrell if there is a big roll-up door on the barn.

35  
36 Mr. Jarrell stated yes. He said that the roll-up door is approximately 14 feet tall and 12 feet wide and takes  
37 up 2/3rds of one wall. He said that there are also three other man doors.

38  
39 Mr. Bluhm asked Mr. Jarrell if there were restrooms in the barn.

40  
41 Mr. Jarrell stated yes. He said that the restroom is required by the Department of Public Health and he has  
42 had many discussions with the department as to what is needed in the restroom. He said that even though  
43 there are two restrooms in the building they are only required to have one restroom for the public because  
44 they have specific events for a short period of time. He said that the public restroom is designed to be

1 handicap accessible.  
2  
3 Mr. Bluhm asked Mr. Jarrell to explain what the rest of the barn is used for.  
4  
5 Mr. Jarrell stated that the cheese plant, milking parlor and a shop area are located in the barn.  
6  
7 Mr. Bluhm asked Mr. Jarrell if the septic system with the three 1,500 tanks only services the dairy and the  
8 cheese plant.  
9  
10 Mr. Jarrell stated yes. He said that the residence has a separate septic system.  
11  
12 Mr. Thorsland asked Mr. Jarrell if he has any future plans to expand the business. He said that if there are  
13 future plans now would be the time to include those plans on the site plan for review.  
14  
15 Mr. Hall stated that any future plans for expansion within the next five years should be indicated on the site  
16 plan.  
17  
18 Mr. Jarrell stated that he appreciates the Board’s concern regarding expansion of the business but they are  
19 truly so exhausted with the current operation that they do not have any plans to expand. He said that if they  
20 do decide to expand they will contact staff immediately.  
21  
22 Mr. Bluhm asked Mr. Jarrell if he had spoken with the township road commissioner about placing temporary  
23 “No Parking” signs on the road.  
24  
25 Mr. Jarrell stated no.  
26  
27 Mr. Bluhm stated that it would be advisable to talk to the township road commissioner before the next  
28 meeting so that he can submit any comments. He said that if the township road commissioner cannot attend  
29 the public hearing then he could submit his comments in writing.  
30  
31 Mr. Jarrell asked Mr. Bluhm to specify what he should ask the township road commissioner.  
32  
33 Mr. Bluhm stated that the township road commissioner can indicate if he sees any problem with traffic or  
34 parking on the road during the events. He said that the road commissioner may agree to installing “No  
35 Parking” signs on the road.  
36  
37 Mr. Jarrell stated that grain trucks are allowed to park on the side of the road to do grain transfer and that is  
38 also a temporary use.  
39  
40 Mr. Bluhm asked the Board if there were any additional questions for Mr. Jarrell and there were none.  
41  
42 Mr. Bluhm asked if staff had any additional questions for Mr. Jarrell and there were none.  
43  
44 Mr. Bluhm asked the audience if anyone desired to cross examine Mr. Jarrell and there was no one.



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Mr. Bluhm called Mr. Jim Heimbürger to testify.

Mr. Jim Heimbürger, who resides at 2934 Stone Creek Boulevard, Urbana indicated that he had no comments at this time.

Mr. Bluhm asked the audience if anyone desired to sign the witness register to present testimony regarding this case.

Mr. Bluhm called Mr. Harold Scharlau to testify.

Mr. Harold Scharlau, who resides at 3610 North Lincoln Avenue, Champaign stated that his property is approximately one-quarter of a mile from the subject property. He said that he can probably speak for 5 of the 8 houses that are between Oaks Road and the subject property and they fully support the petitioner's project. He said they have noticed the vehicles but there have not been any problems and at times there are fewer cars on the road during an event at the subject property than when the neighbors have garage sales. He said that Mr. Jarrell's effort to remedy the parking would be appreciated and they fully support Mr. Jarrell and Ms. Cooperband with their project.

Mr. Bluhm asked the Board if there were any questions for Mr. Scharlau and there were none.

Mr. Bluhm asked if staff had any questions for Mr. Scharlau.

Mr. Hall asked Mr. Scharlau if there is a problem with fast traffic on North Lincoln Avenue.

Mr. Scharlau stated no. He said that from Oaks Road on up the road there is a 90 degree turn followed by a 70 degree turn and then within about 400 yards there is another turn therefore there is no speeding in this area.

Mr. Bluhm asked the audience if anyone desired to cross examine Mr. Scharlau and there was no one.

Mr. Bluhm asked the audience if anyone desired to sign the witness register to present testimony regarding this case.

Mr. Bluhm called Mr. Bill Ziegler to testify.

Mr. Bill Ziegler, who resides at 4704 N. Willow Road, Urbana stated that the farm that he and his brother owns backs up to the west side of Mr. Jarrell's property. He said that the Saline Branch is located on the west side of their farm and it is on the east side of Prairie Fruits Farm therefore their properties are contiguous. He said that he has been a farmer all of his life and the Champaign County Soil and Water Conservation District, and the USDA offer programs for filter strips. He said that the minimum width for a filter strip is 30 foot with a maximum width of 66 feet. He said that the purpose of the filter strip is to filter out any sediment, chemical or fertilizer runoff from the fields. He said that there is 66 feet to accomplish filtering any field that is contiguous or butts up to the Saline Drainage Ditch. He said that the Saline Ditch

1 is right next to the end of Mr. Jarrell's property however they have 200 yards of grass land and alfalfa in  
2 between the compost pile and the Saline Drainage Ditch to filter out anything that might runoff of the  
3 compost pile. He said that any concern regarding runoff from the compost pile going directly into the Saline  
4 Ditch is not applicable in this case.

5  
6 Mr. Bluhm asked the Board if there were any questions for Mr. Ziegler and there were none.

7  
8 Mr. Bluhm asked if staff had any questions for Mr. Ziegler and there were none.

9  
10 Mr. Bluhm asked the audience if anyone desired to cross examine Mr. Ziegler and there was no one.

11  
12 Mr. Bluhm asked the audience if anyone desired to sign the witness register to present testimony regarding  
13 this case.

14  
15 Mr. Bluhm called Mr. Jim Heimburger to testify.

16  
17 Mr. Jim Heimburger, who resides at 2934 Stone Creek Boulevard, Urbana stated that he owns the ground  
18 which is directly south of the subject property. He asked if it is the final word of this Board that parking  
19 along the road will be prohibited.

20  
21 Mr. Hall stated yes, parking along the road will be prohibited. He said that staff will recommend a condition  
22 to the Board regarding parking. He said that this case will be continued to a later date therefore the actual  
23 final word will not be presented at tonight's hearing.

24  
25 Mr. Bluhm explained that generally the Board prohibits any on-street parking and that all parking must be  
26 on the subject property. He said that no final determination will be taken tonight so that comments can be  
27 received from the road commissioner as well as any other requested information. He said that he anticipates  
28 a condition indicating that on-street parking will be prohibited.

29  
30 Mr. Heimburger stated that he does not object to request in this case but he does believe that parking does  
31 need to be contained on the property and not along the road.

32  
33 Mr. Bluhm stated that he can understand the concern with the parking issue especially at dusk.

34  
35 Mr. Heimburger stated that he has no problem with the compost pile.

36  
37 Mr. Bluhm asked the Board if there were any questions for Mr. Heimburger and there were none.

38  
39 Mr. Bluhm asked if staff had any questions for Mr. Heimburger and there were none.

40  
41 Mr. Bluhm asked the audience if anyone desired to cross examine Mr. Heimburger and there was no one.

42  
43 Mr. Bluhm closed the witness register.

44

1 Mr. Bluhm requested a continuance date for Case 667-S-10.  
 2  
 3 Mr. Thorsland stated that perhaps Mr. Jarrell could indicate how much time it will take him to collect the  
 4 additional information that was discussed at tonight’s meeting.  
 5  
 6 Mr. Bluhm informed Mr. Jarrell that the information must be submitted to staff within one week prior to a  
 7 meeting so that it can be reviewed and included in the mailing.  
 8  
 9 Mr. Thorsland stated that later during this meeting the Board will consider cancelling the April 29, 2010,  
 10 meeting therefore this case could be continued to the May 13, 2010, meeting.  
 11  
 12 Mr. Hall agreed although the requested information should be submitted to staff no later than two weeks  
 13 prior to a meeting for review.  
 14  
 15 Mr. Bluhm asked Mr. Jarrell if he agreed to a continuance date of May 13, 2010.  
 16  
 17 Mr. Jarrell stated yes.  
 18  
 19 **Mr. Thorsland moved, seconded by Mr. Palmgren to continue Case 667-S-10 to the May 13, 2010,**  
 20 **meeting. The motion carried by voice vote.**

21  
 22 **7. Staff Report**  
 23  
 24 Mr. Hall apologized to the Board for not preparing a monthly report for the Board’s review. He said that  
 25 there was an article in the newspaper indicating that recently there has been an increase in home  
 26 construction and staff has noticed that permitting has increased slightly.  
 27

28 **8. Other Business**  
 29 **A. Cancellation of April 29, 2010, meeting**  
 30

31 **Ms. Capel moved, seconded by Mr. Palmgren to move Case 665-AT-10, Zoning Administrator to the**  
 32 **May 13, 2010, meeting. The motion carried by voice vote.**  
 33

34 **Ms. Capel moved, seconded by Mr. Thorsland to cancel the April 29, 2010, meeting. The motion**  
 35 **carried by voice vote.**  
 36

37 Mr. Hall stated that Mr. Knight distributed a copy of the revised legal advertisement for Case 665-AT-10 to  
 38 the Board for review and he wished to discuss that case pursuant to the cancellation of the April 29<sup>th</sup>  
 39 meeting. He said that the Board may recall that at the previous public hearing the Board recommended that  
 40 staff discuss the amendment with Sheriff Walsh to see if he had any safety concerns about allowing six foot  
 41 opaque fences in the front yard. Mr. Hall stated that Sheriff Walsh did voice some concerns although he had  
 42 no recommendations for the Board. He said that he informed Sheriff Walsh that staff would re-advertise  
 43 Case 665-AT-10 as follows: Amend the Champaign County Zoning Ordinance by revising paragraph  
 44 4.3.3G. as follows: A: Increase the maximum fence height allowed inside and rear yards from six feet to

1 eight feet for fences in Residential Zoning Districts and on residential lots in the AG-1 and AG-2 Zoning  
2 Districts; and B: Require all fencing that is in the front yard and that is higher than four feet tall to be at least  
3 50% transparent in Residential Zoning Districts and on residential lots in the AG-1, AG-2, and CR Zoning  
4 Districts; and C: Increase the maximum allowed height of all fencing to allow for up to three inches of  
5 ground clearance.

6  
7 Mr. Bluhm informed Mr. Hall that the public hearing date in the legal advertisement is May 7, 2010.

8  
9 Mr. Hall stated that the public hearing date will be corrected to indicate May 13, 2010.

10  
11 **9. Audience Participation with respect to matters other than cases pending before the Board**

12  
13 None

14  
15 **10. Adjournment**

16  
17 The meeting adjourned at 8:04 p.m.

18  
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21  
22 Respectfully submitted

23  
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27 Secretary of Zoning Board of Appeals  
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ZBA //

***DRAFT SUBJECT TO APPROVAL DRAFT***

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