

AS APPROVED DECEMBER 13, 2012

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street

Urbana, IL 61802

DATE: September 13, 2012

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

TIME: 7:00 p.m.

Urbana, IL 61802

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

MEMBERS ABSENT : Roger Miller, Brad Passalacqua

STAFF PRESENT : Connie Berry, John Hall, Andrew Kass

OTHERS PRESENT : Robert Dorsey, Elizabeth Buck, Daniel Williams, Earl Williams, Tim Woodard, Michael Boero, Steve Burdin, Bruce Stickers, Kevin Donoho

1. Call to Order

The meeting was called to order at 7:02 p.m.

2. Roll Call and Declaration of Quorum

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

Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign the witness register for that public hearing. He reminded the audience that when they sign the witness register they are signing an oath.

3. Correspondence

Mr. Thorsland read a letter received from the Hensley Township indicating that all zoning issues related to Hensley Township should be brought to the attention of Lowell Osterbur, Hensley Township Supervisor, the Hensley Township Board and the Hensley Township Plan Commission. Mr. Thorsland submitted the letter to staff.

Mr. Hall stated that staff has a standard protocol for sending notices to townships and every township is treated equally. He said that staff intends to follow that standard protocol in the future.

4. Approval of Minutes

None

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Mr. Thorsland entertained a motion to re-arrange the docket.

Mr. Palmgren moved, seconded by Ms. Capel to re-arrange the docket and hear Case 720-V-12, Robert Dorsey and Elizabeth Buck and Case 722-S-12, Dr. Michael Boero prior to Cases 707-S-12 and 725-V-12, Daniel Williams and Cases 710-AM-12 and 711-AM-12, Zoning Administrator. The motion carried by voice vote.

5. Continued Public Hearing

Case 707-S-12 Petitioner: Daniel Williams and landowner Fran Williams Request to authorize the use of an existing Paintball Facility as an “Outdoor Commercial Recreation Enterprise” as a Special Use on 5.2 acres that is part of a 35 acre tract in the CR Conservation-Recreation Zoning District. Location: A 35 acre tract in the Southeast Quarter of the Northeast Quarter of Section 36 of Newcomb Township and commonly known as the home at 2453 CR 600E, Dewey.

Case 720-V-12 Petitioner: Robert Dorsey and Elizabeth Buck Request to authorize the following in the R-2 Single Family Residence Zoning District: Part A. Variance from Section 4.2.1G. requirement that no accessory use or structure be established prior to a main or principal use or structure; and Part B. Variance from a maximum height of an accessory structure of 18.5 feet in lieu of the maximum 15 feet. Location: Lots 4, 5, 6, 7, and 8 of Block 4 of S.H. Busey’s First Addition to the Town of Penfield in the Southwest Quarter of Section 4 of Compromise Township and commonly known as the dwelling at 209 Main Street, Penfield and appurtenant property a the location formerly known as 216 East Street, Penfield.

Mr. Thorsland informed the audience that this is an Administrative Case and as such the County allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show of hands for those who would like to cross examine and each person will be called upon. He requested that anyone called to cross examine go to the cross examination microphone to ask any questions. He said that those who desire to cross examine are not required to sign the witness register but are requested to clearly state their name before asking any questions. He noted that no new testimony is to be given during the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross examination.

Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign the witness register for that public hearing. He reminded the audience that when they sign the witness register they are signing an oath.

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1 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.

2
3 Ms. Betty Buck, who resides at 209 Main Street, Penfield, stated that she and her husband desire to build
4 a shed across the alley on property that they own which is adjacent from their home. She submitted
5 photographs and comments in response to Lucy Sparks and Renee Willcoxon's testimony at the last
6 hearing. She said that on August 23rd she submitted a petition of support which was signed by 75% to
7 80% of the landowners in Penfield.

8
9 Ms. Buck stated that the minutes from the last meeting indicate that Ms. Sparks testified that she has
10 lived at her residence since 1976 although she has only resided there since August of 2007 and before that
11 Ms. Sparks lived at 323 Franklin in Penfield. Ms. Buck stated that Ms. Willcoxon has resided at her
12 current residence since 2005. Ms. Buck stated that she moved into her house in October 1972.

13
14 Mr. Thorsland asked the Board if there were any questions for Ms. Buck.

15
16 Mr. Palmgren stated that previous testimony indicated that at one time there were two houses on the site and
17 one was removed due to a fire and the other house was removed due to its poor condition.

18
19 Ms. Buck stated yes. She said that Mr. Dorsey's mother resided in the house that was in poor condition and
20 the property has been in the Dorsey family for years. She said that the house was in bad shape and Mr.
21 Dorsey did not want to rent it therefore due to insurance purposes and taxes he did not want to maintain a
22 house that was of no use to them. She said that they did not realize that the home was required to stay on the
23 lot.

24
25 Mr. Thorsland asked the Board if there were any questions for Ms. Buck and there were none.

26
27 Mr. Thorsland asked if staff had any questions for Ms. Buck and there were none.

28
29 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Buck and there was no one.

30
31 Mr. Thorsland called John Hall to testify.

32
33 Mr. John Hall, Zoning Administrator, stated that there are no new memorandums for this case tonight. He
34 said that everything that was included in the mailing is all of the new information that is available at this
35 time. He said that when Ms. Buck dropped off the site plan indicating the trees he worked with her at the
36 counter for a while and white pine trees based at 16 feet on center will not form a screen for a long time. He
37 said that the trees will be beautiful when they mature but that will be some time in the future. He said that
38 given that the side yard is only 18 feet wide he does not believe that it is possible to actually have a

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1 vegetative screen established anytime soon unless the Board requires a pretty intensive mixture of shrubs,
2 trees and other vegetation. He said that he is not sure what the ZBA intends the trees to do although they
3 were originally a reaction to the concerns of the neighbors and he recommended the trees but if the ZBA
4 wants the proposed building to be screened sooner than 15 years the white pine trees will not be sufficient.
5 He said that the white pines were not chosen because the petitioners are trying to scrimp and not put in
6 enough vegetation but the white pines will only get to 30 to 50 feet in diameter when they mature. He said
7 that the site plan indicates very close spacing but even at the proposed spacing the white pines will not form
8 a screen for a long time.

9
10 Mr. Courson stated that a double row of arborvitae would probably be a better choice for screening.

11
12 Mr. Hall stated one would probably expect to pay the same amount for an arborvitae as for a white pine.

13
14 Mr. Courson stated that depending upon the variety the arborvitae would probably be cheaper.

15
16 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

17
18 Mr. Thorsland thanked Ms. Buck for answering the photographs that were submitted by Ms. Willcoxon at
19 the last meeting. He asked the Board if there were any questions for Ms. Buck regarding the submitted
20 photographs.

21
22 Mr. Thorsland asked Ms. Buck and Mr. Dorsey if they heard the conversation regarding the white pines for
23 screening.

24
25 Ms. Buck and Mr. Dorsey stated yes.

26
27 Mr. Thorsland asked Ms. Buck if she had any idea of what type of vegetation that they would agree to
28 purchase for the screening.

29
30 Mr. Robert Dorsey, who resides at 209 Main Street, Penfield, stated that they had discussed the white pines
31 but as Mr. Hall indicated it will take time for them to mature. He said that he and Ms. Buck had thought
32 about placing a fence for screening but seven feet is the highest panel that they can purchase. He said that
33 they would agree to the arborvitae but they thought that a white "pvc" type fence would be more preferred by
34 the Board.

35
36 Mr. Thorsland asked Mr. Dorsey if he and Ms. Buck would prefer the fence over the trees.

37
38 Mr. Dorsey stated that the fence would not hide the roof of the shed although it would be more economical

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1 for them because the arborvitae or white pines would require a consistent watering schedule or they would
2 die and require replacement.

3
4 Mr. Courson stated that he thought that the screening was to make this tie into the residential neighborhood
5 and not have it look like an industrial zoned property. He said that the fence may be more economical for
6 the petitioners but when it is up against the building it will still appear industrial. He said that the trees
7 would provide a more natural appearance.

8
9 Mr. Dorsey stated that he agrees.

10
11 Ms. Dorsey stated that screening already exists on the property.

12
13 Mr. Thorsland stated that testimony from the neighbors indicate that they would prefer a vegetative
14 screening such as the arborvitae.

15
16 Mr. Dorsey stated that he would prefer the vegetation.

17
18 Mr. Thorsland stated that the Board will need to revise the special condition regarding screening and also the
19 Item 5.C.(1) of the Summary of Evidence.

20
21 Mr. Thorsland asked the Board if there were any additional questions for Mr. Dorsey or Ms. Buck and there
22 were none.

23
24 Mr. Thorsland proposed that Item 5.C.(1) be revised as follows: Proposed a planting of arborvitae along the
25 north property line.

26
27 Mr. Hall stated that at a staff level it is imperative to have a number of arborvitae to check for during the
28 inspections.

29
30 Mr. Courson stated that it would depend upon the variety of arborvitae that is being purchased.

31
32 Mr. Hall asked the Board if they desire to have the screening mirror the length of the building or beyond the
33 building.

34
35 Mr. Courson stated that the length of the building should be sufficient unless there will be storage outside of
36 the building. He said that it would be beneficial for the petitioner to extend the screening past the building to
37 minimize the impact of outdoor storage on the neighbors. He said that a single row of arborvitae planted 10
38 feet apart would be sufficient although it will take six to eight years for it to reach a height of 15 feet.

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2 Mr. Hall stated that normally if the screening was required to meet the Ordinance the trees would have to be
3 planted in a staggered row so that there is less space to fill in and there is 50% of growth within 2 years. He
4 said that it is up to the Board to determine what is required to address the concerns of the neighbors.
5
6 Mr. Thorsland stated that for the findings the Board needs to indicate that there is a proposed planting of
7 arborvitae along the north property line, as pointed out in the special conditions.
8
9 Mr. Hall stated that at this point he is mainly interested in the special condition.
10
11 Mr. Thorsland stated that he is trying to work on Item 5.C.(1) of the Summary of Evidence and indicating
12 that a planting of vegetation screening is proposed along the north property line and striking the text
13 regarding the three Eastern White Pines.
14
15 Ms. Capel stated that perhaps a special condition should state the following: Landscape screening that is
16 staggered and 50% opaque as indicated on the approved site plan shall be maintained at all times.
17
18 Mr. Hall stated that the special condition should be as specific as possible but Ms. Capel's suggestion may
19 be too specific because he cannot guarantee that such a condition is feasible. He said that it may be better if
20 the petitioner agrees to talk about the vegetative screen that provides maximum screening as quickly as
21 possible, given the space that is available for the trees, and later reasonable people could agree as to what
22 that is. He said that perhaps the Board will want 50% in two years or 50% in four years would be provide
23 more flexibility for the petitioner.
24
25 Ms. Capel agreed with Mr. Hall regarding the screening.
26
27 Mr. Hall stated that perhaps the Board would agree to the screening being 50% opaque and a height of 8 feet
28 in four years or would the Board be comfortable with the petitioner doing the best possible given the 18 feet
29 to work with and presumably the type of vegetation would be 50% in four years.
30
31 Mr. Dorsey stated that the arborvitae would be fine. He said that if the same species is planted and a blight
32 or disease is contracted the entire screen can be affected. He said that normally varieties of vegetation are
33 mixed so that one species is not wiped out by disease.
34
35 Ms. Capel stated that it should be up to Mr. Dorsey and Ms. Buck as to what type of vegetation will be used
36 for the screen.
37
38 Mr. Dorsey stated that he will further investigate this matter.

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2 Mr. Hall asked Mr. Dorsey if, given the amount of space available, he could put together a vegetative screen
3 that would be 50% opaque in four years. He said that 50% of the building will need to be screened in four
4 years.

5
6 Mr. Palmgren asked if the screening includes the height and the width of the building.

7
8 Mr. Hall stated that the 50% would be from eight feet on either side of the building and the entire length of
9 the building in four years.

10
11 Mr. Thorsland stated that his revision of the special condition regarding screening is as follows: Landscape
12 screening that is 50% opaque in four years and covering the length of the shed as approved on the site plan
13 for Case 720-V-12 and shall be maintained at all times. He said that his version of the condition makes it
14 simple and leaves it open ended enough for the petitioner if he needs to plant additional vegetation to
15 achieve the required screening.

16
17 Mr. Dorsey stated that depending upon the type of species that they purchase the trees could extend over the
18 sidewalk.

19
20 Mr. Thorsland stated that the Board is requesting that the screening go the entire length of the shed and not
21 past it. He said that the screening must be 50% opaque for the length of the shed in four years.

22
23 Mr. Thorsland stated that Item #5.C.(1) should read as follows: A Screening Plan was received on
24 September 13, 2012, and indicates the following: (1) A proposed landscape screening the length of the shed
25 that is 50% opaque.

26
27 Mr. Hall stated that he would prefer that Item #5.C.(1) remain as written and in the Board's condition it can
28 be specified that a vegetative screen is required which will provide 50% screening to the eight foot height in
29 four years for the length of the structure.

30
31 Mr. Thorsland agreed.

32
33 Mr. Courson stated that the submitted photographs indicate that north of the proposed shed's location there
34 are two small buildings which are side by side. He asked the petitioners if the small buildings will be
35 removed once the shed is constructed.

36
37 Ms. Buck stated no. She said that the two small sheds will remain on the property and will have new siding
38 which will match the new shed.

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2 Mr. Courson stated that removal of the sheds would eliminate the neighbor's concern regarding the clutter.
3 He asked Mr. Hall if the lot would become unbuildable for a dwelling if the proposed shed is constructed.
4
5 Mr. Hall stated that it appears that the area for a principal dwelling would be very tight but there was a home
6 on the property before and he would presume that if someone wanted to they could place a dwelling in the
7 same location of the previous home.
8
9 Ms. Buck asked Mr. Hall if someone bought all three of the lots there would be adequate room on the south
10 side for a dwelling.
11
12 Mr. Hall stated that the lots on that side of the street will need to remain in common ownership.
13
14 Ms. Buck stated if the property owner of the house to the south wanted to purchase their lots and buildings
15 could they be sold to them legally since they have a house on their property.
16
17 Mr. Hall stated that this is a very good question for the Board. He said that if all of those lots on the east
18 side were sold to people on either side then that sale would be completely consistent with the Ordinance but
19 the problem is if the petitioners started selling the lots individually they might wind up in the future with
20 something that is way too small to use on its own. He said that the Board can address this situation with this
21 variance request or leave it to a time in the future.
22
23 Ms. Capel stated a lot of this situation is due to the small lot sizes in Penfield and it appears that there is a
24 limit as to what the ZBA can do.
25
26 Mr. Hall stated yes. He said that if the three lots are sold off a situation could be created that may be even
27 more difficult for a future ZBA. He said that the petitioners can certainly sell the southern lot but such
28 would make Mr. Courson's concern even greater.
29
30 Mr. Courson stated that he is concerned that the residential lots will not be able to have a residence based
31 upon the size of the shed.
32
33 Mr. Hall stated that there was a house on the south side of the property previously and a new house could be
34 rebuilt provided that they had a septic system. He said that the shed has nothing to do with a new house
35 being placed on that lot because all of the space that was there before is still there on the south side.
36
37 Ms. Capel stated that the aerials appear to indicate that the homes overlap the property lines.
38

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- 1 Mr. Hall stated that the aerials are not completely accurate but the overlapping of property lines is a normal
2 occurrence with most small villages in the County.
3
- 4 Mr. Thorsland asked if the photographs of other structures located in Penfield were taken by staff.
5
- 6 Mr. Hall indicated no, the photographs were taken by Ms. Buck and submitted to staff on August 23, 2012.
7
- 8 Mr. Palmgren stated that the lot where the house was torn down it appears that only a small home could be
9 placed on it.
10
- 11 Mr. Thorsland asked Mr. Palmgren if a special condition is necessary for that lot.
12
- 13 Mr. Thorsland asked Mr. Palmgren if he is concerned that unless the three lots stay tied together there is no
14 room, except on the south part of the three lots, where a house could be constructed.
15
- 16 Mr. Palmgren stated yes.
17
- 18 Mr. Hall stated that it would be reasonable, provided that the petitioners agree, to add a fourth condition that
19 would void the variance and that would be the following: If any part of lots 4, 5 and 6 are sold off without a
20 dwelling being established on the remaining portion of the property. He said that this may go a bit far
21 because it would be fine if the house on the north, where Ms. Sparks resides, would buy some of the property
22 and the neighbor on the south would purchase the rest of the property all of the property would be distributed
23 with existing dwellings.
24
- 25 Mr. Thorsland stated that the Board could look away currently and allow the problem to resolve itself in the
26 future. He asked what would happen if the owner of the shed which occupies Lot 4 constructs a dwelling
27 unit in the proposed building, is it a legal lot at that point.
28
- 29 Mr. Hall stated yes, but the septic requirements will be a challenge. He said that the open space on these two
30 lots is bisected by the existing big shed in the middle and that really does hurt the feasibility of ever
31 obtaining a septic system on the property. He said that placing the proposed shed on the north does not make
32 it any worse because he could imagine a house on the side with a septic system and a house on the south, Lot
33 6, with a septic system on Lot 4 and a septic system in between.
34
- 35 Mr. Thorsland stated that he does not want to take the scenario discussed by Mr. Hall away by a condition.
36 He said that the petitioner testified that the structure is necessary for the storage of their camper and other
37 equipment. He said that the petitioner has also testified that they are reluctant to remove the small storage
38 sheds because they have an investment in these buildings. He said that he is not in favor of adding a Part 4

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1 to Condition A. because this is a known problem that the petitioners will have if and when they decide to sell
2 their property.

3
4 Ms. Capel asked how staff would enforce such a condition.

5
6 Mr. Hall stated that the only reason that the Board would impose such a condition would be to sway such an
7 occurrence from happening because then no one could claim later that it was a known problem.

8
9 Mr. Thorsland stated that this information would be filed with the Recorder's Office therefore when a title
10 search was completed this information would be discovered.

11
12 Mr. Hall stated that #(4) of Condition A could read as follows: If any part of lots 4, 5 and 6 are sold off
13 without a dwelling being established on the remaining portion of the property. He said that this makes it
14 clear that if the owner can dispose of all of the property so that there is no problem it can be done otherwise
15 lots 4, 5 and 6 must remain in total.

16
17 Mr. Thorsland stated that he would be comfortable with the addition of (4).

18
19 Ms. Capel agreed to the addition of #(4) to Condition A.

20
21 Mr. Thorsland read the proposed special conditions as follows:

22 **A. The Variance shall be deemed void if any of the following occur:**

- 23 **(1) If the petitioners sell either the current home or the garage property to a buyer**
24 **who does not also purchase the other property, except that concurrent sale of**
25 **both properties can happen provided the garage property shall have a dwelling.**
26 **(2) If at least a 20 feet length of the alley between the relevant properties is ever**
27 **vacated.**
28 **(3) If any building on the eastern portion of the property is ever converted to**
29 **include a dwelling unit with a septic system.**
30 **(4) If any part of lots 4, 5, and 6 are sold off without a dwelling being established on**
31 **the remaining portion of the property.**

32 The special condition stated above are required to ensure the following:

33 **That the variance is void should it not ever be necessary and ensures that the**
34 **properties will be in common ownership.**

35
36 Mr. Thorsland asked the petitioners if they agreed to Special Condition A.

37
38 Mr. Dorsey and Ms. Buck agreed to Special Condition A.

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B. The garages on the subject property shall not be rented out as storage space.

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

That the storage buildings on the subject property do not become warehouses of any kind, which are not authorized in the R-2 Zoning District.

Mr. Thorsland asked the petitioners if they agreed to Special Condition B.

Mr. Dorsey and Ms. Buck agreed to Special Condition B.

C. Landscape screening on the north side of the proposed shed sufficient to provide a 50% opaque screen to a height of 8 feet in 4 years for the length of the shed shall be maintained at all times.

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

That the proposed shed is properly screened from neighboring properties.

Mr. Thorsland asked the petitioners if they agreed to Special Condition C.

Mr. Dorsey and Ms. Buck stated that they agreed to Special Condition C.

D. The petitioners shall file a miscellaneous document with the Champaign County Recorder of Deeds documenting the Special Conditions proscribed in Zoning Case 720-V-12.

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

That future landowners are aware of the conditions imposed in Zoning Case 720-V-12.

Mr. Thorsland asked the petitioners if they agreed to Special Condition D.

Mr. Dorsey and Ms. Buck stated that they agreed to Special Condition D.

Mr. Thorsland entertained a motion to approve the special conditions as read.

Mr. Courson moved, seconded by Ms. Capel to approve the special conditions as read. The motion carried by voice vote.

Mr. Thorsland asked staff if there were any new Documents of Record.

Mr. Hall and Mr. Kass indicated that there were no new Documents of Record.

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Findings of Fact for Case 720-V-12:

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 720-V-12 held on July 12, 2012 and September 13, 2012, the Zoning Board of Appeals of Champaign County finds that:

- 1. Special conditions and circumstances DO exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.**

Mr. Courson stated that special conditions and circumstances DO exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because the petitioners own several lots which will be difficult to build on because of septic issues and the petitioners have indicated that they need additional storage space that requires additional height for a tall camper.

Ms. Capel stated that the lot for the proposed storage shed is divided from the lot with the dwelling by an alley that is only 14 feet wide.

Mr. Kass read the Board’s findings as follows:

- The petitioners own several connected lots which will be difficult to build on because of septic issues.
- The petitioners need additional storage space that requires additional height for a tall camper.
- The lot with the proposed storage shed is divided by a 14 feet wide alley from the lot with the dwelling.

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

Mr. Courson stated that practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL NOT prevent reasonable or otherwise permitted use of the land or structure or construction because due to the special conditions placed on the variance will force the property to be placed back into compliance if the property is ever sold.

Mr. Thorsland asked Mr. Courson if he really means WILL because without the variance the construction of

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1 a shed large enough to accommodate the storage needs on a lot without a principal use cannot take place.

2
3 Mr. Courson agreed and requested that his previous response to Finding #2. be stricken.

4
5 Mr. Thorsland informed Mr. Courson that his previous answer to Finding #2 is appropriate for Finding #4.

6
7 Mr. Kass read the Board’s findings as follows:

- 8 • Without the variance the construction of a shed large enough to accommodate the storage
- 9 needs on a lot without a principal use cannot take place.

10
11 **3. The special conditions, circumstances, hardships, or practical difficulties DO NOT**

12 **result from actions of the applicant.**

13
14 Mr. Palmgren stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT

15 result from actions of the applicant because the lots are small lots and septic fields would take up a large

16 area of the small lot therefore making it difficult to build upon. He said that an alley which is only 14

17 feet wide divides the principal use from the lot for the desired building.

18
19 Mr. Kass read the Board’s findings as follows:

- 20
- 21 • They are small lots, and septic fields would take up a large area of the small lots.
- 22 • The 14 feet wide alley divides the three lots from the lot with the dwelling.

23
24 **4. The requested variance, subject to the proposed conditions, IS in harmony with the**

25 **general purpose and intent of the Ordinance.**

26
27 Mr. Courson stated that the requested variance, subject to the proposed conditions, IS in harmony with the

28 General purpose and intent of the Ordinance because this allows an accessory shed to be placed close to the

29 principal residence.

30
31 Ms. Capel stated that the special conditions imposed helps the shed to fit better into the neighborhood and

32 provides for the variance to be void should the property be sold separately.

33
34 Mr. Kass read the Boards findings as follows:

- 35
- 36 • This allows an accessory shed to be placed in close proximity to a principal residence.
- 37 • The special conditions imposed help it fit better into the neighborhood and provide for the
- 38 variance to be void should the property be sold separately.

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5. The requested variance, subject to the proposed conditions, WILL NOT be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare.

Mr. Palmgren stated that the requested variance, subject to the proposed conditions, WILL NOT be injurious to the neighborhood or otherwise detrimental to the public health, safety or welfare because the proposed building will be located mid-block and will not hinder traffic visibility and the building will clean up the property by providing additional storage.

Mr. Courson stated that the proposed building will have screening on the north side.

Mr. Palmgren added that the no comments have been received from the fire protection district or the township highway commissioner.

Mr. Kass read the Board’s findings as follows:

- The proposed building location will not hinder traffic visibility
- The proposed building will clean up the property by providing additional storage
- The proposed building will have screening on the north side
- The road commissioner and the fire district had no comments.

6. The requested variance, subject to the proposed conditions, IS the minimum variation that will make reasonable use of the land/structure.

Ms. Capel stated that the requested variance, subject to the proposed conditions, IS the minimum variation that will make reasonable use of the land/structure because the variance is the minimum variance that will allow a structure of this height to be built on a lot without a principal dwelling.

Mr. Kass read the Board’s finding as follows:

- The variance is the minimum variance that will allow the structure to be built with this height on a lot that has no principal dwelling.

7. The special conditions imposed herein are required to ensure compliance with the criteria for special use permits and for the particular purposes described below:

- A. **The Variance shall be deemed void if any of the following occur:**
 - (1) **If the petitioners sell either the current home or the garage property to a**

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1 buyer who does not also purchase the other property, except that
2 concurrent sale of both properties can happen provided the garage
3 property shall have a dwelling.

4 (2) If at least a 20 feet length of the alley between the relevant properties is
5 ever vacated.

6 (3) If any building on the eastern portion of the property is ever converted
7 to include a dwelling unit with a septic system.

8 (4) If any part of lots 4, 5, and 6 are sold off without a dwelling being
9 established on the remaining portion of the property.

10 The special condition stated above are required to ensure the following:

11 That the variance is void should it not ever be necessary and ensures that the
12 properties will be in common ownership.

13
14 **B. The garages on the subject property shall not be rented out as storage space.**

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

16 That the storage buildings on the subject property do not become warehouses of any
17 kind, which are not authorized in the R-2 Zoning District.

18
19 **C. Landscape screening on the north side of the proposed shed sufficient to provide a 50%
20 opaque screen to a height of 8 feet in 4 years for the length of the shed shall be
21 maintained at all times.**

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

23 That the proposed shed is properly screened from neighboring properties.

24
25 **D. The petitioners shall file a miscellaneous document with the Champaign County
26 Recorder of Deeds documenting the Special Conditions proscribed in Zoning Case 720-
27 V-12.**

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

29 That future landowners are aware of the conditions imposed in Zoning Case 720-V-12.

30
31 Mr. Thorsland entertained a motion to approve the Findings of Fact for Case 720-V-12 as amended.

32
33 **Mr. Courson moved, seconded by Mr. Palmgren to approve the Findings of Fact for Case 720-V-12 as
34 amended. The motion carried by voice vote.**

35
36 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings
37 of Facts as amended.

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1 **Mr. Courson moved, seconded by Mr. Palmgren to approve the Summary of Evidence, Documents of**
2 **Record and Findings of Fact as amended. The motion carried by voice vote.**

3
4 Mr. Thorsland entertained a motion to move to the final determination.

5
6 **Mr. Courson moved, seconded by Ms. Capel to move to the final determination. The motion carried**
7 **by voice vote.**

8
9 Mr. Thorsland informed the petitioners that two Board members are absent and one Board member seat was
10 vacant therefore it is at their discretion to either continue Case 720-V-12 until a full Board is present or
11 request that the present Board move forward to the Final Determination. He informed the petitioners that
12 four affirmative votes are required for approval.

13
14 Mr. Hall informed the petitioners that the findings are all positive and the Board has adopted findings which
15 would indicate that one could expect that the variance will be granted and there is not room for error. He
16 said that all of the Board members participated in the findings and as the Zoning Administrator all he can tell
17 the petitioners is that if they can wait then perhaps they should because there have been petitioners in other
18 cases who should have waited for a full Board.

19
20 Mr. Courson informed the petitioners that if four affirmative votes are not received tonight then their case is
21 denied.

22
23 Mr. Dorsey and Ms. Buck requested that the final determination for Case 720-V-12 be deferred to a
24 continued meeting when a full Board may be present.

25
26 Mr. Thorsland requested a continuance date from staff.

27
28 Mr. Hall stated that Case 720-V-12 could be heard at the special meeting which is to be held on September
29 19th.

30
31 Mr. Thorsland asked the petitioners if they would be available for the September 19th special meeting.

32
33 Mr. Dorsey and Ms. Buck stated that they will be available on September 19th.

34
35 Mr. Thorsland informed the petitioners that if they attend the September 19th special meeting and only four
36 members are present they may request another continuance or move forward to the final determination.

37
38 Mr. Thorsland entertained a motion to continue Case 720-V-12 to the September 19, 2012, special meeting.

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1
2 **Mr. Palmgren moved, seconded by Mr. Courson to continue Case 720-V-12 to the September 19, 2012,**
3 **special meeting. The motion carried by voice vote.**

4
5 Mr. Thorsland called for a five minute recess.

6
7 **The Board recessed at 8:20 p.m.**

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

9
10 **Case 722-S-12 Petitioner: Dr. Michael Boero Request to authorize an equine veterinary surgery clinic**
11 **and performance problem evaluation facility as a “Veterinary Hospital” as a Special Use on 4.5 acres**
12 **that is part of a 22 acre property previously authorized as a stable in Case 719-S-90 and located in the**
13 **CR Conservation-Recreation Zoning District. Location: A 22 acre parcel in the West Half of the**
14 **Southeast Quarter of the Southwest Quarter of Section 26 of Newcomb Township and commonly**
15 **known as the home and stable at 430 CR 2500N, Mahomet.**

16
17 Mr. Thorsland informed the audience that this is an Administrative Case and as such the County allows
18 anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show
19 of hands for those who would like to cross examine and each person will be called upon. He requested that
20 anyone called to cross examine go to the cross examination microphone to ask any questions. He said that
21 those who desire to cross examine are not required to sign the witness register but are requested to clearly
22 state their name before asking any questions. He noted that no new testimony is to be given during the cross
23 examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt
24 from cross examination.

25
26 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
27 sign the witness register for that public hearing. He reminded the audience that when they sign the
28 witness register they are signing an oath.

29
30 Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of their request.

31
32 Dr. Boero, who resides at 430 CR 2500N, Mahomet, stated that he has remodeled an existing stall barn and
33 converted the wash stalls into a surgery room and left two of the stalls as recovery stalls. He said that when
34 he left the University of Illinois he had a rural surgery practice by which he would travel to other clinics and
35 performed procedures that they were not able to complete. He said that he had a surgery trailer constructed
36 which stored his surgical equipment and he had hoped to have the trailer at the Illinois State Fairgrounds but
37 that idea did not work out as planned. He said that his practice has gradually switched from a traveling
38 surgical unit to his current residence.

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1
2 Mr. Thorsland asked the Board if there were any questions for Dr. Boero.
3
4 Ms. Capel asked Dr. Boero if he sold the surgical trailer.
5
6 Dr. Boero stated yes.
7
8 Mr. Thorsland asked the Board if there were any additional questions for Dr. Boero and there were none.
9
10 Mr. Thorsland called John Hall to testify.
11
12 Mr. John Hall, Zoning Administrator, stated that there are no new memorandums for Case 722-S-12 tonight.
13 He said that the Supplemental Memorandum dated September 7, 2012, included an e-mail from Douglas
14 Gamble, Accessibility Specialist for the Illinois Capital Development Board. He said that in all fairness, in
15 this instance, for some reason Mr. Gamble is treating this case differently than he has treated other cases
16 although Mr. Gamble is the final authority on the Illinois Accessibility Code and it is not the County's
17 Ordinance therefore staff must defer to Mr. Gamble.
18
19 Mr. Hall stated that there are two proposed special conditions and neither one of those conditions are in the
20 Ordinance but are to ensure compliance with applicable state requirements.
21
22 Mr. Thorsland asked Mr. Hall if staff had received any documentation from the Illinois Environmental
23 Protection Agency regarding the composting.
24
25 Mr. Kass stated no. He said that he did contact Mike Mullins, Environmental Protection Specialist, and the
26 IEPA wanted a letter from Dr. Boero sent to Springfield although staff has not received any information
27 regarding a determination from the IEPA.
28
29 Ms. Capel noted that the August 10, 2012, Preliminary Memorandum indicates that the subject property is
30 located two miles from the City of Champaign which is incorrect. She said that the sentence should read as
31 follows: The subject property is within the one-and-one half mile extraterritorial jurisdiction (ETJ) of the
32 Village of Mahomet, a municipality with zoning and is not located 2 miles from the City of Champaign.
33
34 Mr. Thorsland asked Dr. Boero if he sent the IEPA a letter.
35
36 Dr. Boero stated that he spoke to the IEPA office on the telephone and explained the situation and the
37 person that he spoke with indicated that they did not believe that he needed a license. He said that the IEPA
38 office requested a letter explaining his composting practices because all of the compost is generated and used

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1 on the subject property.

2
3 Mr. Thorsland stated that the Board may add a note to the proposed special condition.

4
5 Mr. Thorsland asked the Board if there were any additional questions for Dr. Boero and there were none.

6
7 Mr. Thorsland asked if staff had any questions for Dr. Boero and there were none.

8
9 Mr. Thorsland asked Mr. Hall if he is happy with the submitted site plan.

10
11 Mr. Hall stated yes.

12
13 Mr. Thorsland read the proposed special conditions as follows:

- 14 **A. The Zoning Administrator shall not authorize a Zoning Compliance Certificate**
15 **authorizing operation of the proposed Special Use Permit until the petitioner has**
16 **provided documentation of registration of the composting operation and compliance**
17 **with the Illinois EPA or submitted documentation indicating that the composting**
18 **operation does not need to be registered.**

19 The special condition stated above is necessary to ensure the following:

20 **That the composting practices are conducted pursuant to the regulations of the Illinois**
21 **Environmental Protection Agency guidelines.**

- 22
23 **B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate**
24 **authorizing operation of the proposed Special Use Permit until the petitioner has**
25 **verified that the proposed Special Use complies with the Illinois Accessibility Code or**
26 **the petitioner submits documentation from the Illinois Capital Development Board**
27 **verifying that the proposed use does not have to comply with the Illinois Accessibility**
28 **Code.**

29 The special condition stated above is necessary to ensure the following:

30 **That the proposed Special Use meets applicable state requirements for accessibility.**

31
32 Mr. Thorsland asked Dr. Boero if he understood the proposed special conditions.

33
34 Dr. Boero stated that he does not believe that there is any problem with the two proposed special conditions
35 although his attorney is ill and he does not have the opportunity to speak with him. He said that he does not
36 believe that there will be an issue although if this could be deferred to a later date so that he can have the
37 documentation regarding the composting and the accessibility.

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1 Mr. Thorsland stated that the letter from the IEPA has to be submitted prior to the issuance of a Zoning
2 Compliance Certificate. He said that if Dr. Boero desires to request a continuance then the Board can
3 consider the request. He said that the Board reviews the proposed special conditions during their review of
4 the Summary of Evidence therefore if Dr. Boero would like additional time to review the conditions with
5 his attorney then the Board can continue the case to a later date.

6
7 Dr. Boero stated that he agrees to the proposed Special Condition A. He said that he has questions
8 regarding the accessibility, such as, parking, entrances, etc.

9
10 Mr. Hall stated that staff can assist Dr. Boero and indicate what staff's understanding is regarding the
11 accessibility requirements. He said that Dr. Boero has established a surgery clinic in a building which
12 already exists and there are specific guidelines as to how much of a remodeled property has to be made
13 accessible based on the dollar value of the remodeling as a percentage of the original dollar value. He said
14 that many times when people contact the Capital Development Board it is determined that it is pre-existing
15 and that there are no accessibility requirements. Mr. Hall stated that he was surprised by the reply received
16 from Doug Gamble but that is what he will follow.

17
18 Dr. Boero stated that he has not had very good communication with Mr. Gamble due to the fact that he was
19 talking to him on the cell phone while he was traveling down the road. He said that he received the same e-
20 mail that Mr. Hall received with no details evaluating his existing building or what he needs to do make it
21 compliant.

22
23 Mr. Hall stated that Doug Gamble is the only employee of the Capital Development Board that serves the
24 entire State of Illinois therefore any day that you make contact with Doug Gamble is a good day. Mr. Hall
25 stated that staff will assist Dr. Boero as much as possible.

26
27 Mr. Courson stated that perhaps an architect could address Dr. Boero's questions.

28
29 Mr. Boero stated that he is not sure how what exists currently will meet the requirements for accessibility.

30
31 Mr. Thorsland stated that the special conditions will not stop Dr. Boero from doing what he is currently
32 doing on the property and it gives him time to ask any questions and obtain answers. He said that if Dr.
33 Boero wants the Board to continue with the finding then the Board could get through the entire case tonight
34 but Dr. Boero has to agree to the two proposed conditions first.

35
36 Dr. Boero stated that he is comfortable with Condition A but would appreciate more information regarding
37 Condition B. He requested that the meeting be continued to a later date.

38

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1 Mr. Thorsland stated that he does not believe that it will take a long time to finish the case at the next
2 meeting. He requested a continuance date from staff.

3
4 Mr. Hall recommended that the case be continued to the October 25th meeting because this is the kind of
5 thing where staff wants to be able to give this matter its full attention and speak with Mr. Gamble and then
6 allow Dr. Boero time to consider the information.

7
8 Ms. Berry reminded Mr. Hall that due to the tax sale the October 25th meeting either needs to be rescheduled
9 to a different date or be held in a alternative meeting room.

10
11 Mr. Thorsland asked if the John Dimit Meeting Room is available.

12
13 Mr. Hall stated that staff will check on the availability of the John Dimit Meeting Room for the October 25th
14 meeting although there is an RPC meeting scheduled for October 26th and it unlikely that the Regional
15 Planning Commission will allow the room to be used prior to that meeting.

16
17 Ms. Berry stated that the meeting room calendar indicates that the John Dimit Meeting Room is available
18 on Wednesday, October 24, 2012.

19
20 Mr. Thorsland requested that staff check with the appropriate entities to determine availability of the John
21 Dimit Meeting Room or the Lyle Shields Meeting Room for Wednesday, October 24, 2012. He said that if
22 neither meeting room is available the alternative date to continue Case 722-S-12 is December 13th.

23 He informed Mr. Boero that staff will contact him as soon as possible regarding where and when the
24 meeting will be held.

25
26 Mr. Thorsland entertained a motion to continue Case 722-S-12 to Wednesday, October 24, 2012, with an
27 alternative date of Thursday, December 13, 2012.

28
29 **Mr. Courson moved, seconded by Ms. Capel to continue Case 722-S-12 to continue Case 722-S-12 to**
30 **Wednesday, October 24, 2012, with an alternative date of Thursday, December 13, 2012. The motion**
31 **carried by voice vote.**

32
33 **6. New Public Hearings**

34
35 **Case 725-V-12 Petitioner: Daniel Williams Request to authorize the following in the CR Conservation-**
36 **Recreation Zoning District for a Special Use proposed in Case 707-S-12: Part A. Variance for a rear**
37 **yard of 0 feet in lieu of the minimum required 25 feet; and Part B. Variance for a side yard of 0 feet in**
38 **lieu of the minimum required 15 feet; and Part C. Variance from a minimum separation from a front**

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1 **property line for parking spaces of 0 feet in lieu of the minimum required 10 feet.** Location: **The same**
2 **5.2 acre tract identified in Case 707-S-12 that is part of a 35 acre tract in the Southeast Quarter of the**
3 **Northeast Quarter of Section 36 of Newcomb Township and commonly known as the home at 2453**
4 **CR 600E, Dewey.**

5
6 Mr. Thorsland called Cases 707-S-12 and 725-V-12 concurrently.

7
8 Mr. Thorsland informed the audience that this is an Administrative Case and as such the County allows
9 anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show
10 of hands for those who would like to cross examine and each person will be called upon. He requested that
11 anyone called to cross examine go to the cross examination microphone to ask any questions. He said that
12 those who desire to cross examine are not required to sign the witness register but are requested to clearly
13 state their name before asking any questions. He noted that no new testimony is to be given during the cross
14 examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt
15 from cross examination.

16
17 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
18 sign the witness register for that public hearing. He reminded the audience that when they sign the
19 witness register they are signing an oath.

20
21 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.

22
23 Mr. Daniel Williams, who resides at 2453 CR 600E, Dewey, stated that for the last ten years he has been the
24 owner of Firemark Paintball and he is requesting a special use permit and variances to continue the
25 operation.

26
27 Mr. Thorsland called Mr. John Hall to testify.

28
29 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum dated September 13,
30 2012, for Case 725-V-12 and a new Supplemental Memorandum dated September 13, 2012, with an
31 attached revised Finding of Fact for Case 707-S-12 to the Board for review. He said that the memorandum
32 for Case 725-V-12 includes a letter that from the landowner to the north and the landowner objects to the
33 variance of 0 feet for the side yard. Mr. Hall stated that the landowner indicated in their letter that it would
34 be more acceptable if the side yard was 15 feet. Mr. Hall stated that it is up to the Board to determine what
35 they want to do but the petitioner has requested a 0 feet variance and the petitioner would have to agree to
36 anything other than the requested 0 feet variance.

37
38 Mr. Hall stated that regarding Case 707-S-12 the revised Summary of Evidence is attached to the new

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1 Supplemental Memorandum dated September 13, 2012. He said that Mr. Kass reviewed the minutes from
2 the previous public hearing and tried to get everything consistently answered. He said that the memorandum
3 that was included in the mailing included the Firemark Paintball Orientation sheet which is distributed to
4 everyone that plays. Mr. Hall stated that he was surprised to find that there is no mention in the orientation
5 regarding property lines and not trespassing upon adjacent property. He said that there is a lot of good
6 information in the orientation because he did not realize the things that a paintball gun can do. He said that
7 the orientation does not include a lot of the information that the Board was looking for. He said that the
8 Board will have to decide if they are very concerned about trespass or if trespass is typical in a rural setting.
9 He said that a lot of the items which were brought up at the previous hearing were not addressed with any
10 new information therefore there are still a lot of questions that are unanswered. He said that the petitioner
11 indicated that he intends to use t-posts to secure things in the floodplain but he did not indicate how he
12 would attach things to the t-posts so that they do not float off. He said that he does not know if the Board
13 believes that the arrangements for hunting season are adequate.

14

15 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

16

17 Mr. Thorsland called Daniel Williams to testify and address the Board's questions.

18

19 Mr. Thorsland stated that he is not sure if the current rope border is going to work to eliminate trespassing
20 onto adjacent property therefore it would be better if a new four foot field fence was constructed to prevent
21 clients from leaving the property. He said that a rope indicates that the client is leaving the gaming area but
22 not necessarily the property but a fence would indicate the property boundaries. He said that the field fence
23 would also assist in the some of the flood issues. He said that he understands the idea of the T-posts and
24 wire anchors to maintain the structures in their place but a fence would stop a lot of the small stuff from
25 leaving the property.

26

27 Mr. Williams asked Mr. Thorsland if he is indicating that he should construct a chain-link fence on the
28 property lines.

29

30 Mr. Thorsland stated that a woven fence would be sufficient. He said that the big issue that he recalls from
31 the last meeting is the concern about clients removing themselves from the petitioner's property while
32 playing the games and how close to the border the games are played. He said that the petitioner has
33 submitted a request for a variance for the required side yard setback and testimony has been received from
34 the adjacent neighbors indicating their objections to the side yard request. He said that he believes that it is
35 feasible for the petitioner to pull in some of the obstacles and maybe delineate the property line and then set
36 the gaming area back 15 feet with the rope. He said that there are a lot of pictures which indicate what is
37 located in the back of the property near the woods and there is an issue of knowing where the property ends
38 and the adjacent landowner's property begins in that area. He said that personally he has no issue with Mr.

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1 Williams' operation but there is an issue with clients traveling outside of the gaming area or trespassing onto
2 adjacent property not owned by Mr. Williams. He said that without appropriate fencing there could be
3 people trespassing onto Mr. Williams' property which is also a concern. He said that he realizes that the
4 fencing will be expensive but it may be a big part of the entire case.

5
6 Mr. Williams stated that it is his understanding that even with the rope no one can be between the rope and
7 the proposed fence.

8
9 Mr. Thorsland stated that the clients cannot play within that area and should be informed that the rope is the
10 end of the gaming area.

11
12 Mr. Williams stated that if someone is eliminated they normally would go to the sideline along the backside
13 but it appears that Mr. Thorsland is indicating that they cannot enter that area.

14
15 Mr. Thorsland stated that you can walk to the edge of your property and stand beside the fence post all day
16 long. He said that the objects and structures cannot be located within the 15 feet.

17
18 Mr. Williams asked if the Board is thinking a 15 or 25 feet side yard.

19
20 Mr. Kass clarified that in the CR District the side yard requirement is 15 feet and the rear yard requirement is
21 25 feet.

22
23 Mr. Thorsland stated that Mr. Williams has a lot of space on the property and he realizes that Mr. Williams
24 is trying to put in as many playing fields as possible but 25 feet is not that much and it may benefit his case
25 to be comfortable with the CR District's setback as they are indicated. He said that he does not believe that
26 it precludes people from being there but it stops people from playing an active game in that area.

27
28 Mr. Hall stated that the variance could be approved as playing would stop so many feet from the property
29 line but an eliminated player may be in that zone which is much better than someone playing right up to the
30 property line.

31
32 Mr. Williams stated that such would be more acceptable. He said that previously he understood that no one
33 could be in that area and that they must remain in a designated area.

34
35 Mr. Hall stated that the variance is only relevant to the paintball activities and has nothing to do with where
36 Dan Williams goes on the property.

37
38 Mr. Williams stated that the players are told that they are not go over a given line and that they must stay in a

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1 designated area. He said that it is not included in the orientation sheet because the players would not
2 remember it anyway therefore they are verbally informed about the designated areas on the field. He said
3 that the players are told that when they are in the last field that they must stay on a certain side of the field
4 because if they were to step to the other side they would be on the neighbors boundary line.

5
6 Mr. Thorsland stated that a fence would be helpful to prevent the opportunity of trespassing onto adjacent
7 property.

8
9 Mr. Williams asked if the side yard is 15 feet or 25 feet because the agenda indicates 25 feet.

10
11 Mr. Thorsland stated that the agenda is incorrect and shall be revised to indicate a side yard of 15 feet. He
12 said that the neighbor to the north indicated in their letter that they would be very happy with a side yard of
13 15 feet. He recommended that Mr. Williams research fence laws as well.

14
15 Mr. Courson stated that he shares Mr. Thorsland's concerns regarding fencing. He said that he would also
16 recommend signage which indicates "No access beyond this point" placed upon or beside the fence because
17 if there is no barrier they will trespass. He said that he enjoys outdoor sports and everywhere that he goes
18 has a fence with signage indicating barriers. He said that he is also concerned with hunting season in the CR
19 District. He said that if games are not restricted during hunting season then perhaps waivers should be
20 required informing the players that there are people in the woods near the playing fields with shotguns and
21 there is a potential that they could be injured. He said that the players should be protected somehow.

22
23 Mr. Thorsland stated that there is a new "Purple Paint Law" in Illinois therefore he would recommend that
24 Mr. Williams paint as many trees on the perimeter as possible indicating that no hunting is allowed on the
25 subject property. He said that perhaps some sort accommodations could be worked out with the neighbors
26 regarding the operation of the paintball business during the firearm hunting season. He said that hunting
27 season does not consist of a lot of time but there are a lot of people who live all year to experience the
28 hunting season. He said that he is not concerned about bow hunting season but he is concerned about
29 firearm hunting season. He said that perhaps the hours of operation could be adjusted or limited during the
30 hunting season weekends.

31
32 Mr. Williams asked if there was a timeframe as to when hunting was allowed.

33
34 Mr. Thorsland stated that hunters can sit in the woods and hunt all day during the hunting season but not at
35 night. He said that perhaps Mr. Williams can arrange the playing times during the middle of the day during
36 shotgun season because the prime time is morning and evening. He said that the hunters are not suppose to
37 be hunting on Mr. Williams property therefore the fence, signage and purple paint will deter that practice.
38 He asked Mr. Courson if he was proposing a condition regarding hunting.

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Mr. Courson stated no. He said that people should be made aware and the ZBA's job is to protect the public although the Board has no control over the public's choices.

Mr. Thorsland stated that he would still like to see a fence required which will define the perimeter of the property. He said that the expense of the fence will probably save Mr. Williams a world of expense later. He asked Mr. Williams to explain the T-post option for maintaining objects in their current location.

Mr. Williams stated that he has extra paintball netting that he is making it into obstacles by attaching it to T-posts and "pace" pipe. He said that the netting allows water to flow through it. He said that if he cannot tie the barrels to a tree then they will be removed from the playing field.

Mr. Thorsland stated that Mr. Williams is minimizing things that move and float by making the virtual barriers.

Mr. Williams stated yes.

Mr. Thorsland asked the Board if there were any questions for Mr. Williams and there were none.

Mr. Thorsland asked if staff had any questions for Mr. Williams and there were none.

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

Mr. Thorsland called Mr. Earl Williams.

Mr. Earl Williams stated that he had no comments at this time.

Mr. Thorsland called Tim Woodard to testify.

Mr. Tim Woodard, who resides at 2490 CR 550E, Dewey, stated that he has had previous issues with trespassing and the suggestion of a field fence with signage would be a helpful solution to those issues. He said that the field fence would assist with the debris which normally floats on to his property and the petitioner has indicated that he is trying to reduce the amount of debris that can float about. He encouraged the petitioner to eliminate the usage of barrels and wooden spools and if they are going to exist he would suggest that they be connected to a post with chains to secure them in place.

Mr. Woodard stated that he has previously indicated that he is concerned about the operation of the paintball gaming occurring during hunting season. He said that placing the purple paint around the property will help

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1 with his concern although even if hunters are on adjacent properties their bullets do not pay attention to
2 property lines or color. He said that if there are patrons participating on the subject property he would
3 suggest that they are required to wear orange during shotgun season so that the hunters on adjacent properties
4 can see them. He said that perhaps a restriction of hours for gaming times or restricting the days that the
5 operation is open could be utilized for the public's safety. He said that outside of what he has mentioned
6 tonight all other concerns have been addressed by the petitioner.

7
8 Mr. Thorsland asked the Board if there were any questions for Mr. Woodard.

9
10 Mr. Thorsland asked Mr. Woodard if he allows a lot of people to hunt on his property and if so does he
11 inform them that there maybe people out there who are not well versed about the ways of the woods.

12
13 Mr. Woodard stated that typically he will have five or six family members hunt in the woods. He said that
14 he is the person who sits in the deer stand located on the southeast corner of his property because that is the
15 best way to control the concern related to the adjacent paintball operation. He said that there is a property
16 between his property and the subject property upon which he has no control over.

17
18 Mr. Thorsland suggested that the petitioner speaks to everyone that owns property around the subject
19 property. Mr. Thorsland stated that he does not expect the people who reside next to his property to duck
20 because he is in hot pursuit of a deer. He said that he does not believe that it would be entirely reasonable
21 for Mr. Williams to shut his business completely down because someone could shoot from an adjacent
22 property but it is wise that Mr. Williams be fully aware of the possibility. Mr. Thorsland stated that he does
23 not wear hunter's orange when he feeds his livestock just because his neighbor is hunting on his own
24 property but Mr. Thorsland does put it on when he goes out to hunt near his property's border. He said that
25 there is a point where we do not want to chase the petitioner back into his own house but there is also a point
26 where someone could be hunting on adjacent land and be clueless that there is a paintball operation on the
27 adjacent property. He said that accidents happen during every hunting season and purposely placing people
28 in the woods at dusk playing paintball in black clothing is a terrible idea but he does not want to restrict the
29 petitioner completely to a point where he would have to shut down during those two weekends. He said that
30 it would be advisable for Mr. Williams to speak to his neighbors and become educated about the hunting
31 season and the times so that he knows when hunters will be present in the adjacent woods. He said that any
32 responsible hunter knows not to point his weapon at the neighbor's property within so many yards because
33 bullets do not recognize color and the field fence will not stop a bullet.

34
35 Mr. Woodard stated that if he is out and about in his woods it is with a small group of people but during
36 hunting season there could be a lot of people in the woods which exacerbates the concern.

37
38 Mr. Thorsland stated that he and his neighbors could probably work most of these concerns out without

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1 having the burden of the County having to proceed with enforcement during hunting season but he does not
2 want to see anyone get injured either. He said that the subject property is located in a wooded area and
3 regardless of the requested use there will always be an argument regarding who is shooting what where.
4

5 Mr. Hall asked the Board if they are comfortable with 100 people entering the woods during deer hunting
6 season without requiring that they wear blaze orange.
7

8 Mr. Thorsland stated no. He said that limited hours, less noise, educating the patrons may be helpful and it
9 may be feasible that the employees of Firemark Paintball wear the blaze orange while they walk the dead
10 zone to make the hunters aware of their presence. He said that it would only take one or two people in blaze
11 orange to take care of a couple of hundred feet of property.
12

13 Mr. Woodard agreed.
14

15 Mr. Thorsland stated that Mr. Williams could purchase blaze orange hats and vests for his patrons, and
16 perhaps he will, but it should not be a condition that he is required to do so. He said that he could see the
17 Board require that the employees wear blaze orange to alert the presence of people on the subject property
18 and it is possible that the referees, wearing blaze orange, could manage the game and the required space
19 between the playing field and the property border. He said that generally a paintball game is not very quiet
20 therefore the hunters will know that the players are present and so will the deer.
21

22 Mr. Thorsland asked the Board if there were any questions for Mr. Woodard and there were none.
23

24 Mr. Thorsland asked if staff had any questions for Mr. Woodard and there were none.
25

26 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Woodard and there was no one.
27

28 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time and there was no
29 one.
30

31 Mr. Thorsland closed the witness register at this time.
32

33 Mr. Thorsland stated that the Board will review Case 707-S-12 at this time. He said that page 22 of 29 of
34 the revised Draft Summary of Evidence attached to the September 13, 2012, Supplemental Memorandum,
35 includes the proposed special conditions. He read proposed Special Condition A. as follows:
36

- 37 **A. Regarding State of Illinois accessibility requirements:**
38 **(1) An accessible portable toilet shall be provided;**

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1 (2) **The Zoning Administrator shall not authorize a Zoning Compliance Certificate**
2 **authorizing operation of the proposed Special Use Permit until the Zoning**
3 **Administrator has verified that the Petitioner has provided a paved accessible**
4 **parking space with appropriate markings for use by handicapped patrons.**

5 The special conditions stated above are required to ensure the following:

6 **That the proposed Special Use meets applicable state requirements for**
7 **accessibility.**

8
9 Mr. Thorsland asked Mr. Williams if he agreed to proposed Special Condition A.

10
11 Mr. Williams stated that he agrees to proposed Special Condition A(1) but he is not sure about A(2). He
12 said that the requirement in A(2) is not something that he recalls Mr. Gamble requiring.

13
14 Mr. Thorsland asked if there was any documentation regarding Mr. Gamble's determination.

15
16 Mr. Williams stated that there was an e-mail from Mr. Gamble submitted to staff.

17
18 Mr. Thorsland stated that Mr. Gamble's e-mail indicated the following: when the parking area is altered
19 (new rock, etc) pave one accessible space with a paved accessible route to the beginning of the paint ball
20 area. The ADA indicates that you should provide a person with a disability the opportunity to experience
21 paintball, even if it is a very limited area. Provide this when you are doing the other updates to your parking
22 lot.

23
24 Mr. Hall stated that this is area where Mr. Gamble has given the Board flexibility. He said that adding a new
25 accessible parking could be the altering or improving the existing arrangement of the parking could require
26 the accessible space. He asked Mr. Williams if he had any intention of graveling the parking area.

27
28 Mr. Williams stated no. He said that he informed Mr. Gamble that the parking area was going to remain as it
29 currently exists and he indicated that such was perfectly fine. Mr. Williams said that it dealt with something
30 before 2010 and that he had just made it under the wire or something and that there were no changes.

31
32 Mr. Hall asked Mr. Williams if he informed Mr. Gamble that he had been in operation for ten years.

33
34 Mr. Williams stated yes. He said that he has never had any handicap people request to play but he has had
35 people with a broken leg or broken arm play with their cast on. He said that he knew that the person with the
36 broken leg or arm was coming to participate therefore he made accommodations for them and allowed them
37 to pull up to the playing area for drop-off.

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1 Mr. Thorsland stated that Mr. Gamble's e-mail indicates that if no changes are made to the parking area then
2 Mr. Williams is not obligated but the minute he does make any changes he must make a handicap spot and a
3 proposed route to the paintball playing field.

4
5 Mr. Williams stated that he understood.

6
7 Mr. Hall stated that proposed Special Condition A(2) needs to be revised and perhaps refer to Mr. Gamble's
8 e-mail.

9
10 Mr. Thorsland read proposed Special Condition B. as follows:

11 **B. All obstacles used in the play of paintball shall be removed from the property if the**
12 **business ceases operations for longer than 180 consecutive days unless the business is**
13 **being actively marketed for sale.**

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

15 **That the subject property is properly maintained and does not become a nuisance.**

16
17 Mr. Thorsland asked Mr. Williams if he agreed to proposed Special Condition B.

18
19 Mr. Williams stated yes.

20
21 Mr. Thorsland read proposed Special Condition C. as follows:

22
23 **C. Enclosed gaming structures intended to be temporarily occupied by players shall not be**
24 **larger than 150 square feet in area.**

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

26 **That existing and future structures are small enough in size where life safety**
27 **consideration are not a concern or necessary.**

28
29 Mr. Thorsland asked Mr. Williams if he agreed to proposed Special Condition C.

30
31 Mr. Williams asked if the special condition includes the mobile home.

32
33 Mr. Hall asked Mr. Williams if the mobile home is intended to be utilized as a gaming structure.

34
35 Mr. Williams stated yes.

36
37 Mr. Hall stated that the Board could determine that since this was originally constructed as a home that
38 making it into a gaming structure is not the same thing as cobbling up a new gaming structure the size of the

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1 mobile home.

2

3 Ms. Capel asked, if life safety considerations means if the mobile home falls upon someone.

4

5 Mr. Hall stated yes, or a player becoming trapped in the mobile home while it is on fire. He said that the life
6 considerations are more so with the mobile home than with barrels and wooden spoons.

7

8 Mr. Williams stated that originally the mobile home was to be utilized as a home but that did not work out
9 therefore he is going to take out the windows and doors and install a floor and move it into playing field #1
10 as a centerpiece for players to go inside or around it. He said that there are many customers who would
11 appreciate this obstacle to be an option on their playing field.

12

13 Mr. Hall asked Mr. Williams if the mobile home is located in playing field #1.

14

15 Mr. Williams stated that it is not there yet but the plan is to place it there.

16

17 Mr. Hall stated that if the mobile home is placed in playing field #1 then it will no longer be located in the
18 floodplain.

19

20 Mr. Williams stated yes.

21

22 Mr. Hall stated that the Board could exempt the mobile home from Special Condition C. unless the Board
23 feels that the issue remains the same.

24

25 Mr. Thorsland stated that by nature the mobile home has two very large doors.

26

27 Mr. Williams stated that the windows will be removed.

28

29 Mr. Thorsland stated that the mobile home should be exempted from the proposed condition. He asked Mr.
30 Williams if all of the other structures are under 150 square feet.

31

32 Mr. Williams stated yes.

33

34 Mr. Thorsland asked Mr. Williams if the mobile home is still on wheels.

35

36 Mr. Williams stated that the mobile home will remain on the wheels but a frame will be constructed around
37 the mobile home to prevent players from going underneath the mobile home.

38

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1 Mr. Hall stated that the approved site plan would ideally show that mobile home in playing field #1 although
2 currently the submitted plan does not. He said that proposed special condition C. could be revised as
3 follows: Enclosed gaming structures intended to be temporarily occupied by players shall not be larger than
4 150 square feet in area except that the mobile home may be modified for use as a gaming structure in playing
5 field #1, as depicted on the approved site plan.
6

7 Mr. Thorsland stated that the Board will not get through this entire case tonight and it would not take a lot of
8 work for Mr. Williams to revise the site plan indicating the location of the mobile home in playing field #1.
9 He said that his worry is two-fold in exempting the mobile home and assuring that it does not wind up
10 anywhere within the setback.
11

12 Mr. Thorsland asked Mr. Williams if he agreed to proposed Special Condition C. as amended.
13

14 Mr. Williams stated that he agreed to proposed Special Condition C. as amended.
15

16 Mr. Thorsland read proposed Special Condition D. as follows:
17

18 **D. Regarding structures and obstacles in the floodplain:**

- 19 (1) **Structures and obstacles used in the play of paintball shall be secured to the**
20 **ground with a T-post with wire or chain.**
21 (2) **Storage of obstacles and structures not being used in the play of paintball shall**
22 **not occur within the floodplain.**

23 The special conditions stated above are required to ensure the following:

24 **That effects on neighboring properties are mitigated and that storage does not occur**
25 **within the mapped floodplain.**
26

27 Mr. Thorsland asked Mr. Williams if he agreed to proposed Special Condition D.
28

29 Mr. Williams stated that he agreed with proposed Special Condition D.
30

31 Mr. Thorsland read proposed Special Condition E. as follows:
32

33 **E. The petitioner and any future owner of Firemark Paintball shall have in place and**
34 **maintain a rope to delineate the exterior boundaries of the play fields at all times.**

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

36 **To prevent trespass of Firemark Paintball patrons onto neighboring properties.**
37

38 Mr. Hall stated that this condition requires revision. He said that the approved site plan needs to call out the

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1 fence and the rope.

2

3 Mr. Thorsland stated that the rope will indicate where the playing field ends the fence will indicate where the
4 property ends.

5

6 Mr. Thorsland read proposed Special Condition F. as follows:

7

8 **F. This Special Use Permit shall be void if the business has ceased operations for 12**
9 **consecutive months without the business being actively marketed for sale.**

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

11 **That the subject property is properly maintained and does not become a nuisance.**

12

13 Mr. Thorsland asked Mr. Williams if he agreed to proposed Special Condition F.

14

15 Mr. Williams stated that he agreed to proposed Special Condition F.

16

17 Mr. Hall stated that the Board has requested a special condition regarding hunting.

18

19 Mr. Thorsland stated that he had mentioned the idea that one or two of the referees in active fields wears
20 blaze orange while in the boundary area so that they are very visible.

21

22 Mr. Williams stated that he has no issue with Mr. Thorsland's suggestion.

23

24 Mr. Thorsland asked Mr. Hall if he would have time to construct a proposed condition and discuss it with
25 the petitioner prior to the next meeting.

26

27 Mr. Hall stated yes.

28

29 Mr. Thorsland stated that proposed special conditions A(2), E, and G.

30

31 Mr. Thorsland asked Mr. Williams if he had ever had anyone wander off his property or wander onto his
32 property.

33

34 Mr. Williams stated that he has had people wander off of the property but no one wandering onto the
35 property.

36

37 Mr. Thorsland recommended that Mr. Williams read up on the Purple Paint Law and investigate his fencing
38 options. He suggested that Mr. Williams continue working on anchoring and modifying his structures so

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1 that they remain on his property.

2
3 Mr. Williams stated that he is working on that now.

4
5 Mr. Thorsland entertained a motion to continue Cases 707-S-12 and 725-V-12 to the December 13, 2012,
6 meeting.

7
8 **Mr. Courson moved, seconded by Ms. Capel to continue Cases 707-S-12 and 725-V-12 to the**
9 **December 13, 2012, meeting. The motion carried by voice vote.**

10
11 **7. Continued Text Amendment Cases**

12
13 **Case 710-AT-12 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**
14 **Ordinance by amending the Champaign County Land Evaluation and Site Assessment (LESA)**
15 **System that is referred to in Section 3; and Footnote 13 in Section 5.3; and subsection 5.4 as follows:**
16 **Part A. Revise the Land Evaluation (LE) part as follows: 1. Revise all soil information to match the**
17 **corresponding information in the *Soil Survey of Champaign County, Illinois* 2003 edition. 2. Revise all**
18 **existing soil productivity information and replace with information from *Bulletin 811 Optimum Crop***
19 ***Productivity Rating for Illinois Soils* published August 2000 by the University of Illinois College of**
20 **Agricultural, Consumer and Environmental Sciences Office of Research. 3. Delete the 9 existing**
21 **Agriculture Value Groups and existing Relative Values ranging from 100 to 0 and add 18 Agriculture**
22 **Value Groups with Relative LE ranging from 100 to 0. Part B. Revise the Site Assessment (SA) part**
23 **as follows: 1. Add definitions for “agriculture”; “agricultural production”; “animal units”; “best**
24 **prime farmland”; “farm dwelling”; “livestock management facility”; “non-farm dwelling”; “principal**
25 **use”; and “subject site”.; and 2. Delete SA Factors A.2.; A.3.; B.2.; B.3.; C.2.; D.2.; E.1.; E.2.; E.3.;**
26 **E.4.; F.1.; F.2.; F.3.; F.4.; and F.5.; and 3. Revise SA Factor A.1. to be new Factor 8; Factor B.1. to be**
27 **new Factor 7; Factor C.1. to be new Factor 5; Factor D.1. to be new Factor 1; and revise scoring**
28 **guidance for each revised Factor, as described in the legal advertisement; and 4. Add new SA Factors**
29 **2a.; 2b.; 2c.; 3.; 4.; 6.; 9.; 10.; and scoring guidance for each new Factor, as described in the legal**
30 **advertisement. Part C. Revise the Rating for Protection as described in the legal advertisement. Part**
31 **D. Revise the general text and reformat.**

32
33 **Case 711-AT-12 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**
34 **Ordinance as follows: Part A. In Section 3, revise the definition of “best prime farmland” as follows:**
35 **a) delete “Relative Value of 85” and “Land Evaluation rating of 85” and replace with “average Land**
36 **Evaluation rating of 91 or higher”; and b) add “prime farmland soils and under optimum**
37 **management have 91% to 100% of the highest soil productivities in Champaign County, on average,**
38 **as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*”; and c) add “soils**

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1 **identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County Land Evaluation**
2 **and Site Assessment (LESA) System”;** and d) add **“Any development site that includes a significant**
3 **amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3**
4 **and/or 4 soils:. Part B. Revise Footnote 13 of Section 5.3 to strike references to “has a Land Score**
5 **greater than or equal to 85 on the County’s Land Evaluation and Site Assessment System” and**
6 **replace with “is made up of soils that are BEST PRIME FARMLAND” Part C. Revise paragraph**
7 **5.4.4 to strike references to “has a Land Evaluation score greater than or equal to 85 on the County’s**
8 **Land Evaluation and Site Assessment System” and replace with “is made up of soils that are BEST**
9 **PRIME FARMLAND.”**

10
11 Mr. John Hall, Zoning Administrator, stated that the Supplemental Memorandum dated September 6, 2012,
12 includes two documents which were submitted at the last public hearing for Case 710-AT-12. He said that
13 the two documents are the Champaign County Local Foods Policy Council Resolution 2012-1 and the LESA
14 Score Suggestions submitted by Eric Thorsland. Mr. Hall stated that after reviewing the documents and
15 thinking about how much time this Board has spent discussing this topic it seemed staff needed to make a
16 sincere attempt to incorporate local foods into the Draft LESA. He said that the memorandum indicates five
17 good reasons why it would be difficult to do anything at this point but it does say that Site Assessment
18 Factors 4, 8 and 10 would be relatively easy to modify to take into account not just the principal use of
19 agriculture on adjacent properties or within one mile but also principal use of agriculture that produces local
20 foods. He said that you can’t put many points into local foods as part of the LESA assessment without
21 taking away protection for prime farmland in general.

22
23 Mr. Hall stated that the memorandum proposes a total of ten points and that ten points came from Site
24 Assessment Factor #1, What size is the subject site, and reduces it to five points and takes five points away
25 from Site Assessment #5, Distance from the subject site to the nearest city or village limits. He said that this
26 reduction is a total of ten points out of 200 Site Assessment points and that will reduce the overall
27 assessment totals for any prime farmland tract but it is only 5%. He said that Site Assessment #4, Amount of
28 the perimeter of the subject site that is adjacent to parcels with a principal use of agriculture, would have a
29 new consideration as follows: c) if there are adjacent parcels with a principal use of agriculture that produce
30 any local foods, add the following bonus points based on the amount of the perimeter of the subject site that
31 is bordered by local foods production: (1) 10% or less of the perimeter (but more than zero), add 2 points;
32 and (2) More than 10% of the perimeter, add 4 points. He said that Site Assessment #8, Percentage of area
33 within one mile of a subject site which consists of parcels with a principal use of agriculture would have new
34 a new consideration as follows: c) if the amount of the area within one mile of the subject site which consists
35 of parcels with a principal use of agriculture that are producing any local foods is as follows add the
36 following bonus points: (1) 1% or less of the area (but more than zero), add 2 points; and (2) more than 1%
37 of the area, add 4 points. He said that new item (d) should be added to Site Assessment #10, If there are any
38 livestock management facilities within one mile of the subject site that produce livestock that are marketed

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1 as local food, add the following bonus points based on the distance of that local food production from the
2 subject site: (1) .25 mile or less from the subject site, add 2 points; and (2) more than .25 mile but no more
3 than one mile, add one point. He said that there may be a 400 animal unit facility within a certain distance,
4 which gives a certain amount of points, but if there is also local foods there were also be an addition. He
5 said that even if a property received the most on these three factors it will only be ten points and generally
6 will not make a difference and the one problem that exists is that there is no definition for “local foods.”

7
8 Ms. Capel stated that no one has a definition for “local foods.”

9
10 Mr. Hall stated that a definition is needed for “local foods” but unfortunately not even the Local Foods
11 Policy Council has formally adopted a definition. He said that he floated the definition in item #1 on page 2
12 of the memorandum as follows: “local foods” shall be considered as “agricultural products that are locally
13 grown at a scale greater than a home garden, locally processed as needed, and marketed directly to the
14 consumer as food at local markets or by other formal marketing means.

15
16 Mr. Thorsland stated that the State of Illinois does not allow someone to process anything bigger than
17 chickens on your property or a local food producing property but that does not mean that the food is not sold
18 locally.

19
20 Mr. Hall stated that the other problem is that in the assessment in identifying these things it would be easier
21 if we had a list of local foods producers.

22
23 Ms. Capel stated that she likes the idea of having a separate factor rather than writing it into LESA. She said
24 that the LESA is one of the factors that are considered when the Board is approached in regards to changing
25 the zoning of a property. She said that if there was a local foods evaluation sheet or some way to do a local
26 foods analysis on an area where the site is located would carry a lot more weight than including it in the
27 LESA. She said that this is one of the issues that the Local Foods Policy Council can work with the County
28 Board on and municipalities.

29
30 Mr. Thorsland asked Ms. Capel if the Local Foods Policy Council was aware of the special meeting which
31 will be held on September 19th.

32
33 Ms. Capel stated that she did not know if they were aware of the special meeting.

34
35 Mr. Thorsland stated that he likes Mr. Hall’s approach better than his suggestions because it rolls parallel
36 with the livestock issue around the parcel. He said that he also likes Ms. Capel’s idea but he is not sure how
37 it would be done.

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1 Ms. Capel stated that the issue of local foods is going to take a lot more time if it is going to be incorporated
2 into the LESA therefore perhaps it could be considered in the future when the LESA is reconsidered.

3
4 Mr. Thorsland stated that staff supplied all of the minutes from the LESA meetings therefore it would be
5 helpful if the Board would review those minutes prior to the next meeting.

6
7 Mr. Thorsland called Kevin Donoho to testify.

8
9 Mr. Kevin Donoho, District Conservationist with the Champaign County USDA-NRCS, stated that he is
10 available to answer any questions that the Board or staff may have regarding the proposed LESA. He said
11 that he appreciates the discussion that the Board has already had this morning and it appears that this Board
12 is going in the same circles that the LESA Committee did during their review.

13
14 Mr. Thorsland informed Mr. Donoho that a special meeting is being held on September 19th for review of the
15 LESA and hopefully its completion.

16
17 Mr. Thorsland asked the Board if there were any questions for Mr. Donoho and there were none.

18
19 Mr. Thorsland asked if staff had any questions for Mr. Donoho and there were none.

20
21 Mr. Thorsland asked the audience if anyone else desired to sign the witness register to present testimony
22 regarding Cases 710-AT-12 and 711-AT-12 and there was no one.

23
24 Mr. Thorsland requested that all Board members be in attendance at the September 19th meeting.

25
26 **8. Staff Report**

27
28 None

29
30 **9. Other Business**

31 **A. Review of docket**

32
33 Mr. Hall stated that the Lyle Shields Meeting Room is not available for the entire month of November
34 therefore other arrangements are being made for the County Board. He asked the Board if they would prefer
35 to cancel the November 15th meeting and reschedule all of the cases accordingly.

36
37 Mr. Thorsland entertained a motion to cancel the November 15th meeting.

38

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1 **Ms. Capel moved, seconded by Mr. Palmgren to cancel the November 15, 2012, meeting. The motion**
2 **carried by voice vote.**

3
4 Mr. Thorsland entertained a motion to continue Cases 687-AM-11 and 688-S-11, Dr. Philip Jones, to the
5 December 13, 2012, meeting.

6
7 Mr. Hall asked Mr. Kass if Case 731-S-12, Warner Brothers, will be ready to be heard on December 13th.

8
9 Mr. Kass stated that he placed Case 731-S-12 on the December 13th meeting as a tentative date.

10
11 **Mr. Courson moved, seconded by Mr. Palmgren to continue Cases 687-AM-11 and 688-S-11, Dr.**
12 **Philip Jones, to the December 13, 2012, meeting. The motion carried by voice vote.**

13
14
15 **B. August 2012 Monthly Report**

16
17 Mr. Hall stated that 26 cases have been filed this year in comparison to 16 in 2011 and 17 cases have been
18 completed in comparison to 12 last year.

19
20 **C. September 19, 2012, Special meeting**

21
22 Mr. Thorsland reminded the Board of the special meeting which will be held on September 19th at 7:00 p.m.
23 and requested full attendance by the Board.

24
25 **10. Audience Participation with respect to matters other than cases pending before the Board**

26
27 None

28
29 **11. Adjournment**

30
31 Mr. Thorsland entertained a motion to adjourn the public hearing.

32
33 **Mr. Courson moved, seconded by Mr. Palmgren to adjourn the September 13, 2012, meeting. The**
34 **motion carried by voice vote.**

35
36
37
38 Respectfully submitted

ZBA

AS APPROVED DECEMBER 13, 2012

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Secretary of Zoning Board of Appeals

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