

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street

Urbana, IL 61802

DATE: April 16, 2015

PLACE: Lyle Shield's Meeting Room

1776 East Washington Street

Urbana, IL 61802

TIME: 7:00 p.m.

MEMBERS PRESENT: Catherine Capel, Debra Griest, Marilyn Lee, Brad Passalacqua, Jim Randol

MEMBERS ABSENT : Eric Thorsland

STAFF PRESENT : Lori Busboom, John Hall, Susan Chavarria

OTHERS PRESENT : Laura Schwenker, Jo Menacher, Joyce Hudson, Tom Drysdale, Ron Hudson, Cecil Hudson, Pam Cross, Steve Moser, Fuad Handal, Joe Sebright, Dahye Kim, Jim Simmons, William Goldshlag, Joulia Berarskia, Dominique Ely, Nicholas York, Jill Rackow, Janet Miller, Carla Andresen, Jim Hudson, Rick Mathis, Lawrence Johnson, Steve Burdin, Gordon Tracey, Cheryl Tracey, Colleen Madera, Tim Donohue, Joe Patton, Rob McCartney, Ruth Christians, Ralph Miller, Bonnie Hudson, Lois Calcagno, Deb Feinen, Janet Miller, Kelly Jo Lamb

1. Call to Order

Mr. Hall stated that due to the absence of ZBA Chair, Eric Thorsland, the Board is required to appoint an Acting Chair for tonight's meeting.

Mr. Passalacqua moved, seconded by Mr. Randol to appoint Catherine Capel as the Acting Chair for the April 16, 2015, public hearing. The motion carried by voice vote.

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 one member absent and one vacant seat.

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

3. Correspondence

1  
2 None

3  
4 **4. Approval of Minutes**

5  
6 None

7  
8 **5. Continued Public Hearing**

9  
10 **Case 793-S-14 Petitioner: Lawrence Johnson and Fuad Handal Request: 1) Authorize a kennel as a**  
11 **Special Use on 1.8 acres located in the AG-1, Agriculture Zoning District; and 2) Authorize the**  
12 **following waivers to the standard conditions of the Kennel Special Use as per Section 6.1.3 of the**  
13 **Zoning Ordinance: a. Any outdoor animal exercise and/or training area shall be 200 feet from any**  
14 **adjacent residential structure and/or use and shall have a noise buffer of evergreen shrubs or trees a**  
15 **minimum of four feet in height installed separating the exercise and/or training area from any**  
16 **adjacent residential structure and/or use. Measurements shall be made from the lot line of an**  
17 **adjacent residential structure and/or use; and b. Maintain a side yard setback and a rear yard setback**  
18 **of 200 feet. Location: A 1.8 acre tract in the Southeast Quarter of the Southeast Quarter of Section 5,**  
19 **Township 19N, Range 8E. in Champaign Township with an address of 1211 North Staley Road,**  
20 **Champaign.**

21  
22 Ms. Capel informed the audience that anyone who has entered the meeting late should sign the attendance  
23 sheet which is located at the entrance and if they would like to present testimony for any of the cases on the  
24 agenda they will need to sign the witness register for that case. She reminded the audience that when they  
25 sign the witness register they are signing an oath. She asked the audience if anyone desired to sign the  
26 witness register at this time.

27  
28 Ms. Capel informed the audience that this is an Administrative Case and as such the County allows anyone  
29 the opportunity to cross examine any witness. She said that at the proper time she will ask for a show of  
30 hands for those who would like to cross examine and each person will be called upon. She requested that  
31 anyone called to cross examine go to the cross examination microphone to ask any questions. She said that  
32 those who desire to cross examine are not required to sign the witness register but are requested to clearly  
33 state their name before asking any questions. She noted that no new testimony is to be given during the  
34 cross examination. She said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are  
35 exempt from cross examination.

36  
37 Ms. Capel asked the petitioners if they would like to make a brief statement regarding their request.

38  
39 Mr. Fuad Handal, who resides at 1807 Ridge Park Road, Urbana, stated that he is the owner of the subject

1 property known as 1211 S. Staley Road, Champaign. He said that when Mr. Johnson came to him he  
2 indicated that he wanted to start a doggie daycare and as Mr. Johnson spoke about his passion Mr. Handal  
3 could see Mr. Johnson's potential and his love for the animals. Mr. Handal said that in the beginning he was  
4 not interested in being part of Mr. Johnson's dream but after speaking to Mr. Johnson a few times he could  
5 see Mr. Johnson's love and passion and discovered that Mr. Johnson had put a lot of his personal life and his  
6 life savings on the line to fulfill his dream. Mr. Handal said that he decided that he would help Mr. Johnson  
7 with his passion and allow Mr. Johnson to operate his doggie daycare on the subject property.  
8

9 Mr. Handal stated that Mr. Johnson's doggie daycare will be a local small business that the community  
10 should be supportive of and not against. He said that he believes that the business will be operated properly  
11 because he has seen the level of Mr. Johnson's work. Mr. Handal said that after Mr. Johnson got started  
12 with his business Mr. Handal was informed that there were some issues which needed to be addressed. Mr.  
13 Handal stated that he was not aware that he and Mr. Johnson were required to obtain a Special Use Permit to  
14 operate the business on the property. He said that he and Mr. Johnson are willing to do whatever the County  
15 requires to make things right for everyone.  
16

17 Mr. Handal stated that he spoke with Ms. Chavarria to find out if he needed to do anything as a landlord to  
18 make sure that everything proceeds correctly. He said that he and Mr. Johnson are 100% willing to do  
19 whatever is required to get this business in operation and make it right with everyone.  
20

21 Ms. Capel asked the audience if anyone desired to cross examine Mr. Handal.  
22

23 Ms. Capel informed the audience that during cross examination they may only ask Mr. Handal questions  
24 about his testimony and no new testimony can be given at this time.  
25

26 Mr. Ralph Miller, who resides at 1311 W. Ridge Lane, Champaign, asked Mr. Handal if he is the owner of  
27 the property.  
28

29 Mr. Handal stated yes.  
30

31 Mr. Miller stated that he has been fighting for some time about trash that has been burned on the property  
32 and they finally got it stopped.  
33

34 Ms. Capel informed Mr. Miller that Mr. Handal did not present testimony regarding trash being burned on  
35 the property.  
36

37 Ms. Griest informed Mr. Miller that if he would like to present testimony regarding the subject property then  
38 he can sign the witness register and present that testimony at the appropriate time but now is not that time.  
39 She said that it is a legal requirement that during cross examination the witness cannot be asked questions

1 about something that the witness did not testify about.

2

3 Ms. Capel thanked Ms. Griest for her assistance.

4

5 Mr. Jim Simmons, who resides at 1316 West Ridge Lane, Champaign, asked Ms. Capel if he could cross  
6 examine Mr. Handal about the information indicated on the Special Use Permit Application.

7

8 Ms. Capel stated that during cross examination Mr. Simmons can only ask Mr. Handal questions about his  
9 previous testimony. She said that if Mr. Simmons would like to present testimony regarding this case he is  
10 welcome to sign the witness register and his testimony will become part of the record as testimony.

11

12 Mr. Simmons stated that he would love to sign the witness register but at this time may he ask Mr. Handal  
13 questions regarding the particulars of his Special Use Permit Application.

14

15 Ms. Capel stated no. She said that if Mr. Handal had testified about his application then questions would be  
16 allowed but Mr. Handal did not testify about his application.

17

18 Mr. Simmons asked Ms. Capel if he is allowed to ask Mr. Handal how many animals are proposed at the  
19 kennel.

20

21 Ms. Capel stated no.

22

23 Mr. Simmons asked if he is allowed to ask Mr. Handal about any arrangement for traffic ingress and egress.

24

25 Ms. Capel stated no.

26

27 Mr. Simmons stated that he has no questions for Mr. Handal at this time.

28

29 Mr. Tim Donohoe, who resides at 4105 Rayburn Ct, Champaign, stated that Mr. Handal indicated during his  
30 testimony that he would be willing to do anything to make this right. He asked Mr. Handal if he would be  
31 willing to move the outdoor playpen back at least 100 feet and place a sound barrier around that area.

32

33 Mr. Handal stated that he would be willing to do that but he will need to rearrange the plan to do so. He said  
34 that the outdoor playpen is only for his use for his personal dogs but if it will make everyone happy he will  
35 move the playpen back.

36

37 Ms. Capel asked the audience if anyone else desired to cross examine Mr. Handal.

38

39 Mr. Jeff Turner, who resides at 4102 Rayburn Court, Champaign, asked Mr. Handal to state the address of

1 the subject property.

2

3 Mr. Handal stated that the address of the property is 1211 North Staley Road.

4

5 Mr. John Hall, Zoning Administrator, asked Mr. Handal if his personal dogs are part of the total number of  
6 15 dogs that this kennel is being proposed for.

7

8 Mr. Handal stated yes.

9

10 Ms. Capel asked the Board if there were any questions for Mr. Handal and there were none.

11

12 Ms. Capel asked Mr. Johnson if he would to present testimony at this time.

13

14 Mr. Johnson declined to present testimony at this time.

15

16 Ms. Capel informed the audience that before witness testimony begins she requested that no redundant  
17 testimony be presented. She said that if the witness agrees with previous testimony by a previous witness  
18 then indicate your agreement and only present new testimony. She said there are a lot of signatures on the  
19 witness register and in the interest of running the meeting at a reasonable rate she would appreciate no  
20 redundancy.

21

22 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum #4 dated April 16,  
23 2015, for the Board's review. He said that in addition to the new memorandum an email correspondence  
24 which was received late today from Mario Megia was distributed to the Board for review. He said that the  
25 new memorandum discusses the fact that staff was finally able to verify that the large fenced exercise area  
26 extended over the property line. He said that Mr. Handal testified that he is willing to relocate the exercise  
27 area. Mr. Hall said that staff updated all of the case maps to reflect the correct property line as the property  
28 was wider than what was recorded in the GIS system. He said that the last sheet of the new memorandum is  
29 entitled, "Public Comment Against Proposed Kennel," which indicates a 250 feet radius around the subject  
30 property. He said that the radius is where staff sent notices to landowners and it also shows in yellow those  
31 properties which are within the 200 feet separation that is supposed to be provided. He said that the 200 feet  
32 separation is not provided with the play area in its current location. He said that staff has been talking with  
33 Mr. Handal and Mr. Johnson about moving the play area west of the house and the garage that is  
34 immediately behind it meeting the 200 feet separation. He said that the buildings would provide some of the  
35 visual barrier that neighbors have been requesting. Mr. Hall said that the buildings will do much more in  
36 regards to attenuating noise than the vegetation does even though the Ordinance requires a so called noise  
37 barrier of vegetation but vegetation does little or nothing about noise. He said that positioning the largest  
38 play area west of the buildings will help with noise and the Board should make it clear tonight if possible  
39 what type of visual barrier is recommended for the rest of the play area so that when the revised site plan is

1 submitted that the new site plan can contain everything that the Board would like to see. He noted that the  
 2 document, "Public Comment Against Proposed Kennel," also includes residents who have sent comments by  
 3 email although the email comment that was received late today is not reflected on this document. He said  
 4 that in some cases when the Board knows that there is going to be a new site plan submitted the Board tries  
 5 to minimize the time spent tonight on the case so that the time in the next public hearing can be maximized  
 6 on the new site plan. He said that he does believe that the Board should hear non-redundant testimony from  
 7 anyone who chooses to present it. He said that the Board has a lot of written comments and in the past the  
 8 caution regarding redundancy also applied to written comments. He said that if someone has already  
 9 provided written comments the Board should not have to sit through stating the same thing again.

10  
 11 Mr. Hall stated that new Supplemental Memorandum #4 includes new evidence which has to do with  
 12 describing the floor plan of the dwelling that was sent out in a previous memorandum. He said that concerns  
 13 have been stated regarding how humane the proposed kennel is based on the size of the crates and interior  
 14 kennels therefore that information has been added as new evidence. He said that staff has summarized, as  
 15 much as possible, all of the minutes from the previous public hearing regarding the kennel operations which  
 16 includes letting the dogs out to play; hours of operation; staffing; where the dogs are actually boarded;  
 17 outdoor exercise and dog training. He said that testimony was presented at the last public hearing indicating  
 18 that dogs with serious behavior issues or are aggressive are not allowed to be at the facility. He said that Mr.  
 19 Johnson testified that there is some dog training but dogs that show behavioral issues will not stay at the  
 20 kennel. He said that both of these items of evidence are material to the concerns about personal safety.

21  
 22 Mr. Hall stated that new Supplemental Memorandum #4 includes the following revised and new special  
 23 conditions:

24 **B. The number of animals to be boarded at one time will not exceed 15, including dogs**  
 25 **that are the property of anyone residing on the property, which is the number the**  
 26 **Petitioner indicated as the maximum that they would board.**

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

28 **That noise from the proposed Special Use is minimally disruptive to the surrounding**  
 29 **area.**

30  
 31 **E. No dog shall be kenneled outside other than for intermittent periods of exercise and**  
 32 **such periods of exercise shall be supervised by the kennel owner or representative.**

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

34 **To ensure that kennel operations are consistent with the testimony and to minimize**  
 35 **impact on the neighbors.**

36  
 37 **F. The private sewage disposal system serving the Special Use Permit shall be maintained**  
 38 **as necessary or as recommended by the County Health Department but maintenance**  
 39 **shall occur on at least a triennial basis and all maintenance reports shall be made**

1 available for review by the Zoning Administrator. Failure to provide copies of  
 2 maintenance reports when requested shall constitute a violation of this Special Use  
 3 Permit approval and the Zoning Administrator shall refer the violation to the  
 4 Champaign County State’s Attorney for legal action.

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

6 **To ensure that the septic system continues to be of sufficient capacity and in operation**  
 7 **given the increase in use from a single family residence to a residence with a Kennel.**  
 8

9 Mr. Hall stated that he recommends proposed special condition F. because we now know where the septic  
 10 system is located and in a use like this where a larger amount than normal of animal hair may be getting into  
 11 the septic system he would recommend that the Board require a condition requiring regular clean out of the  
 12 septic tank.  
 13

14 **G. No trash or garbage shall be burned on the property.**

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

16 **To ensure that the Special Use conforms with the Zoning Ordinance policy**  
 17 **protecting the health, safety, and general welfare of area residents.**  
 18

19 Mr. Hall noted that staff cannot always be at the property to police what is or is not being burned but  
 20 neighbors have complained about burning on the property. He said that neighbors do not have to put up with  
 21 burning of trash from the kennel property and Mr. Johnson has already testified that he is not going to do it  
 22 anyway but staff recommends a blanket special condition.  
 23

24 Mr. Hall stated that a comment was submitted by a neighbor about having the Special Use Permit expire  
 25 when the current resident moves from the property. He said that the Board has used a condition like this in  
 26 at least one other case, River Bend Wild Game and Sausage Company, and the petitioner had unique  
 27 knowledge and skills for the approved use and the Board was willing to trust the Special Use Permit under  
 28 that petitioner’s management but decided that having that set of skills was so rare that the Special Use  
 29 Permit would not continue after that petitioner is no longer involved. He said that staff recommends the  
 30 same special condition for Case 793-S-14 but there are actually two petitioners for this case, Mr. Handal and  
 31 Mr. Johnson. Mr. Hall stated that tonight’s public hearing was the first time that Mr. Handal presented  
 32 testimony and he made clear that Mr. Johnson is the motivating force behind the kennel therefore the special  
 33 condition is proposed as follows:  
 34

35 **H. The Special Use Permit shall expire when the current resident operator Mr. Reginald**  
 36 **Johnson no longer resides on the property.**

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

38 **To ensure that there is an experienced and qualified resident operator that has been**  
 39 **involved in the public hearing for this case.**

1  
2 Ms. Griest recommended that Mr. Johnson's first and middle name be included in the special condition so  
3 that there is no confusion.  
4  
5 Mr. Hall accepted Ms. Griest's recommendation for proposed Special Condition H.  
6  
7 Mr. Passalacqua requested the opportunity to ask Mr. Johnson questions regarding the kennel operation.  
8  
9 Ms. Lee stated that proposed Special Condition B restricts the number of animals to be boarded at one time  
10 not to exceed 15, including dogs that are the property of anyone residing on the property. Ms. Lee asked if  
11 the number of animals in Special Condition B included Mr. Handal's dogs.  
12  
13 Ms. Capel called Mr. Lawrence Johnson to the witness microphone and requested that he state his address.  
14  
15 Mr. Lawrence Johnson, stated that he resides at 1211 North Staley Road, Champaign.  
16  
17 Mr. Passalacqua stated that one of the concerns that was included in the emails and letters was the visual  
18 barrier. He asked Mr. Johnson if he was open to consider installing webbing in the chain link fence or  
19 vegetation so that there was at least a visual barrier facing the side of the busy street.  
20  
21 Mr. Johnson stated that he is moving the fence behind the house.  
22  
23 Mr. Passalacqua stated that at one proposed location there would still be a street view. He said that he would  
24 be satisfied if the entire fence was behind the house. He said that Mr. Johnson's license from the State of  
25 Illinois expires this year therefore does the facility have to be inspected each year to renew the license.  
26  
27 Mr. Johnson stated that his license is a yearly license and the State of Illinois inspectors only visit the  
28 property when there is a complaint filed.  
29  
30 Mr. Passalacqua asked Mr. Johnson if anyone has filed a complaint.  
31  
32 Mr. Johnson stated no.  
33  
34 Ms. Lee asked Mr. Johnson to indicate how long he had been operation before an inspection was completed  
35 by the Department of Agriculture.  
36  
37 Mr. Johnson stated that he received his license in November 2013.  
38  
39 Ms. Lee asked Mr. Johnson if he started operating the kennel shortly before the inspectors visited the



1 property.  
2  
3 Mr. Johnson stated no. He said that he could not begin operating until the Department of Agriculture  
4 completed their inspection. He said that he had no dogs on the premises until the inspection was completed.  
5  
6 Ms. Lee stated that at the last public hearing regarding this case the Board requested a copy of Mr. Johnson's  
7 insurance policy and a copy of the form that he has his customers complete before drop off of their dog.  
8  
9 Mr. Johnson apologized for not supplying the Board with these requested documents and he will submit this  
10 information to staff as soon as possible.  
11  
12 Ms. Capel stated that the Board would like to review a copy of his entire insurance policy.  
13  
14 Mr. Johnson stated that he will submit the entire policy for review.  
15  
16 Ms. Griest asked Ms. Capel why the Board needs to see the entire policy and not just a Certificate of  
17 Insurance.  
18  
19 Ms. Capel stated that a Certificate of Insurance would be sufficient.  
20  
21 Ms. Griest asked Mr. Johnson to contact his insurance company and request that they send him a Certificate  
22 of Insurance for staff and the Board's review.  
23  
24 Ms. Lee stated that the invoice regarding the septic system does not have a company name on it. She asked  
25 Mr. Johnson who pumped out the septic tank.  
26  
27 Mr. Johnson stated that he does not know who pumped out the septic tank because it was done before he  
28 resided at the property.  
29  
30 Ms. Lee stated that perhaps Mr. Handal could answer her question regarding the septic tank.  
31  
32 Ms. Capel asked the audience if anyone desired to cross examine Mr. Johnson and there was no one.  
33  
34 Ms. Capel called Mr. Handal to the witness microphone and requested that he state his address.  
35  
36 Mr. Fuad Handal, who resides at 1807 East Ridge Park Road, Urbana, stated the invoice that was submitted  
37 was the only invoice that he received although he can supply the Board with the name of the company.  
38  
39 Ms. Griest stated that since there is no company name on the invoice, which she finds unusual, perhaps Mr.

1 Handal could supply the Board with a copy of the cancelled check. She said that the check number is  
2 indicated on the invoice therefore a copy of the cancelled check would indicate who the check was written to  
3 for services.

4  
5 Mr. Hall stated that staff would obviously have to redact any account number on the cancelled check.

6  
7 Ms. Griest stated absolutely.

8  
9 Mr. Hall asked the Board if it is an option for Mr. Handal to submit either document or is the cancelled  
10 check the piece of evidence that the Board would like to see.

11  
12 Ms. Griest stated that she would like to see either a letterhead statement from the provider indicating that  
13 they serviced the septic tank or a copy of the redacted cancelled check. She said that the document that has  
14 been submitted is a standard invoice out of "QuickBooks" and anyone could generate an invoice like this  
15 quite easily.

16  
17 Mr. Handal stated that the invoice was sent to him via email from the company that serviced the septic tank.  
18 He said that he will try to obtain the original email from the company or he will contact them and have them  
19 send you a copy from the company.

20  
21 Mr. Hall stated that the Board would like to see documentation from the company on their letterhead  
22 indicating that they serviced the septic tank located at 1211 North Staley Road, Champaign.

23  
24 Mr. Handal stated that he will make sure that the documentation is sent as soon as possible.

25  
26 Ms. Capel called Jeff Turner to testify.

27  
28 Mr. Jeff Turner, who resides at 4102 Rayburn Court, Champaign, stated that he is not here tonight to  
29 question Mr. Johnson's love of dogs or his qualifications. He said that at the last public hearing there was  
30 discussion that Mr. Johnson had a client from the West Ridge Subdivision and it was suggested that he  
31 receive testimony on his behalf from that client. Mr. Turner stated that Supplemental Memorandum #2  
32 includes a letter from a client of Mr. Johnson's, although the client's address is approximately two miles  
33 away from West Ridge Subdivision and is located in the Trails of Brittany Subdivision. He said that  
34 Supplemental Memorandum #3 includes a four page petition consisting of 62 signatures. He said that he  
35 wanted to affirm that his signature on the petition is in fact his signature. He said that he is sure that anyone  
36 else who signed the petition would be happy to affirm their signature.

37  
38 Ms. Capel asked the Board and staff if there were any questions for Mr. Turner and there were none.  
39

1 Ms. Capel asked the audience if anyone desired to cross examine Mr. Turner and there was no one.

2

3 Ms. Capel called Laura Schwenker to testify.

4

5 Ms. Laura Schwenker, who resides at 1308 Farley Lane, Champaign, stated that she too would like to affirm  
6 that her signature is on the petition. She said that she was one of two people who went door to door in the  
7 neighborhood to collect those signatures and she will attest that the person who answered the door is also the  
8 person who signed the petition. She said that she went through a plat map for West Ridge Subdivision and  
9 filled in the addresses of everyone who signed the petition. She said that there were 57 houses visited and  
10 everyone who answered their door signed the petition. She said that the empty spaces were houses in which  
11 no one was home at the time of their visit. She said that the petition is to exemplify the noise concerns that  
12 the neighborhood has regarding the kennel and its proximity to the neighborhood. She said that the  
13 signatures on the petition represent 79% of all of the houses within the subdivision and 8 out of 10 of the  
14 homeowners that signed the petition are along Staley Road. She said that many of the people who signed the  
15 petition were concerned about the noise level and potential problems that could arise from the proposed  
16 kennel. She said that not one of the people that she spoke with in the subdivision indicated that they used  
17 the kennel. She said that she would like Mr. Johnson to clarify who the residents were that utilized his  
18 kennel because it could be that those clients were from the Boulder Ridge Subdivision which backs up to  
19 West Ridge Subdivision to the west.

20

21 Ms. Schwenker stated that if Mr. Johnson is going to move the exercise/play yard to the other side of the  
22 property that relocation will block the noise from Staley Road residences which would be excellent. She  
23 said that residents of West Ridge already hear noise from the animals from the research facility to the north  
24 called Kennelwood and they do not want more noise from the proposed kennel.

25

26 Ms. Capel asked the Board if there were any questions for Ms. Schwenker.

27

28 Mr. Passalacqua asked Ms. Schwenker if it is fair to compare Mr. Johnson's proposed kennel, consisting of  
29 15 total dogs, to the research facility which houses 200 dogs which are not screened or separated from West  
30 Ridge Subdivision.

31

32 Ms. Schwenker stated yes. She said that being able to hear 200 dogs at a facility which is one-half mile  
33 away is very relevant to hearing 15 dogs who are residing across the street.

34

35 Mr. Passalacqua asked Ms. Schwenker if she has heard testimony that Mr. Johnson is willing to move the  
36 exercise/play area and screen the area. He said that Mr. Johnson testified that none of the dogs are left  
37 unattended like the dogs are at the research facility.

38

39 Ms. Schwenker stated yes. She said that she only wanted to emphasize the neighborhood's concern about

1 the noise level.

2

3 Mr. Passalacqua stated that the situation that the Board gets into sometimes is when they write special  
4 conditions based on what Mr. Johnson testified that he will do. He said that when there is a problem a  
5 complaint is filed indicating the violation and action can occur to resolve the complaint. He said that if a  
6 variance or special condition is in place then there are no rules which can be broken. He said that he thought  
7 he heard Ms. Schwenker's testimony indicate that if the two gentlemen did what they testified that they  
8 would do then the proposed kennel would be acceptable.

9

10 Ms. Schwenker stated yes, if they move the exercise/play area to the other side of the property or building as  
11 indicated in their testimony.

12

13 Ms. Lee asked Ms. Schwenker if there has been any noise from the kennel so far.

14

15 Ms. Schwenker stated no.

16

17 Ms. Lee asked Ms. Schwenker if she knows of anyone who walks along the sidewalk near the road who has  
18 heard noise from the kennel.

19

20 Ms. Schwenker stated that a couple of people who signed the petition did indicate that they have heard dogs  
21 but she cannot indicate which address indicated such.

22

23 Ms. Griest asked Ms. Schwenker to indicate what she meant when she stated the exercise/play area would be  
24 moved to the other side of the property. She said that the other side of the property means something  
25 different than what the Board has seen in the picture. She said that Ms. Schwenker also stated the other side  
26 of the building. Ms. Griest asked Ms. Schwenker which area does she mean, does she mean if Mr. Johnson  
27 places the kennel area outside of the 200 feet which is behind the house and the garage or does she mean  
28 placement of the kennel to the back side of the lot.

29

30 Ms. Schwenker stated that placement on the west side of the house would be acceptable. She said that the  
31 area on the west side of the house would also be fine but she would like a noise barrier on the east side of the  
32 north proposed area.

33

34 Ms. Griest asked Ms. Schwenker if she is talking about the rectangle.

35

36 Ms. Schwenker stated yes, but she is not sure what slats in the chain link fence or shrubs will do for noise  
37 abatement.

38

39 Mr. John Hall, Zoning Administrator, stated that in Ms. Schwenker's written correspondence she expressed

1 some concerns that were not expressed at the previous hearing. He asked Ms. Schwenker if relocating the  
2 exercise/play area would more or less address all her concerns that were mentioned in her written  
3 correspondence or would the issues of personal safety and humaneness of the facility still bother her.  
4

5 Ms. Schwenker stated that, as an animal lover, the humaneness of the facility is always a concern. She said  
6 that private property with a gated enclosure for up to 15 dogs and a small area inside to house the dogs is  
7 unacceptable. She said that she understands that Mr. Johnson has passed inspection by the Department of  
8 Agriculture and she hopes that he continues to comply with the State's rules and guidelines. She said that  
9 the photographs that were presented at the previous meeting indicate at least six large sized dogs which  
10 poses concern for her neighborhood's safety. She said that she is concerned about behavioral issues with  
11 some of the dogs but Mr. Johnson has testified that any dogs with behavioral issues will not be allowed to  
12 stay at the facility.  
13

14 Mr. Hall stated that any fence can only do so much in regards to noise. He asked Ms. Schwenker what she  
15 would like see as a noise barrier.  
16

17 Ms. Schwenker stated that she would like to see a solid wooden fence.  
18

19 Ms. Capel asked the Board if there were any additional questions for Ms. Schwenker and there were none.  
20

21 Ms. Capel asked the audience if anyone desired to cross examine Ms. Schwenker and there was no one.  
22

23 Ms. Capel called Jim Simmons to testify.  
24

25 Mr. Jim Simmons, who resides at 1316 West Ridge Lane, Champaign, stated that the signature on the  
26 petition is his signature. He said that he would like to add his name in support of the email that the Board  
27 received on April 16<sup>th</sup> regarding his neighbor's concerns. He said that he would like to echo their  
28 sentiments. He said that there is one issue that he has noticed and that is the ingress and egress into the  
29 facility. He said that there will be more clients going in and out of the entrance. He said that the only access  
30 to the property is the driveway which is south of the residence and goes onto Staley Road. He said that the  
31 driveway entrance is very close to the intersection of Staley and Bradley Avenue and for much of the day the  
32 intersection at Staley and Bradley is fairly quiet but there are times when that intersection is very busy and  
33 crowded and traffic comes off of that intersection rather quickly. He said that he is concerned that there is  
34 not adequate visibility safety, especially if people are coming out of the facility to head north on Staley. He  
35 asked if there needs to be provisions on the site plan for adequate parking on the site so that people do not  
36 park closer to Staley to the point where clients could not see oncoming traffic when entering the road from  
37 the facility. He noted that his opposition to this particular use on the property.  
38

39 Ms. Capel asked the Board if there were any questions for Mr. Simmons and there were none.

1  
2 Ms. Capel asked if staff had any questions for Mr. Simmons.

3  
4 Ms. Susan Chavarria, Senior Planner, stated that she has visited the site four or five times and has driven by  
5 the site several more times. She said that she did take measurements during her most recent site visit and  
6 reviewed the GIS parcel layer and discovered that the southern boundary, more or less where the southern  
7 driveway is located, is about 400 feet from the intersection. She said that there is farmland between the  
8 intersection and the south driveway. She said that the driveway on the south side is "U" shaped throughout  
9 the property and comes back out with the northern driveway therefore there are two points of access on the  
10 property. She said that the driveway is gravel with the exception of the paved area which is next to the  
11 home. She said that she would say that there is more than enough parking given that he is limited to 15  
12 animals.

13  
14 Mr. Simmons stated that he would suggest that the driveway to the north be blocked off because that one has  
15 even more restricted vision onto Staley Road due to the house being on the right and seeing traffic coming  
16 from the south. He said that obviously there is pretty good vision for traffic from the north but limited vision  
17 for northbound traffic coming from the intersection of Staley and Bradley. He said that he is concerned that  
18 if there are multiple vehicles coming in and out of the property that there will be a potential conflict with the  
19 heavier trucks which are starting to travel through the area.

20  
21 Ms. Chavarria stated that a couple of days ago she visited the property in a truck that she was not used to  
22 driving and she pulled into the north driveway facing west and realized that backing up onto Staley Road  
23 would be a pretty bad idea because there is a rise there and it is difficult to see what traffic is coming from  
24 the north. She said that her logical path was to travel the "U" drive so that she could exit on to Staley Road.  
25 She said that if the Board is concerned about a safety issue then perhaps the Board could require "entrance"  
26 and "exit" signs and a "one way" sign for the driveway to assist clients to safely travel through the property  
27 and back onto the road safely.

28  
29 Mr. Simmons stated that the signs would alleviate some of his concern but he is still concerned about the  
30 south driveway and the flow of traffic on the road.

31  
32 Mr. Passalacqua asked Mr. Simmons if the properties along West Ridge Lane that butt up to Bradley Avenue  
33 have stone berms or fences in the back yard.

34  
35 Mr. Simmons stated that all of the homes along West Ridge Lane either have stone berms or fences.

36  
37 Mr. Passalacqua stated that if someone was going west on Bradley Avenue they wouldn't be able to see  
38 down Staley Road until they almost got to the intersection. He said that the visibility on the subject property  
39 is actually better than it is on the actual road.

1  
2 Mr. Simmons stated that when you approach the intersection you have to slow down because the intersection  
3 is a four way stop but his concern is that when people leave the intersection they accelerate and if traffic is  
4 going in or out of the subject property it will be difficult for northbound traffic to visually see those vehicles.  
5

6 Mr. Passalacqua stated that luckily the northbound traffic will be on the east side of the street.  
7

8 Mr. Simmons agreed.  
9

10 Ms. Lee asked Mr. Simmons if he had recently walked on the sidewalk which is along Staley Road.  
11

12 Mr. Simmons stated that he did travel on the sidewalk last fall but he has not traveled on it yet this spring.  
13

14 Ms. Lee asked Mr. Simmons if he has heard the dogs from the subject property.  
15

16 Mr. Simmons stated that he has not heard them this spring.  
17

18 Ms. Capel asked the audience if anyone desired to cross examine Mr. Simmons and there was no one.  
19

20 Ms. Capel called Jo Menacher to testify.  
21

22 Mrs. Jo Menacher, who resides at 4114 Rayburn Court, Champaign, stated that she would like to see the  
23 Board enforce the zoning regulations. She said that she was happy to hear the potential solutions which were  
24 being offered. She said that she has heard the Board ask people if they had walked down the sidewalk this  
25 spring. She said that last fall when she walked down the sidewalk there were dogs in the exercise yard and  
26 no one appeared to be with them and the dogs were barking at her. She said that she has not had the  
27 opportunity to walk on the sidewalk this spring but did want to share her observations.  
28

29 Ms. Capel asked the Board and staff if there were any questions for Ms. Menacher and there were none.  
30

31 Ms. Capel asked the audience if anyone desired to cross examine Ms. Menacher and there was no one.  
32

33 Ms. Capel called Joe Sebright to testify.  
34

35 Mr. Joe Sebright, who resides at 1313 West Ridge Road, Champaign, stated that he lives directly across  
36 from the subject property and he does hear the dogs from the kennel barking because once they begin  
37 barking his dog returns their barks. He said that the barking has been a lot less this spring and if they move  
38 the exercise/play area it will reduce the sound. He said that he works for a civil engineering company in  
39 town and he does not believe that the slats will reduce the sound because he works with sound barriers on

1 roads all over the United States and he believes that a solid wooden fence or some other sort of larger barrier  
2 would help. He said that he also does not believe that shrubbery will help with the sound but a larger fence  
3 constructed out of wood or poly-carbon would assist with the sound issue.

4  
5 Ms. Capel asked the Board and staff if there were any questions for Mr. Sebright and there were none.

6  
7 Ms. Capel asked the audience if anyone desired to cross examine Mr. Sebright and there was no one.

8  
9 Ms. Capel called Deb Feinen to testify.

10  
11 Ms. Deb Feinen, who resides at 3305 Springview Lane, Champaign, stated that she is present tonight as a  
12 private citizen and she does not have authority from the City of Champaign Council to be at the meeting as  
13 their representative. She said that the City of Champaign was contacted by a resident and the reason that she  
14 is present is to be supportive of that resident and to remind the Board that the subject property is under the  
15 County's zoning but right across the street is the City of Champaign and the residents that have voiced their  
16 concern are City of Champaign residents. She said that everyone is supportive of the idea of local businesses  
17 and it appears that there is a possibility for solutions that may protect the City of Champaign residents. She  
18 said that the footprint can be moved placing the exercise/play area on the other side of the house thus  
19 assisting with the noise concerns. She noted to the Board that waiving their own requirement and allowing  
20 less of a noise barrier than the County Zoning Ordinance requires is not a good idea in what is essentially a  
21 residential neighborhood. She said that she knows that the County property may not feel residential but  
22 frankly there is residential area within the City of Champaign's jurisdiction right across the street. She  
23 thanked the Board for the opportunity to speak tonight. She said that hopefully there is a workable solution  
24 that will allow the business to exist or co-exist with the residential neighborhood.

25  
26 Ms. Capel asked the Board and staff if there were any questions for Mrs. Feinen.

27  
28 Mr. Passalacqua asked Ms. Feinen where the line exists between the City of Champaign and the County. He  
29 asked if there is a 100 foot buffer even though the line is the road. He said that the City of Champaign and  
30 the County are two different things.

31  
32 Ms. Feinen stated that they are two different things but because this is a Special Use permit and is only  
33 before the Zoning Board of Appeals there is no opportunity for a protest from the City of Champaign  
34 therefore the decision is up to the ZBA. She said that she will respect the Board's decision but requested  
35 that the Board keep in the back of their mind that the property is located within the City of Champaign's one  
36 and one-half mile jurisdiction and this is a different process.

37  
38 Mr. Passalacqua stated that some of the complaints are very speculative because a lot of the things that have  
39 been suggested to occur have not really happened yet.



1  
2 Ms. Feinen stated that she does not disagree although the Board has also heard testimony from people who  
3 have talked about things that are currently happening.

4  
5 Mr. Passalacqua stated that the Board has also heard testimony that one of the resident's dog actually barks  
6 back at the kennel's dogs.

7  
8 Ms. Feinen stated that if you put 15 dogs in her back yard her dog is going to bark as well.

9  
10 Mr. Passalacqua stated that the property owners are willing to make acceptable changes and if the adjacent  
11 property owners are happy with the changes then what other problems are foreseen.

12  
13 Ms. Feinen stated no. She said that if the Board is able to craft the solution then there is not as much of an  
14 issue. She said that Mr. Passalacqua's earlier comment indicating that the Special Use Permit has very  
15 specific requirements is very important because there is recourse.

16  
17 Mr. Passalacqua stated that sometimes the Board receives a case that may have the potential to have bad  
18 things happen and the Board has to require special conditions that can be enforced. He said that the Board is  
19 not taking sides but attempting to get everyone to work together. He said that it is very nice to have so many  
20 people from the neighborhood attend the meeting so that they can understand that the Board is not  
21 necessarily in favor of one person over another but trying to let everyone do their own thing while  
22 establishing guidelines. He said that if this request is approved with the special conditions, the neighbors on  
23 West Ridge Lane can file a bona fide complaint.

24  
25 Ms. Feinen suggested that a "grandfather" clause be inserted so that the special use is only approved for this  
26 property owner. She said that such a clause would be very helpful for the residents of West Ridge  
27 Subdivision because the next property owner could be a bad business owner and that would be a problem.

28  
29 Ms. Capel asked the Board and staff if there were any additional questions for Ms. Feinen and there were  
30 none.

31  
32 Ms. Capel asked the audience if anyone desired to cross examine Ms. Feinen and there was no one.

33  
34 Ms. Capel called Tim Donohue to testify.

35  
36 Mr. Tim Donohue, who resides at 4105 Rayburn Court, Champaign, stated that he is the current President of  
37 the West Ridge Subdivision Homeowner's Association. He said that he is very pleased with the proposed  
38 special conditions, especially special conditions F, G, and H. He said that the one thing that he would  
39 recommend is specifying where the new fence could be located. He said that his preference would be that

1 the fence be located behind house and if it isn't behind the house then require some sort of adequate sound  
2 barrier.  
3

4 Ms. Capel asked the Board and staff if there were any questions for Mr. Donohue.  
5

6 Mr. Passalacqua stated that Mr. Donohue requested that the fence be located behind the house. Mr.  
7 Passalacqua asked Ms. Chavarria if the fence is located behind the house would it impede the circle drive.  
8

9 Ms. Chavarria stated no. She said that the fence could be located within the confines of the circle drive and  
10 a fence should not impede the circle drive at all.  
11

12 Mr. Passalacqua stated that relocation areas of the fence were only options and not requirements and Mr.  
13 Johnson is not proposing two different areas for the dogs.  
14

15 Ms. Chavarria stated that Mr. Passalacqua is correct.  
16

17 Mr. Donohue stated that he would like to clarify that if the fence is located behind the house then the type of  
18 noise barrier should be made very specific.  
19

20 Ms. Capel asked the audience if anyone desired to cross examine Mr. Donohue and there was no one.  
21

22 Ms. Capel called William Goldshlag to testify.  
23

24 Mr. William Goldshlag, who resides at 1329 West Ridge Lane, Champaign, stated that he is concerned  
25 about the language "unconfirmed signatures" used in Supplemental Memorandum #3 regarding the  
26 signatures on the submitted petition. He asked if the signatures are discounted because they have not been  
27 confirmed by staff.  
28

29 Ms. Chavarria stated that she indicated the term "unconfirmed" because no one in the Department of  
30 Planning and Zoning had confirmed them. She said that testimony is being taken from those residents who  
31 signed the witness register and may also be on the signed petition. She said that none of the signatures on  
32 the petition are being discounted.  
33

34 Mr. Goldshlag stated that he took the petition door to door and the people that answered the door was  
35 requested to sign the petition. He said that he wanted to note that overall he does believe that there could be  
36 a workable solution so that the petitioners can operate their kennel near the neighborhood. He said that not  
37 just any type of barrier would work and the slats in the chain link fence would not be an adequate noise  
38 barrier. He said that a fence constructed from solid material should be put in place. He proposed an  
39 alternative solution of placing the kennel area behind the shed and utilizing the walls of the shed as a part of

1 the fence. He said that he does not believe that all four sides of the shed need to be constructed of solid  
2 wood and the southern side of the area could be chain link because there are no residences south of the  
3 property. He said that another alternative would be to place the kennel area completely on the west side of  
4 the house therefore using the walls of the house as a noise barrier.

5  
6 Mr. Goldshlag stated that as he took the petition door to door the residents were asked if they had ever heard  
7 barking from the subject property and the residents at 1303 and 1306 West Ridge Lane volunteered the  
8 absolute comments regarding the barking that they heard from the kennel property.

9  
10 Ms. Capel informed Mr. Goldshlag that hearsay testimony is not allowed.

11  
12 Mr. Goldshlag stated that his final concern is in regard to safety. He said that his property abuts Staley Road  
13 and does not have a solid fence around it therefore if any dog escapes the kennel facility it could come onto  
14 his property. He said that Mr. Johnson previously testified that the dogs at the kennel are taken out 6 to 8  
15 times per day to play and stretch. Mr. Goldshlag stated that he does not understand how Mr. Johnson can  
16 solely supervise 15 dogs. Mr. Goldshlag stated that he assumes that Mr. Johnson will not take all of the dogs  
17 outside at one time therefore Mr. Goldshlag does not understand how Mr. Johnson will have time for  
18 feeding, grooming and training. Mr. Goldshlag stated that he is concerned with one person operating the  
19 kennel and a way to assist with this concern is to have the entire fenced play area attached to the back of the  
20 house. He said that if the fence encompasses the house Mr. Johnson will have an easier time to let the dogs  
21 out to exercise and play.

22  
23 Ms. Capel asked the Board and staff if there were any questions for Mr. Goldshlag.

24  
25 Mr. John Hall, Zoning Administrator, stated that he concurs with Mr. Goldshlag's recommendation of  
26 possibly connecting the exercise/play fencing area directly to the back of the house so that once the dogs are  
27 inside the fence they are not outside of the fence until they leave the kennel.

28  
29 Ms. Capel asked the audience if anyone desired to cross examine Mr. Goldshlag.

30  
31 Mr. Jeff Turner, who resides at 4102 Rayburn Court, Champaign, asked Mr. Goldshlag if he has heard dogs  
32 barking from this facility.

33  
34 Mr. Goldshlag stated that he has heard dogs barking in the past but he cannot say that the barking was  
35 coming from the kennel facility at that time.

36  
37 Ms. Capel asked the audience if anyone else desired to cross examine Mr. Goldshlag and there was no one.

38  
39 Ms. Capel asked the audience if anyone else desired to sign the witness register at this time to present

1 testimony regarding this case.

2

3 Ms. Capel called Janet Miller to testify.

4

5 Ms. Janet Miller, who resides at 1311 West Ridge Lane, Champaign, stated that she lives directly across  
6 from the subject property and she does hear the dogs sometimes and only once have they awakened her. She  
7 said that one time earlier this spring she heard two black dogs that were on the subject property bark for  
8 nearly two hours. She said that she is a dog lover and she has a dog of her own which she lets outside and  
9 sometimes she barks but never constantly. She said that last summer there was a burning issue at the subject  
10 property. She said that someone was bringing in trash from somewhere onto the property and starting large  
11 open fires that created black smoke. She said that the smoke from the fire was so bad that she had to shut  
12 her windows. She said that she called the EPA but the burning continued for weeks and finally the EPA got  
13 it stopped. She said that the burning did not stop easily after the EPA was contacted and was finally stopped  
14 after they were forced to stop.

15

16 Ms. Capel asked the Board and staff if there were any questions for Ms. Miller.

17

18 Mr. John Hall, informed Ms. Miller that anytime she sees something like the burning issue going on she can  
19 call the Department of Planning and Zoning to report it. He said that the Department of Planning and  
20 Zoning has the same problem as the EPA in that things are sometimes not remedied quickly but we will do  
21 anything we can get to the issue corrected.

22

23 Ms. Capel asked the audience if anyone desired to cross examine Ms. Miller and there was no one.

24

25 Ms. Capel asked the audience if anyone desired to sign the witness register to present testimony regarding  
26 this case.

27

28 Ms. Capel called Dominique Ely to testify.

29

30 Ms. Dominique Ely, who resides at 1413 Farley Lane, Champaign, stated that they just bought their home in  
31 West Ridge Subdivision and they were not aware that there was a fully working kennel close by. She said  
32 along with the proposed provisions she would be in favor of moving the exercise/play area behind the house.  
33 She said that she is concerned with the safety of children and the neighborhood being appealing to families  
34 who would like to move into the neighborhood. She said that she is also concerned with the value of their  
35 home being affected by the kennel operation.

36

37 Ms. Capel asked the Board and staff if there were any questions for Ms. Ely and there were none.

38

39 Ms. Capel asked the audience if anyone desired to cross examine Ms. Ely and there was no one.

1  
2 Ms. Capel asked the audience if anyone else desired to sign the witness register to present testimony  
3 regarding this case.

4  
5 Ms. Capel requested that no redundant testimony be presented.

6  
7 Ms. Capel called Gordon Tracey to testify.

8  
9 Mr. Gordon Tracey, who resides at 1325 West Ridge Lane, Champaign, stated that he typically gets up at  
10 5:00 a.m. and since he is a smoker he is outside at that time. He said that he has heard the dogs barking in  
11 the morning and it does seem to cause a ruckus with other dogs in the neighborhood but the neighborhood  
12 dogs simmer down quicker than the dogs at the kennel operation. He said that, on rare occasions, he can  
13 hear the dogs at the kennel facility to the north. He asked if there are regulations as to how far the fencing  
14 around the area would have to put below the ground level because dogs do dig underneath fences. He said  
15 that if any of the dogs have behavior issues they could possibly dig under the fence and travel to either the  
16 subdivision or the park where a lot of children play.

17  
18 Ms. Capel stated that it is her understanding that the dogs have someone with them when they are outside so  
19 they wouldn't have time to dig.

20  
21 Mr. Tracey asked if someone is always out with the dogs for the entire time.

22  
23 Ms. Capel stated that this is her understanding but she can ask Mr. Johnson when he testifies.

24  
25 Mr. Tracey asked how often businesses like Mr. Johnson's are checked for the protection of the animals in  
26 regards to their health, well-being, treatment. He said that as well as the safety of the children of the  
27 neighborhood he is also concerned with the safety of the animals at the facility.

28  
29 Ms. Capel stated that the Illinois Department of Agriculture regulates the kennel.

30  
31 Ms. Capel asked the Board and staff if there were any questions for Mr. Tracey and there were none.

32  
33 Ms. Capel asked the audience if anyone desired to cross examine Mr. Tracey and there was no one.

34  
35 Ms. Capel called Lawrence Johnson to the witness microphone.

36  
37 Ms. Capel asked Mr. Johnson if the dogs are supervised when they are outside in the exercise/play area.

38  
39 Mr. Lawrence Johnson, who resides at 1211 N. Staley Road, Champaign, stated yes. He said that he does

1 not trust that a client's dog will not dig out of the area so it is his responsibility to supervise the dogs when  
2 they are under his care. He said that all of his clients have been to his facility so that they can see the facility,  
3 smell the facility and check it out further. He said that he welcomes their visit so that they can see where  
4 their dog will be and how it will be taken care of.

5  
6 Ms. Capel asked the Board if there were any questions for Mr. Johnson.

7  
8 Ms. Griest asked Mr. Johnson to indicate when he moved to the subject property.

9  
10 Mr. Johnson stated that he moved to the property in October 2013.

11  
12 Ms. Griest asked Mr. Johnson if he was responsible for the burning that was previously discussed.

13  
14 Mr. Johnson stated that he had nothing to do with the burning.

15  
16 Ms. Capel asked the Board and staff if there were any questions for Mr. Johnson and there were none.

17  
18 Ms. Capel asked the audience if anyone desired to cross examine Mr. Johnson.

19  
20 Mr. William Goldshlag asked Mr. Johnson if the dogs are always supervised when they are outside. He  
21 asked Mr. Johnson to indicate if all of the dogs are out at one time or if they are outside in groups.

22  
23 Mr. Johnson stated that he takes the dogs outside in small groups and these are dogs that get along with each  
24 other. He said that some individual dogs are allowed to go outside by themselves and he always goes outside  
25 with them. He said that if he needs to go inside he can see the entire exercise/play area from his window.  
26 He said that if the dogs bark or get overly excited he gets after them and tells them to stop.

27  
28 Ms. Goldshlag asked Mr. Johnson to indicate how long the dogs are outside at any given time.

29  
30 Mr. Johnson stated that it is up to the dogs. He said that he lets the dogs out to go to the bathroom and  
31 exercise. He said that some dogs do not want to be outside very long and some love it. He said that some  
32 dogs need to go outside to go to the bathroom every hour but most dogs do not. He said that the dogs are  
33 kept inside the crates in the house so letting them outside gives them an outlet to run and use the bathroom.  
34 He said that some dogs are out for five minutes and return to the door and some dogs require a longer time.

35  
36 Mr. Goldshlag asked Mr. Johnson if any of the dogs stay outside all day.

37  
38 Mr. Johnson stated no. He said that if it is nice outside some dogs stay out longer but he does not let any of  
39 the dogs stay outside longer than 45 minutes.

1  
2 Mr. Goldshlag asked Mr. Johnson to explain what happens to the dogs outside when a client comes to the  
3 facility and requires his attention.  
4  
5 Mr. Johnson stated that the dogs will stay outside where they are safe. He said that the area that he has for  
6 the dogs which are outside longer is a concreted area with a roof on top therefore the dogs cannot dig or  
7 climb out of the area.  
8  
9 Mr. Goldshlag asked Mr. Johnson if he has to transfer the dogs to this area.  
10  
11 Mr. Johnson stated yes. He said that the enclosed concrete area only takes a second to access and he uses  
12 slip leads on the dogs during the process of moving them from one area to the next.  
13  
14 Ms. Capel asked the audience if anyone else desired to cross examine Mr. Johnson.  
15  
16 Mr. Tim Donohue asked Mr. Johnson if he witnessed the burning.  
17  
18 Ms. Capel informed Mr. Donohue that Mr. Johnson stated that he was not part of the burning incident and  
19 did not move to the property until 2013.  
20  
21 Ms. Griest stated that she asked Mr. Johnson if he was responsible for the burning and when he moved to the  
22 property. Ms. Griest stated that Mr. Johnson indicated that he moved to the property in October of 2013  
23 which was after the incident that was cited.  
24  
25 Mr. Donohue stated that he is referring to the incident that occurred during the summer of 2014.  
26  
27 Mr. Johnson stated that he did not like the incident.  
28  
29 Mr. Donohue asked Mr. Johnson how he feels about bringing a dog kennel onto a property with this type of  
30 situation.  
31  
32 Mr. Johnson stated that the burning does not occur anymore so he has no problem.  
33  
34 Ms. Capel asked the audience if anyone else desired to cross examine Mr. Johnson.  
35  
36 Mr. Ralph Miller, who resides at 1311 West Ridge Lane, Champaign, asked Mr. Johnson to indicate what he  
37 does with the dog feces.  
38  
39 Ms. Capel informed Mr. Miller that Mr. Johnson did not include his disposal of the dog feces in his

1 testimony.  
2  
3 Mr. Johnson stated that he does not mind answering the question because he has nothing to hide and he  
4 wants everything out in the open.  
5  
6 Ms. Capel stated that she appreciates Mr. Johnson's statement. She asked Mr. Johnson to indicate how he  
7 disposes of the dog feces.  
8  
9 Mr. Johnson stated that he has a sealed garbage container with a garbage bag liner.  
10  
11 Mr. Capel stated that he does not have garbage pickup at the property but he does have access to a dumpster  
12 located at another property that he takes the sealed garbage bag to for pickup.  
13  
14 Ms. Lee stated that at the last public hearing Mr. Johnson indicated that he had six dogs of his own on the  
15 subject property. She asked Mr. Johnson if he took care of Mr. Handal's two dogs as well.  
16  
17 Mr. Johnson stated that he included his six personal dogs and Mr. Handal's two dogs in the total of 15. He  
18 said that he does not watch Mr. Handal's dogs on a daily basis.  
19  
20 Mr. Randol stated that numerous people have testified that they hear the dogs from the proposed kennel  
21 when they are outside. He asked Mr. Johnson if he hears other people's dogs barking when he is outside.  
22  
23 Mr. Johnson stated that he absolutely hears other dogs barking in the area.  
24  
25 Ms. Capel asked the audience if anyone else desired to cross examine Mr. Johnson and there was no one.  
26  
27 Ms. Capel asked the audience if anyone desired to sign the witness register to present testimony regarding  
28 this case and there was no one.  
29  
30 Ms. Capel closed the witness register.  
31  
32 Ms. Capel stated that the earliest date for a continuance of this case is May 14, 2015. She asked Mr. Johnson  
33 if he would be available at that time and would it be adequate time to obtain the information that the Board  
34 has requested.  
35  
36 Mr. Johnson stated yes.  
37  
38 Ms. Capel stated that the following information has been requested by the Board for review: 1. Certificate of  
39 Insurance; 2. Letterhead invoice from Septic Company; 3. Details regarding the fence; 4. Application or



- 1 Contract for boarding/training; 5. Revised site plan indicating relocation of the exercise/play area.  
2
- 3 Ms. Capel asked the Board if they would like to discuss the possibility of a special condition regarding the  
4 wooden fence that will be required.  
5
- 6 Ms. Griest asked if the fenced area is moved beyond the 200 feet requirement and the 85 feet for the side  
7 yard wouldn't that eliminate Special Condition A. and C. and Item B. of the request.  
8
- 9 Mr. Hall stated that Special Condition C. specifies the type of fence that the Board would like to see on the  
10 subject property therefore that special condition is still needed. He asked Ms. Griest if she is discussing  
11 special conditions or waivers.  
12
- 13 Ms. Griest stated that she is discussing both special conditions and waivers.  
14
- 15 Mr. Hall asked Ms. Chavarria if the side yard of 85 feet can be met.  
16
- 17 Ms. Chavarria stated that the rectangular play area does not at all and the other area would have to be  
18 investigated.  
19
- 20 Mr. Hall asked the Board if they are concerned with it meeting the 85 foot side yard.  
21
- 22 Ms. Griest stated that she is not concerned with the 85 foot side yard. She asked if the kennel is outside of  
23 200 feet does the screening come into play or is the screening only in play because the kennel is within the  
24 200 feet. She asked if 2.A is necessary as a waiver of a condition or does the Board just need to add a  
25 special condition indicating that screening is required.  
26
- 27 Mr. Hall stated that 2.A. would no longer be necessary but the Ordinance would still require a vegetative  
28 screen. He said that if the Board is not going to require a vegetative screen the waiver is still needed even if  
29 a solid wood fence is installed, at least anything on the east side towards Staley Road.  
30
- 31 Mr. Passalacqua stated that there is concrete there and it would have to be torn out to plant vegetation.  
32
- 33 Mr. Hall stated that he knows that the Board wants their Final Determination to be rock solid and the  
34 Ordinance does not say that vegetative screening is not required if there is a house and garage in between.  
35 He said that it is better to take care of it and indicate that the requirement will be waived or the vegetative  
36 screen will be installed.  
37
- 38 Mr. Randol stated that until Mr. Johnson brings back a final site plan the Board should not determine  
39 anything about the waiver or special conditions.

1  
2 Ms. Griest noted that she would like to see specifications on the fence and the screening.

3  
4 Ms. Lee agreed with Ms. Griest.

5  
6 Ms. Capel asked Mr. Johnson if he understands what the Board is expecting for submission.

7  
8 Mr. Johnson stated yes.

9  
10 Ms. Capel entertained a motion to continue Case 793-S-14 to the May 14, 2015, meeting.

11  
12 **Ms. Griest moved, seconded by Ms. Lee to continue Case 793-S-14 to the May 14, 2015, meeting. The**  
13 **motion carried by voice vote.**

14  
15 Ms. Griest requested a five minute recess.

16  
17 Ms. Capel stated that the Board will take a five minute recess at this time.

18  
19 **The Board recessed at 8:45 p.m.**

20 **The Board resumed at 8:50 p.m.**

21  
22 **6. New Public Hearings**

23  
24 **Cases 799-AM-15, 800-S-15 and 801-V-15 Petitioner: Joyce Hudson d.b.a. Hudson Farm Weddings**  
25 **and Events, LLC Requests: Case 799-AM-15: Amend the Zoning Map to change the zoning district**  
26 **designation from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District in**  
27 **order to operate the proposed Special Use in related Zoning Case 800-S-15 and subject to the**  
28 **requested variance in related case 801-S-15; and Case 800-S-15: Part A. Authorize the remodeling of**  
29 **existing farm buildings for the establishment and use of an Event Center as a combination “Private**  
30 **Indoor Recreational Development” and Outdoor Commercial Recreational Enterprise” as a Special**  
31 **Use on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current**  
32 **Ag-1 Agriculture Zoning District in related zoning case 799-AM-15 and subject to the requested**  
33 **variance in related zoning case 801-V-15; and Part B. Authorize the following waiver to the standard**  
34 **conditions of the “Outdoor Commercial Recreational Enterprise” special use as per Section 6.1.3 of**  
35 **the Zoning Ordinance: A separation distance of 50 feet in lieu of the required 200 feet between any**  
36 **Outdoor Commercial Recreational Enterprise and any adjacent residential structure and/or use; and**  
37 **Case 801-V-15: A variance from Section 7.1.2.E.4.c(1) of the Zoning Ordinance that required onsite**  
38 **parking to allow off-premises parking on the shoulder of County Road 1800 East during special**  
39 **events held at the proposed Private Indoor Recreational Facility that is also the subject of related**

1 **cases 799-AM-15 and 800-S-15. Location: A 3.67 acre tract in Urbana Township in the Northeast**  
2 **Quarter of the Southeast Quarter of Section 25 of Township 19N, Range 9E of the Third Principal**  
3 **Meridian and commonly known as the farmstead located at 1341 CR 1800E, Urbana.**  
4

5 Ms. Capel informed the audience that Cases 800-S-15 and 801-V-15 are Administrative Cases and as such  
6 the County allows anyone the opportunity to cross examine any witness. She said that at the proper time she  
7 will ask for a show of hands for those who would like to cross examine and each person will be called upon.

8 She requested that anyone called to cross examine go to the cross-examination microphone to ask any  
9 questions. She said that those who desire to cross examine are not required to sign the witness register but  
10 are requested to clearly state their name before asking any questions. She noted that no new testimony is to  
11 be given during the cross examination. She said that attorneys who have complied with Article 7.6 of the  
12 ZBA By-Laws are exempt from cross examination.  
13

14 Ms. Capel asked the petitioners if they would like to make a brief statement regarding their request.  
15

16 Ms. Joyce Hudson, who resides at 1341 CR 1800E, Urbana, stated that she has started a wedding venue with  
17 an agricultural theme. She said that the venue actually started by accident because after her daughter's  
18 wedding people heard about it and her phone keeps ringing because people really enjoy this. She said that  
19 she had contacted the Champaign County Sheriff's Department and didn't realize that she needed to contact  
20 anyone else for any other process.  
21

22 Ms. Hudson stated that she is requesting to change the zoning of her property from AG-1 to AG-2 and to  
23 obtain a Special Use Permit and variances. She said that she would like to preserve the farmland because  
24 they plan to continue farming seven days a week. She said that no changes are intended for the property  
25 other than making improvements to the barn and the shed. She said that the weddings are held in the barn  
26 and receptions are held in the shed. She said that she is requesting a variance for parking because they have  
27 a beautiful picture, "Remember Your Wedding," at a beautiful site and it is a shame to ruin the picture with a  
28 car in the background. She said that another reason for the variance request for no onsite parking is because  
29 in the evening hours there are kids running around on the property and with no cars on the property there is  
30 less worry.  
31

32 Ms. Capel asked the Board if there were any questions for Ms. Hudson.  
33

34 Ms. Lee asked Ms. Hudson if she understands that there is concern about parking along the shoulders of a  
35 road that is not very wide to begin with.  
36

37 Ms. Hudson stated that she does understand the concern but the Champaign County Sheriff came out to the  
38 property to review the road. She said that no one else lives on her road. She said that there is a residence  
39 located one and one-half miles north of her property and they turn on to Windsor to go into town. She said

1 that the residence which is one and one-half miles south travels down Deers Road. She said that she has no  
2 neighbors on her road and it is rarely traveled. She said that most of the farmers in her neighborhood support  
3 her venue and will call her to see if she has a wedding scheduled on the weekend so that they can plan their  
4 farm operation along her road. She said that if it is raining on the weekend of a wedding the farmers are not  
5 in the field anyway. She said that within her neighborhood she has seven children who will be getting  
6 married at her farm this year. She noted that a majority of the bridal parties either have a limousine service  
7 or shuttle service which provides transportation to and from the hotel.

8  
9 Mr. Passalacqua asked Ms. Hudson if the road shoulder consisted of gravel or dirt.

10  
11 Ms. Hudson stated that the shoulder is flat and is mostly grass therefore the entire vehicle and can be located  
12 off of the road.

13  
14 Mr. Passalacqua asked Ms. Hudson if the grass area is located on her property and if so, does she keep the  
15 area mowed.

16  
17 Ms. Hudson stated that the shoulder is located on her property and she does keep the grass mowed.

18  
19 Ms. Lee asked Ms. Hudson if her property is only located on one side of the road.

20  
21 Ms. Hudson stated yes. She said that she does not allow parking on the other side of the road. She said that  
22 she has signs which indicate, "No Parking" and they enforce that requirement when vehicles begin to show  
23 up. She said that the County Sheriff told her that she should have signs which indicate, "Parking on  
24 Shoulder Ahead." She said that she did not have to purchase the signs because the Urbana Township  
25 Highway Commissioner provided those signs for posting. She said that the signs are posted before each  
26 event and they are taken down after the event is over.

27  
28 Ms. Capel asked if staff had any questions for Ms. Hudson and there were none.

29  
30 Ms. Capel asked the audience if anyone desired to cross examine Ms. Hudson and there was no one.

31  
32 Ms. Capel called John Hall to testify.

33  
34 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum #2 dated April 16,  
35 2015, to the Board for review. He said that the memorandum reviews the parking. He said that Ms.  
36 Chavarria, Senior Planner, spoke with Ms. Hudson clarifying the actual number of guests expected at each  
37 event. Mr. Hall stated that staff obtained the 400 number from a story in the *News Gazette* and it turns out  
38 that staff is cautious about what is printed in the newspaper. He said that Ms. Hudson indicated that the  
39 reporter got the 400 number confused and she believes that a capacity of 225 guests is a more realistic

1 number. Mr. Hall stated that staff looked at the Farm Shed Hall using the Life Safety Code, which is the  
2 code that the State Fire Marshall enforces. Mr. Hall stated that the Life Safety Code uses 15 square feet per  
3 person which is the calculation for a loose seating event such as a reception. He said that using the  
4 occupancy load of 15 square feet per person staff calculated a capacity load of 357 persons for the Farm  
5 Shed Hall. He said that 357 persons would require a minimum of 72 parking spaces and Ms. Hudson stated  
6 on the application that they have had an event with 68 cars, which is an interesting correlation. He said that  
7 the *News Gazette* article did indicate that Ms. Hudson had a wedding with 250 guests so the capacity should  
8 be what Ms. Hudson believes is a realistic number for her business and what the Zoning Board believes is a  
9 reasonable number to use. He said that for planning purposes capacity figures into a couple of different  
10 things such as, the minimum number of required parking which would be 1 per each 5 guests. He said that  
11 another thing that the capacity would have some bearing on is the design of the new septic system and how  
12 many people that should be based upon. He said that both parking and septic design requires some guidance  
13 and the capacity which is what the Board believes is reasonable for the proposed use and if the Board and  
14 Petitioner have to debate that then that is what is expected in an instance such as this.

15  
16 Mr. Hall stated that staff is not proposing to analyze this use to see if it meets the Life Safety Code but staff  
17 is raising concerns for the Board. He said that one concern is that there is one man door and three tool shed  
18 sliding doors. He said that if there are 225 guests in the Farm Shed Hall and the sliding doors are always left  
19 open then there should be no problem getting out of the building if there is an emergency but barn sliding  
20 doors, regardless of their width, are not considered egress doors. He said that if it is a rainy and windy day  
21 and the barn sliding doors are closed then the egress situation is not ideal. He said that he is not proposing  
22 that the Board review this use for the Life Safety Code but he is raising the topic to see if the Board has any  
23 concerns.

24  
25 Mr. Hall stated that generally when the Board receives a request like this comments are received from the  
26 Fire Protection District but staff has not received any from the Philo Fire Protection District. He said that for  
27 many years Aero-Place Subdivision was relying on protection from the Philo Fire Protection District but  
28 when they were getting their fuel tank approved by the State Fire Marshall they could never get the Philo  
29 Fire Protection District to give them the information that they needed so they finally contracted with the  
30 Carroll Fire Protection District. He said that the Carroll Fire Protection District was eager for new properties  
31 to contract with them and they were willing to give Aero-Place the kind of service that they needed. He said  
32 that he would like the Board to attempt getting something from the Philo Fire Protection District indicating  
33 that they have no concerns about this use at this location.

34  
35 Mr. Hall stated that a floor plan of the barn where the actual weddings take place has not been submitted and  
36 that barn is as much of the Special Use Permit as the Farm Shed Hall. He urged the Board to require a floor  
37 plan of the barn. He said that the Board has seen staff's recommendations regarding on-street parking. He  
38 said that his first concern was whether the ZBA has any liabilities if they authorize on-street parking. He  
39 said that he sent a request to the State's Attorney and the State's Attorney does not believe that the ZBA has

1 any liabilities. He said that the State's Attorney is more concerned about whether the ZBA can meet the  
2 criteria that the Zoning Ordinance requires the Board to find that this special use meets if the Board allows  
3 parking in the street but if the Board believes that this use can meet that criteria then staff will do its best to  
4 get that logic onto paper. He said that staff has a difficult time understanding how sending people out on a  
5 dark night following a wedding reception to go to their cars in the street is safe when the Zoning Ordinance  
6 requires onsite parking. He said that he has a hard time trying to justify that as safe as onsite parking but if  
7 the Board doesn't feel that way then they must convey those thoughts so that staff can document them on  
8 paper.

9  
10 Mr. Randol asked Mr. Hall if the events take place in the winter months as well or is the venue only  
11 available during the summer months.

12  
13 Mr. Hall stated that he believes the venue is seasonal but Mr. Randol should pose this question to Ms.  
14 Hudson.

15  
16 Mr. Passalacqua asked if any lighting is provided where the vehicles are parked. He said that Ms. Hudson  
17 testified that they maintain that area because the parking area is completely off of the road.

18  
19 Mr. Hall stated that it makes sense if the shoulder is not muddy and he would imagine that people will still  
20 be walking on the pavement to get to their vehicle. He said that once several vehicles pull away there are  
21 people in vehicles along the same pavement that people are walking upon but that is the same situation in  
22 any parking lot. He said that some of these issues are a fact of life but parking on the shoulder is a challenge  
23 for staff.

24  
25 Mr. Passalacqua stated that this is very similar to the challenges that the Board had with parking for the other  
26 venue that was before the Board over one year ago. He said that there were concerns about access on and off  
27 of the road. He said that Ms. Hudson testified that the road is not an often traveled road so there probably  
28 isn't any data for the road.

29  
30 Ms. Chavarria stated that IDOT completes traffic counts every five years and the 2011 count for CR 1800E  
31 was 100 vehicles per 24 hour time period. She said that it could be less than but the minimum number is 50  
32 to 100 on a rural road.

33  
34 Ms. Griest said that staff has given the Board several recommendations for parking onsite and Ms. Hudson  
35 testified that many clients are using a shuttle or limousine service for their guests that stay at hotels in town.  
36 She asked if there are other alternatives for offsite parking or road parking that would provide the Board  
37 more options for compliance. She said that perhaps valet parking or offsite parking on another parcel that is  
38 adjacent to the subject property with shuttle service back and forth could be an option.

39

- 1 Mr. Hall stated that this is a Special Use Permit therefore if parking will be on another property then that  
2 property needs to be included in this Special Use Permit.  
3
- 4 Ms. Griest asked Mr. Hall if the adjacent house from the subject property is under separate ownership.  
5
- 6 Mr. Hall stated yes.  
7
- 8 Ms. Chavarria stated that the adjacent house is owned by Mr. Hudson's mother but she does not live there  
9 currently.  
10
- 11 Ms. Griest asked if that parcel is part of the Special Use Permit because some of the proposed minimal  
12 parking spaces are on that parcel.  
13
- 14 Mr. Hall stated that the parcel is not part of the Special Use Permit. He said that once we determine how  
15 many parking spaces the Ordinance would require then it becomes a math problem and whether or not all of  
16 those parking spaces can be accommodated on the subject property if it is on-street parking or does it bleed  
17 over onto other properties. He said that this is really the biggest issue in regards to whether staff has the  
18 right property description for the use. He said if there is going to be parking on other parcels then those  
19 parcels need to be part of the Special Use Permit.  
20
- 21 Ms. Lee stated that if the subject property is rezoned then it is that zoning forever and ever. She said that  
22 this will not be a conditional rezoning.  
23
- 24 Mr. Hall stated that normally staff would not recommend a conditional rezoning and when a property is  
25 rezoned it is rezoned forever.  
26
- 27 Ms. Lee stated that she really has a problem with the parking on the road.  
28
- 29 Ms. Capel asked Mr. Hall how far the subject property is from the AG-2 Zoning District.  
30
- 31 Mr. Hall stated that the subject property is two miles from the City of Urbana and within the City of  
32 Urbana's ETJ there are properties in the AG-2 district which are even further away. He said that just like the  
33 event center that was referred to earlier, from a staff level, AG-2 at this location is not a particular problem  
34 providing that the special use is compatible with the surrounding AG-1 uses.  
35
- 36 Ms. Capel stated that someone mentioned earlier that large agricultural equipment traveling down the road  
37 when there is a line of cars on one side of that road could present a problem as well.  
38
- 39 Mr. Hall stated that we would normally think that but Ms. Hudson testified that her neighbors coordinate

1 with her events. He said that staff will do whatever it can to help the Board put the logic on paper that will  
2 support the Board's decision.

3  
4 Mr. Passalacqua asked if every place on the property is a photo opportunity. He said that the photographs of  
5 the wedding party in front of the barn and bins are wonderful but the angle is so small in those photographs  
6 that he can't understand why there is not some place where the parking could be on the subject property and  
7 out of sight of the photographs.

8  
9 Mr. Hall stated that he appreciates the desire to preserve farmland but if the desire is to preserve farmland  
10 subject to having as many photo opportunities that can be retained then perhaps this is an instance when one-  
11 half acre of best prime farmland is taken out of production and used for parking along the south line of the  
12 farmstead area.

13  
14 Mr. Passalacqua stated that he would rather see that than on the side of the road.

15  
16 Ms. Lee concurred with Mr. Passalacqua.

17  
18 Mr. Randol asked if the Hudson family actually farms the land or do they just own the land.

19  
20 Mr. Hall stated that that is a good question for Ms. Hudson. He said that it is his understanding that the  
21 farmland is divided amongst the family but they are all part of the continued farming operation. He said that  
22 one of the names on the petition supporting on-street parking is the Urbana Township Highway  
23 Commissioner.

24  
25 Mr. Randol stated that Ms. Hudson testified that the Urbana Township Highway Commissioner provided  
26 signs which indicates that he approves of the parking situation.

27  
28 Mr. Hall stated that Mr. Jim Prather, Urbana Township Highway Commissioner signed the petition. He said  
29 that staff called Mr. Prather to let him know staff's position regarding the on-street parking and he  
30 appreciated that and understood staff's position. Mr. Hall stated that Mr. Prather had a concern about  
31 liability but staff cannot assist Mr. Prather with that concern and he would need to consult with Urbana  
32 Township's attorney. Mr. Hall stated that staff did not want to blindside Mr. Prather with staff's position but  
33 Mr. Prather respects staff's position and signed the petition anyway for support of the on-street parking.

34  
35 Mr. Randol asked Mr. Hall what happens if the Board approves the on-street parking and the next Urbana  
36 Township Highway Commissioner states that he opposes the on-street parking on CR 1800E.

37  
38 Mr. Hall stated that if something like that happened it would not be a violation of the approval to go back to  
39 onsite parking. He said that the problem would occur if the parking was on an adjacent property that was not



1 part of the special use. He said that as long as the Hudson's put the parking back on to their parcel then there  
2 would be no issue.

3  
4 Mr. Passalacqua asked Mr. Hall what needs to be done mathematically to get to the parking space  
5 requirements.

6  
7 Mr. Hall stated that Ms. Hudson maintains that 225 guests is a reasonable capacity. He said that he assumes  
8 that the *News Gazette* article was accurate when it said that the Hudson's had one wedding with 250 guests.  
9 He said that staff needs to know what the Board believes is a good number and staff will divide it by five to  
10 determine the number of required parking spaces. He said that the *News Gazette* story indicated that Ms.  
11 Hudson had one event which included 68 cars and as far as he knows that event was a wedding. He said that  
12 he does not know if the Board has a good description of all of the things that occur on the subject property  
13 but it is a very popular wedding venue and it may be popular for other events and he has no idea what Ms.  
14 Hudson contemplates happening at the venue once it is under full operation. He said that there was some  
15 talk about a University of Illinois student event but he does not know if that actually occurred or if it is still a  
16 possibility of occurring.

17  
18 Ms. Chavarria stated that in Ms. Hudson's letter dated December 10, 2014, which is included as an  
19 attachment to the April 9, 2015, Preliminary Memorandum discusses a Halloween event and other  
20 occasional events that would be scheduled with less than 30 people in attendance. Ms. Chavarria said that  
21 Ms. Hudson's letter mostly talks about wedding events and states that she will host 21 this year. She said  
22 that Ms. Hudson has indicated that the Visitor's Bureau would like to host a dinner at the Hudson Farm with  
23 an unknown amount of guests.

24  
25 Mr. Randol asked Mr. Hall when the next event is to be held and does the Board's decision have any effect  
26 on that next event.

27  
28 Mr. Hall stated that he has not asked Ms. Hudson to hold up on any scheduled events but he did tell her that  
29 the more money that she invests in improvements before she receives the Board's approval is at her own  
30 risk.

31  
32 Mr. Randol stated that if it wasn't an issue for staff then it isn't an issue for him.

33  
34 Mr. Passalacqua stated that he would like to ask Ms. Hudson some questions.

35  
36 Ms. Capel called Ms. Hudson to the witness microphone.

37  
38 Mr. Passalacqua asked Ms. Hudson if there are particular areas on the property that are used more often for  
39 photographs than others.

1  
2 Ms. Hudson stated that people wander around the property and play games in the grass area. She said that  
3 the front of the farm is picturesque with the location of the lane. She said that if people were allowed to park  
4 in the front the big limousines and buses could not get able to get through if cars were parked there.  
5  
6 Mr. Passalacqua stated that the 20 spots that are indicated on the map included in Supplemental  
7 Memorandum #2 would not work for the venue.  
8  
9 Ms. Hudson stated no.  
10  
11 Mr. Passalacqua asked Ms. Hudson if the limousines make a “U” turn or do they go all the way around the  
12 shed.  
13  
14 Ms. Hudson stated that some of the limousines can maneuver around and others turn around in front of the  
15 machine shed and go back out. She said that it really depends on the size of the limousine or bus as to what  
16 they need to do to maneuver on the property.  
17  
18 Mr. Passalacqua asked Ms. Hudson if she has a wedding with 68 vehicles parked along the street and the  
19 event does not get over until midnight, does she provide lighting. He said that he is concerned about the  
20 people who may have had a couple of drinks at the wedding trying to find their cars.  
21  
22 Ms. Hudson stated that she provides valet parking. She said that when the guests arrive they may pull into  
23 the lane and drop off everyone but the driver and when the driver parks the vehicle a golf cart will pick up  
24 the driver off of the road and take them to the venue. She noted that they try to keep the vehicles in the grass  
25 area along the side of the road as much as they can. She said that when the guests are ready to leave the  
26 same process occurs again in that the driver is taken to the vehicle in the golf cart and the driver brings the  
27 vehicle to the property to pick up the guests and go home. She said that the golf carts have lights on them  
28 along with brake and backup lights and the system works very well.  
29  
30 Mr. Passalacqua asked Ms. Hudson if she resides in the house in front of the barn and machine shed.  
31  
32 Ms. Hudson stated yes, she lives in the house with the red roof.  
33  
34 Mr. Passalacqua asked Ms. Hudson if the other house is owned by family but it is not directly related to this.  
35  
36 Ms. Hudson stated the other house is owned by her husband’s mother.  
37  
38 Mr. Passalacqua stated that her husband’s mother would probably not want people parking in her yard.  
39

- 1 Ms. Hudson stated that she probably would not. She said that the farm is picturesque when brides are trying  
2 to find a venue and you don't want ruts in the yard when the brides come to see the property or when  
3 pictures are taken after a ceremony. She said that they try to keep the yard as nice and neat and beautiful as  
4 possible so that when the brides pull up to the property they know that the farm is where they want to get  
5 married at. She said that one girl came in yesterday and indicated that she felt like she was at her  
6 grandmother's home which is exactly what she was looking for in relation to where she wanted to get  
7 married.  
8
- 9 Mr. Passalacqua stated that he saw an option to put in a parking lot on the south side which is tilled  
10 currently. He asked Ms. Hudson if that area was an option that she would consider.  
11
- 12 Ms. Hudson stated no. She said that behind the tilled area is where the new septic system will be installed  
13 and no one can drive on it.  
14
- 15 Mr. Passalacqua stated that the septic system is west and he is discussing the area on the south side that is  
16 tilled.  
17
- 18 Ms. Hudson stated that the area to the south is owned by Mr. Hudson's family. She said that she and her  
19 husband own everything that is north of the house and other family members own everything to the south.  
20
- 21 Mr. Passalacqua asked if the white line on the map is the property line.  
22
- 23 Ms. Chavarria stated that the white line is the official GIS parcel layer but as we saw with the Handal cases  
24 there was an error of 12 feet so we can verify the legal description for this parcel to make sure that the lines  
25 square up and whether or not the parcel layer needs to be changed.  
26
- 27 Ms. Griest requested that staff verify the legal description and revise the map if necessary.  
28
- 29 Mr. Hall asked Ms. Hudson if the ownership of the 3.67 acres that she resides upon is divided.  
30
- 31 Ms. Hudson stated no. She said that she is reviewing the white line that goes out into the field.  
32
- 33 Mr. Hall stated that staff and the Board are reviewing the same white line and that line indicates the 3.67  
34 acres.  
35
- 36 Ms. Hudson stated that she did not realize that her property went out that far and assumed that their property  
37 only consisted of the grassy area.  
38
- 39 Ms. Griest asked Mr. Hall if the special use request is granted, will updating the machine shed with new

- 1 flooring and bathrooms prohibit the Hudsons from using the structure as an agricultural shed any other time  
2 throughout the year.  
3
- 4 Mr. Hall stated no because agriculture can be performed anywhere.  
5
- 6 Ms. Griest stated that she just wanted it on the record that it didn't prohibit them from continuing to use the  
7 machine shed for agriculture even if the special use is granted.  
8
- 9 Mr. Passalacqua asked if there is a map in the packet which indicates recommended parking on the tilled  
10 area.  
11
- 12 Ms. Chavarria stated yes.  
13
- 14 Mr. Passalacqua asked Ms. Hudson if she has reviewed the recommended parking maps included in the  
15 April 9, 2015, Preliminary Memorandum.  
16
- 17 Ms. Hudson stated yes.  
18
- 19 Mr. Passalacqua asked Ms. Hudson if she is indicating that all of the area outlined in white is not her  
20 property.  
21
- 22 Ms. Hudson stated that she did not know that the entire area outlined in white was her property. She said  
23 that she always thought that their 3.67 acres was just the grassy area and did not realize it went into the field.  
24
- 25 Ms. Griest asked if this is her ground is it an area that she would consider utilizing for parking in lieu of  
26 parking in the road. She asked Ms. Hudson if she could plant a vegetative crop in that area so that it could  
27 still be farmed but also used as the parking area.  
28
- 29 Ms. Hudson stated that if in deed this is their property, then yes, she would consider using this area for  
30 parking in lieu of parking in the street.  
31
- 32 Ms. Lee stated that another alternative would be to allow parking to the north area where the 12 parking  
33 spaces are indicated on the map.  
34
- 35 Ms. Hudson stated that the map indicates that the area that Ms. Lee is discussing is not on their property. She  
36 said that what she thought was their property was the grassy area to the north and south.  
37
- 38 Ms. Lee asked Ms. Hudson if she and her husband own the farmland that is west of his mother's house.  
39

1 Ms. Hudson stated that they own the farmland from the north of her house to Windsor Road.

2  
3 Ms. Lee asked Ms. Hudson is she owned the land to the west of Mr. Hudson's mother's home.

4  
5 Mr. Hall stated that Mr. and Mrs. Hudson own an 80 acre parcel and those lines are not indicated on the  
6 parking layout.

7  
8 Ms. Hudson stated that the 80 acres is owned by her husband and his brothers.

9  
10 Ms. Griest stated that the grassy area that Ms. Hudson thought was part of their property although the white  
11 outlines indicate it is actually part of the family parcel, would be excluded for use during their event venue.  
12 She said that if they were setting up a tent, like the one in the attached photographs to the Preliminary  
13 Memorandum dated April 9, 2015, they would have to stay within their property line.

14  
15 Mr. Hall stated that it could be included as part of the description of the property if the owners of the  
16 property would sign the petition and agree to be a part of the special use. He said that the entire 80 acres  
17 would not be included in the special use but staff could literally include that little grass area in addition to the  
18 3.67 acres that Mr. and Mrs. Hudson own. He said that staff could do this if the owners of the surrounding  
19 parcel agree to it.

20  
21 Ms. Hudson stated that she has only had one tent this year because tents are so expensive which is one  
22 reason why they decided to do improvements to the machine shed. She said that using the machine shed in  
23 lieu of renting a tent makes it more cost effective for the families. She said that she did not realize how  
24 much wear and tear a tent and the foot traffic has on the area in which the tent exists.

25  
26 Mr. Passalacqua asked Mr. Hall if the Board has requested a floor plan.

27  
28 Mr. Hall stated that it sounds like if we had some time to work with Ms. Hudson there is a possibility of  
29 having parking on the south side but the question of how much parking is the question. He asked if the  
30 Board is comfortable with using a capacity of 225 guests to base the parking calculations upon. He said that  
31 staff is willing to assist the Board regarding what that capacity number should be.

32  
33 Mr. Passalacqua asked Mr. Hall how many parking spaces would be required for 225 guests.

34  
35 Mr. Hall stated that 45 parking spaces would be required for 225 guests.

36  
37 Mr. Passalacqua asked if the proposed .4 acres provides for 68 parking spaces therefore eliminating the need  
38 for on street parking.

39

1 Mr. Hall stated that the 68 parking spaces was based upon a larger number of guests.

2  
3 Mr. Passalacqua stated that the proposed .4 acres would prevent placing any vehicles close to the venue.

4  
5 Ms. Griest stated that the handicap spaces and the service vehicles will still be close to the venue.

6  
7 Mr. Hall stated yes.

8  
9 Ms. Lee stated that the 68 vehicles that were previously discussed are only 18 more vehicles than what is  
10 actually required if you increase the maximum capacity to 250 guests.

11  
12 Ms. Hudson stated that 68 vehicles is the most that they have ever had for a venue and is not the average  
13 number of vehicles that are present for an event. She said that an average wedding consists of 180 people.

14  
15 Mr. Hall asked the Board if they agreed with 68 parking spaces.

16  
17 Mr. Passalacqua stated yes. He said that if 68 parking spaces were provided on the south side of the property  
18 then the vehicle and foot traffic would be taken away from the road and off of the grass.

19  
20 Ms. Lee stated that the .4 acres would provide adequate area for the limousines and buses to turn around as  
21 well.

22  
23 Mr. Hall stated that the .4 acres utilized for parking would also leave fire lanes at both buildings.

24  
25 Mr. Passalacqua stated that it appears that the Board is okay with the 68 parking spots on the subject  
26 property. He said that the Board would like to see a floor plan of the barn and the farm machine shed and  
27 verification of the property line.

28  
29 Mr. Hall stated that the Board does have a floor plan for the farm machine shed which is to be utilized for  
30 the reception hall but they do not have a floor plan for the barn.

31  
32 Ms. Capel asked if the Board needs a list of the type of events could occur on the property.

33  
34 Mr. Randol stated that he does not believe that a list of the types of events to be held is relevant to the  
35 Board's decision.

36  
37 Mr. Hall said that there is a question regarding what capacity number the septic system should be sized for  
38 and his view is that it is up to the Champaign County Public Health Department. He asked Ms. Hudson if  
39 she ever arrived at an agreement with the Health Department regarding the size of the septic system.

1  
2 Ms. Hudson stated that that they agreed to 225 guests. She said that the 400 guests was a statement that she  
3 made to the *News Gazette* in response to a question that the reporter asked her regarding how many people  
4 she thought she could get in the shed. She said that Twin City Tent and Awning completed a drawing and  
5 the most that they could get in the shed was 300 and that would be butting the long tables right next to each  
6 other therefore forcing people to walk the length of the shed to get around the tables. She said that if she  
7 uses round tables the most that could be in the building was 232 guests because they had to take out space  
8 for the bathrooms and the ramps and steps. She said that she took her permit to the Health Department on  
9 Tuesday but it didn't have her husband's signature so she took it back yesterday morning and as far as she  
10 knows the Health Department has all of the paperwork and they have 48 hours to get back in touch with her.

11  
12 Mr. Hall stated that, as far as he is concerned, the septic system capacity is up to the Health Department. He  
13 asked the Board if they agreed and the Board indicated yes.

14  
15 Mr. Hall asked the Board if they were comfortable with leaving the parking area to be whatever vegetation  
16 and other surface that the Hudsons need it to be.

17  
18 Ms. Griest stated yes. She asked Mr. Hall if allowing the Hudsons to leave the parking area in whatever  
19 vegetation and other surface that they need it to be does not restrict them from putting in a rock base if they  
20 chose to do so.

21  
22 Mr. Hall asked Ms. Chavarria if staff had a site plan indicating the off-street parking would remedy any  
23 concerns at this point.

24  
25 Ms. Chavarria stated yes, especially if the capacity of the septic system is controlled by the Health  
26 Department.

27  
28 Mr. Hall asked the Board if they had any other safety concerns given that the barn is an old dry wood  
29 structure.

30  
31 Ms. Capel asked Mr. Hall if the Board is awaiting comment from the Chief of the Philo Fire Protection  
32 District.

33  
34 Mr. Hall stated that staff has sent notice to the Chief of the Philo Fire Protection District with no response  
35 but the Petitioner could attempt to gain comments.

36  
37 Ms. Griest stated that it should not be a stumbling block if the Philo Fire Protection District declines to  
38 comment. She asked Mr. Hall if the maximum capacity of the septic system is 225 then the use would be  
39 limited to 225 guests for computation of the number of required handicap spaces.

1  
2 Mr. Hall stated that the Board is requiring 68 parking spaces therefore 3 handicap spaces are required which  
3 is what the Petitioner was planning on installing anyway. He said that at this time he is not planning on  
4 having any special conditions related to limiting the capacity to 225. He said that the main reason why staff  
5 needed to know the capacity was so that we knew how much parking was required. He asked the Board if  
6 they were expecting a special condition regarding capacity or parking.

7  
8 Ms. Griest stated that no special condition is necessary if the parking is not located along the road.

9  
10 Ms. Capel stated that the special condition would be that no on street parking is allowed. She said that 68  
11 parking spaces is more than what a capacity of 225 would require anyway.

12  
13 Ms. Lee stated that item (d) on page 4 of the Preliminary Memorandum dated April 9, 2015, indicates a  
14 request variance of 4 accessible spaces on-site.

15  
16 Mr. Hall stated that item (d) on page 4 was written when staff was thinking that 80 parking spaces would be  
17 required. He said that 3 accessible spaces are needed for 68 parking spaces.

18  
19 Mr. Hall stated that there will be a special condition regarding accessibility. He said that he does not know  
20 what the State will require for accessibility. He said that if staff hasn't given Ms. Hudson the contact  
21 information for Doug Gamble, Accessibility Specialist, Illinois Capital Development Board, he will so that  
22 she may contact him. Mr. Hall stated that Mr. Gamble is an easy person to work with and in the past, under  
23 some circumstances, Mr. Gamble has agreed to golf cart use for past Special Use Permits so that the entire  
24 use is accessible to handicapped individuals. He said that this matter is completely up to the Illinois Capital  
25 Development Board and he would not try to guess what their response will be other than the 3 accessible  
26 parking spaces should be next to the Farm Shed Hall, which leaves to question how those individuals access  
27 the barn. He said that all of these issues will be better worked out by Ms. Hudson and Mr. Gamble meeting  
28 at the property so that he can give specific recommendations.

29  
30 Ms. Capel informed the Board that the clock is approaching 10:00 p.m. and she has three signatures on the  
31 witness register. She said that the witnesses have taken the time to attend the meeting and the Board should  
32 extend the meeting so that the Board may hear their testimony.

33  
34 Ms. Capel entertained a motion to continue the public hearing to 10:30 p.m.

35  
36 **Ms. Griest moved, seconded by Ms. Lee to continue the public hearing to 10:30 p.m. The motion**  
37 **carried by voice vote.**

38  
39 Ms. Griest stated that Mr. Hall indicated that he was not proposing any special conditions although item #7



1 of the Preliminary Draft Finding of Fact there are several special conditions indicated.  
2  
3 Ms. Capel stated that Mr. Hall only indicated that he was not proposing a special condition regarding  
4 capacity.  
5  
6 Ms. Capel asked the audience if anyone desired to cross examine Ms. Hudson and there was no one.  
7  
8 Ms. Capel called Thomas A. Drysdale to testify.  
9  
10 Mr. Thomas A. Drysdale, who resides at 707 Lauterbur Lane, Champaign, stated that he is an attorney with  
11 Heller & Holmes and Associates in Mattoon and has represented Ms. Hudson during this process. He said  
12 that the primary concern of the Board appears to be the parking issue and a lot of alternatives have been  
13 suggested. He wondered if the Board would also be open to Ms. Hudson making alternative arrangements  
14 for off-site parking somewhere else that would allow her to park cars on a separate property and shuttle  
15 guests to the venue.  
16  
17 Mr. Hall stated that the property utilized for the parking would have to have the same zoning designation as  
18 the subject property and would have to part of the Special Use Permit. He said that if that property is close  
19 by then adding it to the rezoning and special use cases would be relatively easy to do but if it is further away  
20 new cases would have to advertised and approved by the ZBA and the County for that use. He said that as  
21 long as no neighbor protests the request is likely to receive approval but it would increase the area that is  
22 being rezoned and obtaining a special use permit for and would require additional fees. He said that a new  
23 legal advertisement would be required therefore all of this could be done with more time and additional fees.  
24  
25 Mr. Drysdale stated that the overwhelming amount of support that Ms. Hudson has received from the  
26 community is verbalized in petitions and letters. He said that he has several letters from businesses in  
27 Champaign and Urbana including a letter from the Champaign County Visitor's Association. He said that  
28 the Champaign County Visitor's Association indicated their praises to Ms. Hudson and that they are proud to  
29 offer Hudson Farms as part of their tourism program. He said that a petition of support which included 26  
30 signatures throughout the area was submitted to the Board. He said that he and Ms. Hudson have spoken  
31 with Mike Flanagan, Champaign County Public Health Department, and he told Ms. Hudson what she needs  
32 to obtain her septic permit. Mr. Drysdale stated that he has no further comments to add to Ms. Hudson's  
33 comments other than we have been going through this process for a few months and he is happy to see  
34 everything is being worked out so that Ms. Hudson can have her business in Champaign County.  
35  
36 Ms. Capel asked the Board and staff if there were any questions for Mr. Drysdale and there were none.  
37  
38 Ms. Capel called Steve Moser to testify.  
39

1 Mr. Steve Moser, who resides at 1860 CR 1400N, Urbana, stated that he was going to offer Ms. Hudson the  
2 opportunity to use some of his CRP ground or a vacant lot with old farm buildings to use for parking. He  
3 said that one property is three-quarter of a mile north of Ms. Hudson's property and the other property is one  
4 mile away and is located in St. Joseph Township. He said that he does not want to go through rezoning and  
5 frankly he does not see why it would be a necessity. He said that he has two places where they could park 30  
6 vehicles and they could use it for overflow parking and it wouldn't affect him one bit. He said that the  
7 Hudson family has lived on the property for as long as he can remember and 70 years ago his parents stood  
8 up with Mr. and Mrs. Hudson at their wedding. He said that he has lived at his residence, which is around  
9 the corner on Windsor Road, all of his life and everyone who signed the petition is in favor of the Hudson's  
10 requests. He said that it is kind of unique and if he had kept his mouth shut they would not have gone to the  
11 Department of Planning and Zoning.

12  
13 Mr. Hall stated that staff wrote a letter to Mr. and Mrs. Hudson long before they came to the office regarding  
14 these requests.

15  
16 Mr. Moser stated that he has offered his property for their use but he is not requesting a special use for a  
17 piece of CRP land and an old building site which is part of his agricultural operation. He said that no one  
18 resides on either property and there is room on each property for several vehicles to park and then the  
19 Hudsons could shuttle people back and forth.

20  
21 Ms. Capel asked the Board and staff if there were any questions for Mr. Moser and there were none.

22  
23 Ms. Capel asked the audience if anyone desired to cross examine Mr. Moser and there was no one.

24  
25 Ms. Capel called Kelly Jo Lamb to testify.

26  
27 Ms. Kelly Jo Lamb, who resides at 107 Hartle Ave, Urbana, stated that she is the owner of Piato Cafe and  
28 Catering and she wanted the Board to know that she has catered several events at the Hudson Farm during  
29 the last year. She said that she catered the following events: Girls Night Out; and Murder Mystery; and  
30 weddings, etc. She said that the Board's main focus currently is the whole parking issue with people parking  
31 along the road. She said that if she forgot something for the event she would run back to town and she has  
32 never had a problem getting through the road due to the vehicles parked along the road. She said that the  
33 Hudsons take care of the guests in that they shuttle people back and forth in golf carts so that they do not  
34 have to walk on the road. She recommended that the Board visit the Hudson Farm so that they can see it for  
35 themselves. She said that she was raised on a farm and she understands the concern of vehicles parking  
36 along the road and agricultural equipment. She requested that the Board approve the requests because  
37 Hudson Farm is very unique and there is nothing else like it around here.

38  
39 Ms. Capel asked the Board and staff if there were any questions for Ms. Lamb and there were none.

1  
2 Ms. Capel asked the audience if anyone desired to cross examine Ms. Lamb and there was no one.

3  
4 Ms. Capel asked the audience if anyone else desired to sign the witness register and there was no one.

5  
6 Ms. Capel closed the witness register.

7  
8 Ms. Capel stated that the Board has had a good discussion regarding what is expected at the next public  
9 hearing regarding these cases. She asked the Board if anyone had anything to add to that discussion.

10  
11 Ms. Capel asked Ms. Hudson if she understood what is required for submission to staff before the next  
12 public hearing.

13  
14 Mr. Hall stated that the Board has requested a floor plan for the barn and the revised site plan including the  
15 parking area consisting of 68 spaces.

16  
17 Ms. Capel stated that the Board's responsibility is to research the property boundaries.

18  
19 Ms. Chavarria stated that the GIS system would be utilized.

20  
21 Mr. Drysdale asked Ms. Chavarria to explain what she means by utilizing the GIS system.

22  
23 Ms. Chavarria stated that the Board and staff would use the County Geographic Information System which is  
24 utilized for mapping all of the different layers regarding boundary lines, parcels, township boundary lines,  
25 etc. She said that the County GIS Department is located in the Brookens Administrative Building. She said  
26 that occasionally there are small errors but she has a feeling that the 400 feet measurement is fine and that  
27 there is only an issue of alignment that we need to check.

28  
29 Mr. Drysdale asked Ms. Chavarria to explain how the maps are drawn.

30  
31 Ms. Chavarria stated that the maps are drawn per legal descriptions but it could be off a little bit in terms of  
32 where it is aligned. She said that staff has several copies of the legal description for the property that were  
33 provided by Ms. Hudson.

34  
35 Mr. Hall stated that the other issue that was discussed was accessibility. He said that he was planning to  
36 prepare a special condition documenting accessibility. He said that he was not planning on making the  
37 accessibility a requirement during the public hearing and he believes that the Board's only interest is that the  
38 use is accessible and meets whatever Mr. Doug Gamble indicates that it needs to meet. He said that he does  
39 not believe that Mr. Gamble's determination needs to be identified during the public hearing unless the

1 Board wants to know.

2  
3 Ms. Griest asked if that would include placement of the handicapped parking spaces or do they have to put  
4 that on the site plan ahead of time or will the condition allow them to do that after the fact, as long as Mr.  
5 Gamble approved it.

6  
7 Mr. Hall stated that he is anticipating that the site plan will indicate the accessible parking spaces but if after  
8 working with Mr. Gamble they may realize that there is a better location than what they indicated. He said  
9 that the preeminent concern is that it meets Doug Gamble's requirements. He said that if Mr. Gamble  
10 authorizes fewer than three handicapped parking spaces then so much the better but Mr. Hall believes it will  
11 be three located at one of the buildings and he anticipates it at the Farm Shed Hall, but he could be wrong.

12  
13 Ms. Griest stated that she is comfortable with that and she would like to give them as much flexibility as  
14 possible.

15  
16 Mr. Randol asked Mr. Hall if this is a family farmland then anything agriculturally related can occur but  
17 since they are running a separate business they are required to obtain the special use permit. He asked how  
18 this is different from a farmer who raises livestock and once a year they have an auction where cattle are  
19 brought in from different places in the state and sold at an auction on the property. He said that these events  
20 generate parking on the road, food sales, etc., but no zoning permits are required for that to occur.

21  
22 Mr. Hall stated that staff informs everyone who calls our office that just because you see it happening does  
23 not mean that it should be happening or that it has all of the approvals. He said that he doesn't even want to  
24 comment on the scenario that Mr. Randol just described because that scenario does not sound like  
25 agriculture to him. He said that the Hudson Wedding Barn is not agriculture even though it relies on being  
26 near agriculture and appears to have the support of surrounding agriculture, but it is not agriculture.

27  
28 Mr. Randol asked if the Hudsons farm their land.

29  
30 Mr. Hall stated that the Hudsons do farm their land but the wedding barn is not farming.

31  
32 Mr. Hall stated that unless the Board wants to have another extended three hour long meeting on May 14<sup>th</sup> he  
33 believes that May 28<sup>th</sup> would be the closest and best date for a continuance, if that works for Ms. Hudson.

34  
35 Ms. Griest stated that the continuance date does not restrict her from continuing to operate until May 28<sup>th</sup>.

36  
37 Mr. Hall agreed. He said that the Board should ask Ms. Hudson if a continuance date of May 28<sup>th</sup> is  
38 acceptable. He said that if it would be better for Ms. Hudson the Board could select a later date for the  
39 continuance.

1  
2 Ms. Hudson stated that a continuance date of May 28<sup>th</sup> is acceptable. She asked if she should put the septic  
3 in or should she hold off until after May 28<sup>th</sup>.  
4  
5 Mr. Hall stated that the discussion that occurred tonight appeared very positive. He said that he cannot stress  
6 enough that any money that Ms. Hudson spends on this development before receiving final approvals is at  
7 risk.  
8  
9 Ms. Hudson stated that she will wait.  
10  
11 Mr. Hall asked Ms. Hudson if she believes that she can work through the issues with the site plan so that  
12 staff can review it and mail it out in the May 21<sup>st</sup> mailing for the May 28<sup>th</sup> meeting.  
13  
14 Ms. Capel entertained a motion to continue Cases 799-AM-15, 800-S-15 and 801-V-15 to the May 28<sup>th</sup>  
15 meeting.  
16  
17 **Ms. Griest moved, seconded by Mr. Passalacqua to continue Cases 799-AM-15, 800-S-15 and 801-V-15**  
18 **to the May 28<sup>th</sup> meeting. The motion carried by voice vote.**  
19  
20 **7. Staff Report**  
21  
22 None  
23  
24 **8. Other Business**  
25 A. Review of Docket  
26  
27 Mr. Hall stated that the docket is very bare. He said that staff has talked to several people and staff expects  
28 applications in the near future but nothing is coming immediately.  
29  
30 Ms. Lee asked Mr. Hall to indicate what Case 802-AT-15 entails.  
31  
32 Mr. Hall stated that Case 802-AT-15 will be a large text amendment therefore it will probably be moved  
33 back on the docket to a later date because he can only have one large text amendment at a time and he is still  
34 working on the Stormwater case.  
35  
36 Ms. Lee asked how many pages Case 802-AT-15 will be.  
37  
38 Mr. Hall stated that he does not know because he hasn't had time to start on it yet.  
39

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

2

3 None

4

5 **10. Adjournment**

6

7 Ms. Capel entertained a motion to adjourn the meeting.

8

9 **Ms. Griest moved, seconded by Mr. Passalacqua to adjourn the meeting. The motion carried by voice**

10 **vote.**

11

12 The meeting adjourned at 10:10 p.m.

13

14

15 Respectfully submitted

16

17

18

19 Secretary of Zoning Board of Appeals

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*DRAFT    SUBJECT TO APPROVAL    DRAFT            ZBA    //*

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