

1 **MINUTES OF REGULAR MEETING**

2 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

3 **1776 E. Washington Street**

4 **Urbana, IL 61802**

5 **DATE: November 12, 2015**

6 **PLACE: Lyle Shield's Meeting Room**

7 **1776 East Washington Street**

8 **Urbana, IL 61802**

9 **TIME: 6:30 p.m.**

10 **MEMBERS PRESENT:** Catherine Capel, Debra Griest, Marilyn Lee, Brad Passalacqua, Jim Randol,  
11 Eric Thorsland

12 **MEMBERS ABSENT :** None

13 **STAFF PRESENT :** Lori Busboom, John Hall, Susan Chavarria

14 **OTHERS PRESENT :** Jon Dessen, David Dessen, Loretta Dessen, Ami Dessen, Dustin Heiser

15 **1. Call to Order**

16 The meeting was called to order at 6:32 p.m.

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

18 The roll was called and a quorum declared present with five members present and one member absent.  
19 Mr. Thorsland indicated that the absent member is in transit to the meeting.

20 **3. Correspondence**

21 None

22 **4. Approval of Minutes**

23 None

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

27 **5. Continued Public Hearing**

28 **Case 685-AT-11 Petitioner: Champaign County Zoning Administrator. Request to amend the**  
29 **Champaign County Zoning Ordinance by revising Section 6.1 by adding standard conditions required**  
30 **for any County Board approved special use permit for a Rural Residential Development in the Rural**  
31 **Residential Overlay district as follows: (1) require that each proposed residential lot shall have an**  
32 **area equal to the minimum required lot area in the zoning district that is not in the Special Flood**  
33 **Hazard Area; (2) require a new public street to serve the proposed lots in any proposed RRO with**

1 more than two proposed lots that are each less than five acres in area or any RRO that does not  
2 comply with the standard condition for minimum driveway separation; (3) require a minimum  
3 driveway separation between driveways in the same development; (4) require minimum driveway  
4 standards for any residential lot on which a dwelling may be more than 140 feet from a public street;  
5 (5) require for any proposed residential lot not served by a public water supply system and that is  
6 located in an area of limited groundwater availability or over a shallow sand and gravel aquifer other  
7 than the Mahomet Aquifer, that the petitioner shall conduct groundwater investigations and contract  
8 the services of the Illinois State Water Survey (ISWS) to conduct or provide a review of the results; (6)  
9 require for any proposed RRO in a high probability area as defined in the Illinois State Historic  
10 Preservation Agency (ISHPA) about the proposed RRO development undertaking and provide a copy  
11 of the ISHPA response; (7) require that for any proposed RRO that the petitioner shall contact the  
12 Endangered Species Program of the Illinois Department of Natural Resources and provide a copy of  
13 the agency response.

14  
15 Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of his request.

16  
17 Mr. Hall requested that Case 685-AT-11 be continued to the first meeting in February 2016, tentatively  
18 February 11th.

19  
20 Mr. Thorsland entertained a motion to continue Case 685-AT-11 to the first meeting in February, tentatively  
21 February 11, 2016.

22  
23 **Ms. Griest moved, seconded by Ms. Capel to continue Case 685-AT-11 to the first meeting in**  
24 **February, tentative February 11, 2016. The motion carried by voice vote.**

25  
26 Mr. Thorsland entertained a motion to rearrange the agenda and hear Case 815-AM-15 prior to cases 808-S-  
27 15 and 817-AM-15.

28  
29 **Ms. Griest moved, seconded by Mr. Passalacqua to rearrange the agenda and hear Case 815-AM-15**  
30 **prior to Cases 808-S-15 and 817-AM-15. The motion carried by voice vote.**

31  
32 Mr. Thorsland noted that the review of Continued Case 808-S-15 and New Public Hearing Case 817-AM-15  
33 will be reflected in the minutes after New Public Hearing Case 815-AM-15.

## 34 35 **6. New Public Hearings**

36  
37 **Case 815-AM-15 Petitioner: Jody Wesley and Dustin Heiser d.b.a. Prairie View One, LLC. Request:**  
38 **Amend the Zoning Map to change the zoning district designation from the B-2 Neighborhood**  
39 **Business District to the B-4 General Business District in order to operate self-storage warehouses.**  
40 **Location: A 2.16 acre tract in the Northwest Quarter of the Northwest Quarter of Section 12,**  
41 **Township 20N, Range 7E in Mahomet Township and commonly known as 201 North Prairieview**  
42 **Road, Mahomet.**

43  
44 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign  
45 the witness register for that public hearing. He reminded the audience that when they sign the witness

1 register they are signing an oath. He asked the audience if anyone desired to sign the witness register at this  
2 time.  
3  
4 Mr. Thorsland asked the petitioner if he would like to make a brief statement regarding their request.  
5  
6 Mr. Dustin Heiser, 2896 N CR 1500 E, Mahomet stated that his request is to transform the building into self-  
7 storage units.  
8  
9 Mr. Thorsland asked Mr. Heiser if he had any information he wanted to add at this time.  
10  
11 Mr. Heiser stated he did not.  
12  
13 Mr. Thorsland asked Mr. Heiser if he had read through the packet including the proposed special condition  
14 for approval.  
15  
16 Mr. Heiser stated that he has talked with Doug Gamble, Accessibility Specialist with the Illinois Capital  
17 Development Board, and Mr. Gamble has no issues with the proposed project. He said that he has also  
18 spoken with Kelly Pfeiffer at the Village of Mahomet and she indicated that she will send him an email  
19 indicating that she has no problems with the project. He said that he spoke with the Fire Chief and showed  
20 him the plans indicating what he wants to do with the existing building. Mr. Heiser said that the Fire Chief  
21 indicated some changes that he would like to see, and Mr. Heiser made those changes. Mr. Heiser stated that  
22 he spoke with Chris Doenitz, Mahomet Township Highway Commissioner, and Mr. Doenitz indicated that  
23 he is not in control of the area, but he has no problems with the project.  
24  
25 Mr. Thorsland asked the Board if they had any questions.  
26  
27 Mrs. Lee asked Mr. Heiser why the width of the one aisle is only two feet three inches wide as indicated on  
28 the Site Plan.  
29  
30 Mr. Heiser stated that a correction of five feet had been made to the plans but that change did not appear on  
31 the Board's copy of the Site Plan.  
32  
33 Mr. Passalacqua asked Mr. Heiser if the aisle width on the opposite side is still five foot nine inches.  
34  
35 Mr. Heiser stated yes.  
36  
37 Mr. Thorsland asked if there were any other questions and there were none.  
38  
39 Mr. Thorsland noted that Mr. Randol has arrived at the meeting.  
40  
41 Mr. Thorsland asked if staff had any questions and there were none.  
42  
43 Mr. Thorsland called John Hall to testify.  
44  
45 Mr. John Hall, Zoning Administrator, stated that the Summary Finding of Fact on page 18 is the same as the

1 main body of the Finding of Fact. He said that there are no decision points in the Finding of Fact. He said  
2 that the proposed Zoning Ordinance map amendment will help achieve the LRMP and it is consistent with  
3 LaSalle and Sinclair Factors, and will help achieve the purpose of the Zoning Ordinance. He said that when  
4 you go from one business class to another and they are on a pair of roads like this property is located on, very  
5 seldom would there be a problem and this is one of those instances where there isn't a problem, at least from  
6 a LRMP standpoint.

7  
8 Mr. Thorsland asked if there were any further questions, and there were none.

9  
10 Mr. Thorsland read the proposed Special Condition listed on page 16 as follows:

11  
12 **A. A Change of Use Permit shall be applied for within 30 days of the approval of Case 815-**  
13 **AM-15 by the County Board.**

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

16 **The establishment of the proposed use shall be properly documented as**  
17 **required by the Zoning Ordinance.**  
18

19 Mr. Thorsland asked Mr. Heiser if he understood the statement and what he needs to do. He asked Mr.  
20 Heiser if he agrees with that condition.

21  
22 Mr. Heiser responded that he understood the statement and agreed to Special Condition A.

23  
24 Mr. Thorsland asked the Board if they have any questions. He entertained a motion to approve Special  
25 Condition A.

26  
27 **Ms. Griest moved, seconded by Ms. Capel to approve Special Condition A. The motion carried by**  
28 **voice vote.**

29  
30 Mr. Thorsland stated that there are no new Documents of Record. He said that the Summary Finding of Fact  
31 is in complete agreement with the LRMP. He said that Goals 1, 2, 4, 6, 7, 8, 9 and 10 are not impeded and  
32 the project will help achieve Goals 3 and 5. The project is also in line with the LaSalle and Sinclair Factors  
33 and the Zoning Ordinance. He stated that these are the suggested findings and asked if the Board agrees with  
34 all of them and the Board agreed.

35  
36 Ms. Griest asked if the special condition needs to be added to the Summary Finding of Fact, or did she  
37 perhaps miss it.

38  
39 Mr. Hall stated that Ms. Griest made a good point as Special Condition A is in the main Finding of Fact but  
40 not included in the Summary Findings of Fact. He said that staff will add Special Condition A. as new item  
41 4. of the Summary Finding of Fact.

42  
43 **Summary Finding of Fact for Case 815-AM-15:**

44  
45 From the documents of record and the testimony and exhibits received at the public hearing conducted on

1 November 12, 2015, the Zoning Board of Appeals of Champaign County finds that:

2  
3 **1. The proposed Zoning Ordinance map amendment will *HELP ACHIEVE* the Land Resource**  
4 **Management Plan because:**

5 **A. Regarding Goal 3:**

6 (1) The proposed rezoning will allow the Petitioner to sell the property and permit  
7 the new owners to conduct their business under proper zoning and therefore the  
8 proposed rezoning can be said to *HELP ACHIEVE* Goal 3.

9  
10 (2) Based on achievement of the above and because it will either not impede or is  
11 not relevant to the other Objectives and Policies under this goal, the proposed  
12 map amendment will *HELP ACHIEVE* Goal 3 Prosperity.

13  
14 **B. Regarding Goal 5:**

15 (1) It will *HELP ACHIEVE* Objective 5.1 regarding contiguous urban growth areas  
16 because it will *HELP ACHIEVE* the following:

17 a. Policy 5.1.3 requiring conformance with municipal comprehensive plans  
18 for development propped with a municipality's 1.5 mile extraterritorial  
19 jurisdiction.

20  
21 (2) It will *HELP ACHIEVE* Objective 5.3 regarding sufficient infrastructure and  
22 services for proposed new urban development because it will *HELP ACHIEVE*  
23 the following:

24 a. Policy 5.3.1 requiring sufficiently available public services for new urban  
25 development.

26 b. Policy 4.3.2 requiring proposed new urban development, with proposed  
27 improvements, to be adequately served by public infrastructure.

28  
29 (3) Based on achievement of the above Objectives and Policies, the proposed map  
30 amendment will *HELP ACHIEVE* Goal 5 Urban Land Use.

31  
32 **C. The proposed amendment will *NOT IMPEDE* the following LRMP goal(s):**

- 33 • Goal 1 Planning and Public Involvement
- 34 • Goal 2 Governmental Coordination
- 35 • Goal 4 Agriculture
- 36 • Goal 6 Public Health and Public Safety
- 37 • Goal 7 Transportation
- 38 • Goal 8 Natural Resources
- 39 • Goal 9 Energy Conservation
- 40 • Goal 10 Cultural Amenities

41  
42 **D. Overall, the proposed map amendment will *HELP ACHIEVE* the Land Resource**  
43 **Management Plan.**

44  
45 **2. The proposed Zoning Ordinance map amendment *IS* consistent with the *LaSalle* and *Sinclair***

1 factors because of the following:

2 A. The gain to the public of the proposed rezoning is positive because the proposed  
3 amendment allows continued use of an existing facility and will provide a service that  
4 will benefit both urban and rural resident and businesses.

5  
6 B. The subject property is suitable for the zoned purposes. The subject property cannot  
7 be converted back to agricultural production. There are similar businesses nearby that  
8 have been deemed appropriate for the area.

9  
10 C. The subject property will be vacated by a fitness center that is constructing a new  
11 facility a block away. The surrounding commercial area has generally been rezoned to  
12 B-4 General Business District over time and has land uses that would be compatible  
13 with self-storage warehouses.

14  
15 3. The proposed Zoning Ordinance map amendment will HELP ACHIEVE the purpose of the  
16 Zoning Ordinance because:

17  
18 A. The subject property has ample space surrounding the existing building and no new  
19 construction is planned.

20  
21 B. The requested Map Amendment will enable a vacant building to be repurposed.

22  
23 C. All surrounding commercial properties have rezoned to the B-4 Zoning District since  
24 the early 1990's and self-storage warehouses are a by-right use in the B-4 Zoning  
25 District.

26  
27 4. Proposed Special Conditions of Approval:

28 A. A Change of Use Permit shall be applied for within 30 days of the approval of Case  
29 815-AM-15 by the County Board.

30  
31 The above special condition is required to ensure the following:

32 **The establishment of the proposed use shall be properly documented as**  
33 **required by the Zoning Ordinance.**

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

36 **Ms. Griest moved, seconded by Ms. Lee, to adopt Summary of Evidence, Documents of Record and**  
37 **Findings of Fact as amended. The motion carried by voice vote.**

38  
39 Mr. Thorsland entertained a motion to move to the Final Determination.

40  
41 **Ms. Griest moved, seconded by Ms. Lee, to move to the Final Determination. The motion carried by**  
42 **vote.**

43  
44 **Final Determination for Case 815-AM-15:**

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Ms. Griest moved, seconded by Ms. Lee, that pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Zoning Ordinance Amendment requested in Case 815-AM-15 should BE ENACTED by the County Board in the form attached hereto.

**SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS;**

**A. A Change of Use Permit shall be applied for within 30 days of the approval of Case 815-AM-15 by the County Board.**

The above special condition is required to ensure the following:

**The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.**

Mr. Thorsland requested a roll call vote.

The roll call vote was called as follows:

<b>Capel-yes</b>	<b>Griest-yes</b>	<b>Lee-yes</b>
<b>Passalacqua-yes</b>	<b>Randol-yes</b>	<b>Thorsland-yes</b>

Mr. Hall informed Mr. Heiser that the Board recommended approval and the case will be forwarded to the Environment and Land Use Committee at their December 3, 2015, meeting. He said that presumably the case will be forwarded to the County Board later in the month. He requested that Mr. Heiser contact the office with any questions.

**Case 808-S-15 Petitioner: Loretta Dessen, d.b.a. Farm Lake, Inc. Request: Part A: Authorize a Special Use Permit for a combination “Private Indoor Recreational Development” and Outdoor Commercial Recreational Enterprise” to allow existing and ongoing use of an existing barn as a rentable venue for entertainment and recreation in the AG-2 Agriculture Zoning District on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current R-4 Multiple Family Residence District in related Zoning Case 817-AM-15. Part B. Authorize the following waiver to the standard conditions of the “Outdoor Commercial Recreational Enterprise” special use as per Section 6.1.3 of the Zoning Ordinance: A separation distance of 0 feet in lieu of the required 200 feet between any Outdoor Commercial Enterprise and any adjacent residential structure and/or use.**

**Case 817-AM-15 Petitioner: Loretta Dessen, d.b.a. Farm Lake., Inc. Request: Amend the Zoning Map to change the zoning district designation from the R-4 Multiple Family Residence to AG-2 Agriculture Zoning District in order to operate the proposed Special Use in related Zoning Case 808-S-15 on the subject property described below.**

**Location: A 10 acre tract in the West half of the Northeast Quarter of Section 4, Township 19 North,**

1 **Range 8 East in Urbana Township and commonly known as Farm Lake, with an address of 2502**  
2 **North Cunningham Avenue, Urbana.**

3  
4 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign  
5 the witness register for that public hearing. He reminded the audience that when they sign the witness  
6 register they are signing an oath. He asked the audience if anyone desired to sign the witness register at this  
7 time.

8  
9 Mr. Thorsland informed the audience that Case 808-S-15 is an Administrative Case and as such the County  
10 allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a  
11 show of hands for those who would like to cross examine and each person will be called upon. He requested  
12 that anyone called to cross examine go to the cross examination microphone to ask any questions. He said  
13 that those who desire to cross examine are not required to sign the witness register but are requested to  
14 clearly state their name before asking any questions. He noted that no new testimony is to be given during  
15 the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are  
16 exempt from cross examination.

17  
18 Mr. Thorsland asked the petitioners if they would like to make a brief statement regarding their request.

19  
20 Ms. Loretta Dessen, who resides at 2502 North Cunningham, Urbana, stated that she had no new information  
21 to add at this time.

22  
23 Mr. Thorsland asked Mr. Hall if he could provide more information on the new proposed Map Amendment.

24  
25 Mr. John Hall, Zoning Administrator stated that the map amendment is to reestablish the AG-2 Agriculture  
26 Zoning District so that the Outdoor Commercial Recreational Enterprise can be proposed. He stated that as is  
27 the case so often in re-zonings, when you compare the uses allowed by right it is completely consistent with  
28 the LRMP and we see no issues with uses allowed by-right but that means the issues arise on a case-by-case  
29 basis as related to the Special Use Permit. He stated that this is an ongoing use and new evidence since this  
30 Board reviewed it previously has been added at item 8.J, on page 11 of the Summary of Evidence in Case  
31 808-S-15, having to do with noise. He said that item 8.J is related to several aspects of the ordinance  
32 purpose, which is reviewed in Case 817-AM-15. He stated that we talked about noise at the last hearing for  
33 this case, and Ms. Dessen described some of the challenges she has in maintaining a reasonable noise level at  
34 the events. He said that staff checked with the Sheriff's Office and between 2013 and 2014 there were 56  
35 noise complaints placed with the Sheriff's Office and we do not have further details on those complaints. He  
36 said that this year there have been only 5 complaints, so this year looks maybe to be a better year in that  
37 regard. He said that a special condition has been proposed requiring that music be turned down at 10:00 p.m.

38  
39 Ms. Capel pointed out that at one place in the packet it says to turn the music down, in another it says to turn  
40 the music off.

41  
42 Mr. Hall concurred, stating there is a lot of gray area between down and off, and we do not want to have gray  
43 areas. He said that on page 27 Special Condition D. indicates that the music shall be turned off by 10:00 p.m.  
44 and in the body of the Summary of Evidence it states the same. He read proposed Special Condition D. as  
45 follows:

1  
2 **D. Music playing at events must be turned off by 10:00 p.m.**  
3

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

5 **That events held on the subject property adequately consider prior noise**  
6 **complaints and current neighbors.**  
7

8 Mr. Hall stated that the petitioner has to agree with that proposed condition. He stated that once that  
9 condition is complied with, it is hard to say this would not achieve our LRMP because that is the standard set  
10 by the Nuisance Ordinance, and we can't really impose a more restrictive standard. He added that if this  
11 condition is met, then by definition there cannot be any more complaints. He said that there can be people  
12 who are unhappy with the volume, but as long as it stops at 10:00 p.m. it is not a violation of any of our  
13 rules.  
14

15 Mr. Passalacqua asked if the special condition can say more than just turning down music. He stated that this  
16 venue is used by fraternities and sororities and he has seen college kids and has been a college kid and he  
17 does not believe that the music is the biggest problem at the site.  
18

19 Mr. Hall said that is the problem, determining what exactly it is that the Board wants to stop at 10:00 p.m.  
20 He said he agrees with Mr. Passalacqua and it would be good if loud noise could be described and it could be  
21 stopped it at 10:00 p.m. He said that perhaps the petitioner has a suggestion regarding this issue but this is  
22 the best that staff could do in time for the mailing.  
23

24 Mr. Thorsland stated that he understood what Mr. Passalacqua was referring to, and asked if the Board  
25 wanted a table of what has to stop at 10:00 p.m. such as playing horseshoes, bag game, smoking outside, etc.  
26 He said that music is one of the things that can be stopped easily by the DJ and he is not sure what the Board  
27 could do about other noise. He said that the Board had testimony from the petitioner indicating that the  
28 loudest thing at the parties is sometimes the people. He asked if the Board should keep the people indoors,  
29 or consider some other ideas the Board may have.  
30

31 Mr. Passalacqua stated that if he lived next door to it and called the Sheriff five times in 2015, he is not sure  
32 he would be satisfied with that either. He said that he is thinking about the neighbors and how events  
33 involving alcohol, even with, adults are noisy.  
34

35 Mr. Thorsland stated that the Board is getting a little ahead of themselves in that the map amendment case is  
36 first, and we need to hear evidence on that first but we will get to these conditions later on, so it is something  
37 for the Board to think about. He said that the Board could propose that at 10:00 p.m. the music stops and  
38 people are to finish the remainder of the event inside the structures and not outside. Mr. Thorsland said he  
39 would go through the witness register and try to get as much evidence as possible before the Board goes  
40 much farther on anything, but this was the time to ask Ms. Dessen if there is anything she wanted to add.  
41 He asked staff if they had anything to add at this time.  
42

43 Mr. Hall stated that this is the challenge of these cases as this is an ongoing use and the Board anticipated  
44 that getting a special use permit in place might help with this very problem of noise. He said that based on  
45 the discussion at the last hearing, the petitioner has already dealt with that concern to a large degree. He said

1 that maybe cutting off the amplified music at 10:00 p.m. may be a missing component, but that is the  
2 difficult challenge for the Board in these cases.

3  
4 Mr. Thorsland asked if there was a quick way for the Board to view the noise portion of the Champaign  
5 County Nuisance Ordinance.

6  
7 Mr. Passalacqua commented that the Nuisance Ordinance already applies to this property.

8  
9 Mr. Thorsland added that it applies to every property, but the Board is making this a condition in this case to  
10 point it out specifically.

11  
12 Mr. Passalacqua stated that he can imagine the perception of the neighbor that the noise would get louder  
13 when the music stops.

14  
15 Mr. Thorsland agreed with Mr. Passalacqua. He stated that on the other side, people tend to elevate their  
16 voices when the music is playing so maybe it gets quieter when the music stops. He said that he knows that  
17 the Board and Mr. Passalacqua in particular, have a difficult time on these cases in that we have the moral  
18 component but the Board is talking about human behavior.

19  
20 Mr. Passalacqua stated that is why he does not think it is going to get quiet at 10:00 p.m.

21  
22 Mr. Thorsland agreed. He asked Mr. Passalacqua how the Board will write a condition around that. He  
23 suggested moving back to the discussion of the map amendment. He asked Mr. Hall the benefit of bringing  
24 this property back to AG-2.

25  
26 Mr. Hall pointed out that Special Condition G. discusses the limited use of the grounds after 10:00 p.m. and  
27 was the other thing that staff could think of which would be limiting the extent you could be outdoors after  
28 10:00 p.m. He said that he does not think it is reasonable to expect that we could keep everyone indoors after  
29 that time given that there are outdoor restrooms.

30  
31 Mr. Passalacqua stated that the Board and staff had this same discussion during the first hearing for this case  
32 because of the restrooms and the area used for smoking and just the mere square footage and the number of  
33 people he thinks the outside areas were salient to the parcel being rented.

34  
35 Mr. Hall stated that Special Condition G is meant to limit the outdoor use of the area after 10:00 p.m. in the  
36 immediate vicinity of the east barn. He said that the idea is that the rest of the property is out of bounds after  
37 10:00 p.m. He said that unfortunately, the east barn is the area that is closest to neighboring residences.

38  
39 Mr. Passalacqua asked the petitioner if, most of the time, are there separate parties going on in each barn at  
40 the same time.

41  
42 Ms. Dessen responded that on weekends that is often the case but the parties are kept separate from one  
43 another.

44  
45 Mr. Passalacqua asked if it is customary to have both the barns rented at the same time.

1  
2 Ms. Dessen stated hopefully, yes.

3  
4 Mr. Thorsland called Mr. Jon Dessen to testify.

5  
6 Mr. Jon Dessen, who resides at 2204 Lynwood, Champaign, stated that in the past, the span between the barn  
7 that we are talking about right now and the residential properties was way further away. He said that the  
8 trailer park decided to expand the usage of the area of where they were originally going to have trailers and  
9 he believes that is why they are having the majority of the problems they have now, because the trailer park  
10 was encroaching on both sides. He said that there were complaints in the past, but he thinks they were  
11 handled fairly decently by turning the music down, ushering out individuals who were loud, getting them  
12 back on the bus and sending them back to Campustown. He stated that there has been a reduction in  
13 complaints in the last couple of years.

14  
15 Ms. Dessen stated that the party at the east barn ends much earlier than the party at the west barn now. She  
16 stated that guests can stay there until 11:00 p.m. and are gone by 11:15 p.m. She said that the music is down  
17 by 10:00 p.m. and they try to turn it way down by 10:30 p.m. She noted that they cannot control young  
18 peoples' voices, but they try.

19  
20 Mr. Thorsland asked Ms. Dessen in what year did they expand the residences in the park to the south of the  
21 barns and did it correlate with the additional count on those complaints in about 2006.

22  
23 Ms. Dessen stated that they expanded the mobile home park about four years ago.

24  
25 Mr. Thorsland asked Ms. Dessen if complaints seemed to change when the residences got closer.

26  
27 Mr. Jon Dessen stated that to the east of their property, it was strictly a cornfield, and then they started  
28 building houses there so whether it is coming from the trailer park or the homestead to the east, which is  
29 several hundred yards away, he does not have an answer.

30  
31 Mr. Thorsland stated that what he is trying to see is whether the closer residences resulted in an increase in  
32 complaints.

33  
34 Mr. Dessen stated yes, that is correct.

35  
36 Mr. Thorsland stated that is not an unusual situation when there is an existing use.

37  
38 Mr. Thorsland called Mr. David Dessen to testify.

39  
40 Mr. David Dessen stated that he resides in Tucson, Arizona, but lives at 2502 North Cunningham in the  
41 spring and fall to help his mother out with the parties. He stated that there have only been 5 complaints this  
42 year, and that is quite a reduction. Mr. David Dessen believes that the reduction is due to the changes they  
43 have made. He suggested that some of the complaints this year came about because some of the students  
44 started using Uber to arrive at the property. He stated that when guests give the address to the Uber drivers,  
45 their GPS takes them to the trailer park rather than directly to Farm Lake but now that the season is mostly

1 done the Uber drivers know where the property is located. He added that the complaints probably came  
2 because students were walking through yards.

3  
4 Mr. Thorsland stated that we are not going to put speculation like that in, but he does understand the failing  
5 of GPS in some cases. Mr. Thorsland said that the Dessens have a fence which was installed in 2014, and  
6 that this year they have had a lot less complaints. He commented that good fences make good neighbors, as  
7 they say. He noted that the petitioners have been more proactive in trying to keep events quieter.

8  
9 Mr. Passalacqua stated that prior testimony indicated that a bus and one private vehicle brought people out to  
10 events.

11  
12 Mr. Thorsland added now there are people arriving via Uber.

13  
14 Mr. Passalacqua stated that he does not know if there is enough there to look at traffic or noise impacts. He  
15 said that the bus is great because it is one shot in and out of the property.

16  
17 Mr. Thorsland stated that when the Board looked at this case before, everyone was mustering somewhere  
18 else then coming out to the property on a bus and now what we are hearing is that some people are coming  
19 out in smaller groups, individuals, in cars or some other means.

20  
21 Ms. Dessen stated that they are all to come out on the buses. She said that there are kids who have tests that  
22 last until 9 or 9:30 p.m. and they have been calling Uber. She added that Uber uses a GPS that takes them to  
23 the wrong place.

24  
25 Mr. Thorsland asked Ms. Dessen if what she tells her clients is that they must come on the bus.

26  
27 Ms. Dessen stated yes.

28  
29 Mr. Thorsland stated that some people are independently getting themselves there afterwards via taxi or  
30 Uber, and asked Ms. Dessen if everyone has to leave the property on the bus.

31  
32 Ms. Dessen said that sometimes for events they have what parties call sober drivers, who will bring a car.  
33 Ms. Dessen allows one car per party for sober drivers.

34  
35 Mr. Thorsland stated that he did not want this case to be about that and he thinks that Ms. Dessen does  
36 everything in her power to have people come out the way that they are supposed to. He said that does not  
37 know if the Board can make a condition that prevents people from finding a way to get to where Ms. Dessen  
38 lives and hosts the party. He said that he does not know if they ever want to go in the direction of regulating  
39 human behavior.

40  
41 Ms. Lee asked about the complaint where the son was being kept from sleeping 3 to 4 times a week. She  
42 asked how many events Ms. Dessen holds on Saturday nights. She said that previously Ms. Dessen indicated  
43 that she had no events on Sundays. She asked Ms. Dessen how many events she typically has during the  
44 week.

1 Ms. Dessen stated that she has events on Thursdays, Fridays, Saturdays and sometimes during the season  
2 there might be a party at that barn Thursday, Friday, and Saturday evenings. Ms. Dessen added that she tries  
3 to use the east barn much less than the front barn.  
4  
5 Mr. Thorsland asked if those were her typical nights to operate.  
6  
7 Ms. Dessen answered yes.  
8  
9 Mr. Thorsland asked Ms. Dessen if there are any other nights that might sometimes have events.  
10  
11 Ms. Dessen answered not in the back barn.  
12  
13 Mr. Thorsland asked if the back barn is the same as the east barn.  
14  
15 Ms. Dessen answered yes. She stated that at the west barn, they sometimes have events on Sundays, such as  
16 church picnics.  
17  
18 Mr. Thorsland stated that the west barn is a lot further away from everything and that it is not in question  
19 tonight.  
20  
21 Ms. Dessen stated that the back barn is only used when they have two parties a night, typically in September,  
22 October, April and May. She said she tries to rent out the front barn before she rents out the back barn.  
23  
24 Mr. Thorsland commented that Ms. Dessen has testified that a lot of her parties are campus related. He  
25 asked Ms. Dessen if when the semesters are not in session if it slows down, or if they get a different kind of  
26 guest.  
27  
28 Ms. Dessen stated that in the summer all their parties are in the front barn.  
29  
30 Mr. Thorsland stated that the east barn is really only in play in the spring and fall, and generally is only  
31 during college activity.  
32  
33 Ms. Dessen said yes. She said that the other barn is used for adults and not students.  
34  
35 Mr. Thorsland asked staff if there were any questions for Ms. Dessen and there were none.  
36  
37 Mr. Thorsland asked the audience if anyone desired to cross examine the Dessens and there was no one.  
38  
39 Mr. Thorsland asked the audience if anyone desired to sign the witness register to present testimony  
40  
41 Mr. Jon Dessen stated that they were aware there were complaints with the authorities and he believes it was  
42 about a year or year and a half ago. He said that Ms. Dessen did go over and talked with the director of the  
43 trailer park and the director did not know what was going on other than that he knew people were making  
44 noise. Mr. Dessen said that once it was explained what was going on with the parties, things settled down  
45 and after that the complaints went down to a nominal amount. Mr. Dessen stated that he believes that it was

1 just a matter of educating the director of the trailer park that changed the number of complaints and the  
2 director went to the residents closest to the east barn and explained what was going on. Mr. Dessen stated  
3 that he does not believe that the residents even knew what was happening.  
4

5 Mr. Randol stated that the Board has had discussion about noise complaints, but the Board has had no one in  
6 the audience voice any objections to what has been taking place.  
7

8 Mr. Hall stated that to Mr. Randol's point, when the Zoning Department sends out notices for a case, they  
9 are sent to the owner of record. He said that when it is a manufactured home park like it was for these cases,  
10 staff does not have the addresses for the actual residents and all staff has is the address for the park  
11 management. He said that if the park management either has not heard about the complaints or is just not  
12 aware of it, they are probably not going to have any comments. He said that staff has discussed what might  
13 be done for future cases like this and the only way staff can think of to get notice to the actual residents  
14 would be to put door hangers on each unit at the parks, and of course we would have to have approval of  
15 park management, which might take a little doing. He said that it would be a substantial investment in staff's  
16 time and he does not know if it would have had different results in this case, but when you talk about not  
17 having anyone in the audience speaking against it, he thinks the Board needs to be aware of that.  
18

19 Mr. Thorsland stated that on some level 56 complaints over the period could be considered a protest by the  
20 neighbors. He said that it sounds like when the Dessens had a discussion with the people involved and when  
21 they constructed the fence, complaints dropped a lot. He said that when the Board goes through the Special  
22 Use Case and if the conditions in there are honored it will also be interesting to see what next year looks like.  
23 He said that it sounds like the petitioners have been proactive. He said that there are other residents to the  
24 east that received notice and none came to the hearing.  
25

26 Mr. Hall asked the Board to consider adding a special condition that reflects what the petitioners are already  
27 doing and reads as follows: events at the east barn should end at 11 p.m. He said that this will just set in  
28 place a rule that seems to be having positive effects.  
29

30 Mr. Thorsland asked for clarification on how much security the Dessens hire for parties because in one part  
31 of the Finding the Dessens indicated that they hire 1 security guard for every 25 guests and later in the  
32 Finding of Fact mentions 1 security guard for every 40 guests.  
33

34 Mr. David Dessen stated that it is probably closer to 1 security guard per 40 guests.  
35

36 Mr. Thorsland asked Mr. Dessen where they get their security staff.  
37

38 Ms. Dessen stated that many of them are retired sheriff's deputies, and they do try to train them.  
39

40 Mr. Thorsland stated that for the length of time the Dessens have been doing these events, he is very pleased  
41 to see that there were only 56 times when someone bothered to pick up the phone and say something about  
42 an event. He said that we are talking about several hundred events per year.  
43

44 Mr. David Dessen stated that this year, counting weddings and charity things also, there were 60 this fall and  
45 30 last spring.

1  
2 Mr. Thorsland commented that we have had other places with fewer events that have had a lot more  
3 problems and the duration was much shorter than this. He said that he believes everyone is on the right path  
4 here, and we just need to make it legal for them to be on the right path at this point.

5  
6 Mr. Thorsland asked if there was anyone who wanted to present testimony or cross examine the petitioners,  
7 and there was no one.

8  
9 Mr. Thorsland stated that the Board will begin its review of Attachment H, pages 1 through 24 of the  
10 Findings of Fact for Case 817-AM-15. He said that this case has a lot to do with the LRMP (Land Resource  
11 Management Plan). He said the Board will begin on page 17 of Attachment H and noted a decision point for  
12 the Board. He said that item 21 states the following: The proposed amendment {WILL/ WILL NOT} HELP  
13 ACHIEVE the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the  
14 following reasons: A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations  
15 and standards that have been adopted and established is to secure adequate light, pure air, and safety from  
16 fire and other dangers This purpose is directly related to the limits on building coverage and the minimum  
17 yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those  
18 requirements; and B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations  
19 and standards that have been adopted and established is to conserve the value of land, BUIDLINGS, and  
20 STRUCTURES throughout the COUNTY. The requested rezoning WILL/WILL NOT decrease the value of  
21 nearby properties. He said that the next decision point is under item 21.E and reads as follows: In regards to  
22 public comfort and general welfare, the requested rezoning WILL/WILL NOT PROMOTE public comfort  
23 and general welfare. He requested direction from the Board about how they wanted to answer those  
24 questions.

25  
26 Ms. Lee referred to item 7.B. (5) on page 3 of 24 and stated that she thought the patio area was not covered  
27 by the barn roof.

28  
29 Mr. Thorsland stated that item 7.B (4) indicates a patio that is open on the east and south and item 7.B.(5)  
30 includes all areas covered by the roof. He said that he does not know if item 7.B.(5) means that the patio has  
31 a roof. He asked the petitioners for clarification regarding the patio.

32  
33 Mr. David Dessen responded that the patio has a roof and two sides are open.

34  
35 Mr. Thorsland asked if they consider that part of the barn.

36  
37 Mr. David Dessen responded yes.

38  
39 Mr. Thorsland asked Ms. Lee if she was satisfied with Mr. Dessen's explanation of the patio.

40  
41 Ms. Lee said yes.

42  
43 Mr. Thorsland referred back to page 17 of Attachment H.

44  
45 Mr. Hall stated that in regards to items 21.B. and 21.E. staff was primarily thinking about the effects of noise

1 impacts on adjacent properties. He said that the paragraphs do not actually mention anything about noise,  
2 but that is what staff was thinking needs to be addressed in those items.

3  
4 Mr. Thorsland stated that these multi-part cases are sometimes difficult to determine where to start picking  
5 away at things. He said that Mr. Hall pointed out that we are working on this map amendment case and  
6 these decision points have a lot to do with the conditions the Board will set in the special use permit. He  
7 said that if the Board desires, they could go through the special use case first, but we really need to do the  
8 map amendment part to get to the special use. He said that the Board has discussed a lot about the  
9 conditions, and he can say comfortably that the Board knows what direction we are going in, and it sounds  
10 like the petitioners are going in the same direction. He stated that whether that addresses what the Board  
11 wants to do with the map amendment is up to the Board.

12  
13 Ms. Capel stated that map amendments are always hard because they apply beyond this owner. She said that  
14 although there is a special use permit involved with special conditions, the map amendment opens that  
15 particular piece of property up to everything that is part of AG-2.

16  
17 Mr. Hall stated that it all comes back to the special conditions and we still have the proposed special  
18 condition that the special use permit ends when Ms. Dessen no longer resides on the property. He said that  
19 no special condition has been approved yet but we have included that proposed condition since the beginning  
20 because as the Board has seen in other cases, when you have a petitioner who comes to the Board with very  
21 salient evidence of what they have done to manage something properly, on more than one occasion the  
22 Board has made the approval based on that owner's continued involvement. He said that when that owner is  
23 no longer involved, a different owner has to come back and prove themselves in front of the Board.

24  
25 Ms. Capel stated that there are a lot of activities available in AG-2 that may or may not be appropriate on  
26 this property that might be problematic if it were sold.

27  
28 Mr. Hall stated that he imagines that all of those things that are problematic would relate to special uses  
29 which would have to come before the Board.

30  
31 Ms. Capel stated that there would be no by-right use on the property that would conflict with the residential  
32 nature of the neighborhood.

33  
34 Mr. Hall responded that agriculture would be the one land use that would conflict the most.

35  
36 Mr. Thorsland stated that agriculture is by-right anyway, and the only condition in the map amendment is the  
37 Right to Farm, that the petitioner agrees to the Right to Farm ordinance we have in the county.

38  
39 Mr. Passalacqua asked if item 21 could read "*NOT IMPEDE*" rather than "*HELP ACHIEVE*".

40  
41 Mr. Thorsland read item 21.A. with Mr. Passalacqua's recommendation: The proposed amendment **WILL**  
42 **NOT IMPEDE** the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance. He  
43 recommended that item 21.B. state that the following: The requested rezoning **WILL NOT** decrease the  
44 value of nearby properties. He recommended that item 21.E.(2) state the following: In regards to public  
45 comfort and general welfare, the requested rezoning **WILL PROMOTE** public comfort and general welfare.

1  
2 Mr. Passalacqua stated he that he preferred that version better because he does not see the former version as  
3 really forwarding the purpose.  
4  
5 Mr. Thorsland asked the Board if they were comfortable with the recommendations for the items 21.B. and  
6 21.E.(2), and if so item 21 would thus read "**WILL NOT IMPEDE**".  
7  
8 Ms. Griest stated that she has a problem with the phrasing "**WILL PROMOTE**". She is not certain what  
9 wording would work better, because she cannot make a case for how it promotes public comfort and general  
10 welfare.  
11  
12 Mr. Thorsland thought it could be "**NOT IMPEDE**".  
13  
14 Ms. Griest said that she could be very comfortable with "**NOT IMPEDE**" for item 21.E.(2).  
15  
16 Mr. Passalacqua stated that is better language because if we are receiving general complaints for noise, then  
17 it does impede public comfort, but with the condition we are proposing, those complaints should be taken  
18 care of.  
19  
20 Mr. Thorsland stated that Ms. Capel mentioned moments ago that these map amendments are hard because  
21 we infer that we are going to get all the conditions in. Mr. Thorsland read the Board's recommendation for  
22 item 21.E.(2), stating "In regards to public comfort and general welfare, the requested rezoning **WILL NOT**  
23 **IMPEDE** public comfort and general welfare. He asked for improved language for that statement.  
24  
25 Ms. Capel agreed with the recommendation for item 21.E (2).  
26  
27 Ms. Griest stated that she also agrees with the recommendation for item 21E (2). She said that she would  
28 like to follow up on something Mr. Thorsland said a minute ago. She stated that when she looks at the map  
29 amendment, she has to look at that amendment standing separately from and independently of the special  
30 use. She said that if the Board is proposing to move any parcel to AG-2 that is already at a higher  
31 classification, she thinks that it is less of a challenge to say that it is in compliance than if we were moving it  
32 to a higher classification. She said that the Board is really downgrading the classification of this parcel to  
33 where the uses are more compatible overall with the general residential/agricultural climate of the county.  
34 She stated that part of her struggle with saying "**WILL NOT IMPEDE**" was that the map amendment isn't  
35 promoting/not promoting, but the special use kept jumping in there, inappropriately.  
36  
37 Mr. Thorsland stated that R-4 can be very dense and possibly also quite loud.  
38  
39 Mr. Hall stated that one of the uses authorized by-right in the current zoning is a fraternity/sorority or student  
40 co-op.  
41  
42 Mr. Thorsland stated that this shows the Board is actually putting this land in a tighter set of brackets. He  
43 said that, it just happens to be that for this special use, which is independent, we have to put a different set of  
44 brackets on it.  
45

1 Mr. Thorsland stated that the recommendation for item 21.E. (2) is as follows: In regards to public comfort  
 2 and general welfare, the requested rezoning **WILL NOT IMPEDE** public comfort and general welfare. He  
 3 said that the recommendation for item 21.B is as follows: The requested rezoning **WILL NOT** decrease the  
 4 land value of nearby properties. He said that the recommendation for item 21 is as follows: The proposed  
 5 amendment **WILL NOT IMPEDE** the purpose of the Zoning Ordinance as established in Section 2 of the  
 6 Ordinance.

7  
 8 Mr. Thorsland stated that item 22 is the part that the petitioner needs to listen to carefully. He said that  
 9 this is a special condition of approval of the map amendment to move from R-4 to AG-2. He said that  
 10 the Board has discussed other conditions tonight that relate to the special use although this one condition  
 11 relates only to the map amendment. He stated that the proposed special condition is

- 12
- 13 **A. The owners of the subject property hereby recognize and provide for the right of**
- 14 **agricultural activities to continue on adjacent land consistent with the Right to**
- 15 **Farm Resolution 3425.**
- 16

17 The above special condition is necessary to ensure the following:  
 18 **Conformance with Policy 4.2.3 of the Land Resource Management Plan.**

19  
 20 Mr. Thorsland stated that this is an ordinance the county has had for a while and it means that if you put your  
 21 luxury home in the middle of farm fields, you can't decide all of a sudden that you really don't like soybean  
 22 dust on your patio. He asked the petitioners if they agree with Special Condition A.

23  
 24 Ms. Dessen stated that she agrees with Special Condition A.

25  
 26 Mr. Thorsland entertained a motion to approve the special condition as read.

27  
 28 **Ms. Griest moved, seconded by Ms. Capel to approve the special condition. The motion carried by**  
 29 **voice vote.**

30  
 31 Mr. Thorsland stated that there are no new Documents of Record.

32  
 33 **Summary Finding of Fact for Case 817-AM-15:**

34  
 35 From the documents of record and the testimony and exhibits received at the public hearing for zoning case  
 36 817-AM-15 held on July 30, 2015 and November 12, 2015, the Zoning Board of Appeals of Champaign  
 37 County finds that:

- 38
- 39 **1. The proposed Zoning Ordinance map amendment will *HELP ACHIEVE* the Land**
- 40 **Resource Management Plan because:**
  - 41 A. Regarding Goal 3:
  - 42 (1) Although the proposed rezoning is ***NOT DIRECTLY RELEVANT*** to any
  - 43 of the Goal 3 objectives, the proposed rezoning will allow the petitioner to
  - 44 utilize the property somewhat more intensively and continue business
  - 45 operations in Champaign County.

1  
2 Mr. Thorsland asked the Board if they were in agreement with this statement.

3  
4 The Board agreed.

- 5  
6 (2) Based on achievement of the above and because it will either not impede or is  
7 not relevant to the other Objectives and Policies under this goal, the proposed  
8 map amendment **WILL HELP ACHIEVE** Goal 3 Prosperity.  
9

10 Mr. Thorsland asked the Board if they were in agreement with this statement.

11  
12 The Board agreed.

13  
14 B. The proposed amendment **WILL NOT IMPEDE** the following LRMP goal(s):

- 15  
16 • Goal 1 Planning and Public Involvement  
17 • Goal 2 Governmental Coordination  
18 • Goal 4 Agriculture  
19 • Goal 5 Urban Land Use  
20 • Goal 6 Public Health and Safety  
21 • Goal 7 Transportation  
22 • Goal 8 Natural Resources  
23 • Goal 9 Energy Conservation  
24 • Goal 10 Cultural Amenities  
25

26 Mr. Hall stated that he noticed in the body of the Finding of Fact that the draft evidence for Goal 4 was  
27 written “will help achieve Goal 4”. He said that he is pointing out that the body of the Finding of Fact is  
28 not consistent with the Summary, which states “will not impede Goal 4”. He believes that either wording  
29 would be adequate for the purposes of the rezoning, and he wants to make sure that the Board’s  
30 Summary of Evidence is consistent with the Finding of Fact evidence. He referred to Goal 4 evidence on  
31 pages 10-14, noting that it was a major section of evidence with the overall statement being “**WILL**  
32 **HELP ACHIEVE**”.

33  
34 Mr. Thorsland stated that the Board does have the approved condition regarding the Right to Farm but  
35 this is more about the property itself. He asked if Goal 4 should be changed to “will help achieve” or  
36 does the Board want to change the overall finding on page 10 to **WILL NOT IMPEDE**.

37  
38 Mr. Passalacqua responded that **WILL NOT IMPEDE** is more consistent.

39  
40 Mr. Thorsland stated that the Board must make sure the wording is consistent throughout the evidence  
41 for Goal 4, starting on page 10. He read from page 10, stating “Goal 4 has 9 objectives and 22 policies.  
42 The proposed amendment **WILL NOT IMPEDE** Goal 4 for the following reasons”. He indicated that  
43 the wording should be made consistent for that entire section regarding Goal 4 and that would make the  
44 Summary Finding of Fact more consistent with what the Board has recommended.  
45

1 Mr. Thorsland referred back to Part 1.C. of the Summary Finding of Fact.  
2

- 3 C. Overall, the proposed map amendment **WILL HELP ACHIEVE** the Land  
4 Resource Management Plan.  
5

6 Ms. Griest stated that it **WILL HELP ACHIEVE**.  
7

8 Mr. Thorsland stated that the proposed map amendment **WILL HELP ACHIEVE** the Land Resource  
9 Management Plan.  
10

11 Mr. Thorsland read Summary Finding of Fact Item 2:  
12

13 **2. The proposed Zoning Ordinance map amendment IS consistent with the**  
14 **LaSalle and Sinclair factors because of the following:**  
15

- 16 A. The subject property has been in use as proposed since 1992; the property has not  
17 changed significantly since the 1970s.  
18
- 19 B. It is impossible to establish property values without a formal real estate appraisal  
20 which has not been requested nor provided and so any discussion of values is  
21 necessarily general.  
22
- 23 C. The gain to the public of the proposed rezoning could be positive because the  
24 proposed amendment would allow the Petitioner to continue providing a service  
25 to the community while preserving a natural wooded habitat.  
26
- 27 D. The subject property is occupied by a single family residence and zoned R-4  
28 Multi-Family Residential.  
29
- 30 E. The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** the  
31 Champaign County Land Resource Management Plan.  
32
- 33 F. The Urbana Comprehensive Plan adopted in 2005 calls for residential and  
34 business development in the subject property area.  
35

36 Mr. Thorsland recommended that the proposed Zoning Ordinance map amendment **IS** consistent with  
37 the LaSalle and Sinclair factors.  
38

39 Ms. Capel agreed.  
40

41 **3. The proposed Zoning Ordinance map amendment WILL HELP ACHIEVE the**  
42 **purpose of the Zoning Ordinance because:**  
43

- 44 A. Establishing the AG-2 District **WILL NOT** decrease the value of nearby  
45 properties (Purpose 2.0 (b) see Item 21.B.).

1  
2 Mr. Thorsland said that the Board had determined that it **WILL NOT** decrease the value of nearby  
3 properties.

- 4  
5 B. Establishing the special use requires rezoning to AG-2; this rezoning **WILL** lessen  
6 and avoid congestion in the public streets (Purpose 2.0 (c) see Item 21.C.).  
7

8 Mr. Passalacqua asked if that even applies.  
9

10 Mr. Thorsland responded that he does not know if it applies, and suggested the statement be changed to  
11 will not apply.  
12

13 Mr. Passalacqua suggested it be changed to *IS NOT RELEVANT*.  
14

15 Mr. Hall asked if the Board believes that the special use will not help the way that traffic is controlled.  
16

17 Mr. Thorsland stated that he understood it in a different context, but can now see where it is relevant.  
18

19 Ms. Griest stated that she would suggest **WILL** lessen and avoid congestion because going from R-4 to  
20 AG-2 will reduce congestion and it will reduce the number of trips.  
21

- 22 C. Establishing the AG-2 District **WILL** promote the public health,  
23 safety, comfort, morals, and general welfare (Purpose 2.0 (e) see Item 21.E.).  
24

25 Ms. Capel stated that it **WILL**.  
26

- 27 D. Establishing the AG-2 District at this location will help classify, regulate, and  
28 restrict the location of the uses authorized in the AG-2 District (Purpose 2.0 (i) see  
29 Item 21.G.).  
30

- 31 E. Establishing the AG-2 District in this location **WILL** help protect the most  
32 productive agricultural lands from haphazard and unplanned intrusions of urban  
33 uses ((Purpose 2.0 (n) Item 21.I).  
34

35 The Board agreed with the recommendation.  
36

- 37 F. The proposed rezoning and proposed Special Use **WILL** protect natural features  
38 such as forested areas and watercourses (Purpose 2.0(o) Item 21.J).  
39

40 The Board agreed with the recommendation.  
41

- 42 G. Establishing the AG-2 District at this location **WILL** maintain the rural character  
43 of the site (Purpose 2.0 (q) Item 21.L).  
44

45 The Board agreed with the recommendation.

1  
2 H. The proposed rezoning and proposed Special Use **WILL NOT IMPEDE** the  
3 development of renewable energy sources (Purpose 2.0(r) Item 21.M).  
4

5 Ms. Griest asked how Item 3.H. is relevant.  
6

7 Mr. Thorsland responded that he is looking for different wording, and suggested **WILL NOT IMPEDE**  
8 rather than **WILL NOT** hinder. Therefore, the map amendment will **HELP ACHIEVE** the Zoning  
9 Ordinance.  
10

11 Ms. Capel asked if Item 3.E. relies on the finding that we changed from **WILL NOT ACHIEVE** to **WILL**  
12 **NOT IMPEDE**. She said that if it is not directly related it is no big deal, but if it is, the statement needs to  
13 be consistent with the **WILL NOT IMPEDE** language.  
14

15 Mr. Hall stated that he thought the Board retained the “will protect the most productive agricultural  
16 lands” back on page 19. He agreed with Ms. Capel’s underlying concern, and stated to that end, this is  
17 the Board’s finding, but he thinks the Board has a Summary now with a different finding regarding the  
18 purpose of the Zoning Ordinance than what item 21 back on page 17 was. He said that for item 21,  
19 overall the recommendation was “**WILL NOT IMPEDE**” the purpose of the Ordinance. He said that  
20 something has been said differently here in item 3 of the Summary, but perhaps he got confused.  
21

22 Mr. Thorsland reviewed that for item 3.H. the Board decided that the proposed rezoning and proposed  
23 Special Use “**WILL NOT IMPEDE**” because we’re letting this use stay where it is as opposed to being  
24 moved to a new piece of farm ground.  
25

26 Mr. Passalacqua stated that Mr. Hall’s point is that item 3 in general should say “**WILL NOT IMPEDE**”.  
27

28 Mr. Hall concurred and stated that the Board has found a different recommendation for item 3.C. than  
29 what they had back under item 21.E. where the recommendation was “**WILL NOT IMPEDE**”.  
30

31 Ms. Griest recommended that item 3.C. be revised to indicate “**WILL NOT IMPEDE**” to match item  
32 21.E. (2) on page 18.  
33

34 Mr. Passalacqua recommended that item 3 should be revised to indicate “**WILL NOT IMPEDE**”.  
35

36 Mr. Thorsland read revised item 3.C. as follows:  
37

38 C. Establishing the AG-2 District **WILL NOT IMPEDE** the public health,  
39 safety, comfort, morals, and general welfare (Purpose 2.0 (e) see Item 21.E.).  
40

41 The Board agreed with revised item 3.C.  
42

43 Mr. Thorsland read revised item 3.H. as follows:  
44

1 H. The proposed rezoning and proposed Special Use **WILL NOT IMPEDE** the  
2 development of renewable energy sources (Purpose 2.0(r) Item 21.M).  
3

4 The Board agreed with item 3.H.  
5

6 Mr. Thorsland read the revised overall recommendation for item 3. as follows:  
7

8 **3. The proposed Zoning Ordinance map amendment WILL NOT IMPEDE the purpose**  
9 **of the Zoning Ordinance because:**  
10

11  
12 Ms. Griest thanked Mr. Hall for pointing out those discrepancies as these revisions makes the Summary  
13 Finding of Fact much better.  
14

15 Mr. Thorsland stated that the talked about the special condition that has already been approved and there  
16 are no new Documents of Record.  
17

18 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and  
19 Findings of Fact as amended.  
20

21 **Ms. Griest moved, seconded my Mr. Passalacqua to adopt the Summary of Evidence, Documents of**  
22 **Record and Findings of Fact as amended. The motion carried by voice vote.**  
23

24 Mr. Thorsland entertained a motion to move to the Final Determination for Case 817-AM-15.  
25

26 **Ms. Griest moved, seconded my Mr. Passalacqua to move to the Final Determination for Case 817-**  
27 **AM-15. The motion carried by voice vote.**  
28

29 Ms. Griest asked if the Final Determination needs to be amended to indicate {BE ENACTED/NOT BE  
30 ENACTED} SUBJECT TO THE SPECIAL CONDITION”.

31 Mr. Thorsland agreed.  
32

33 Mr. Hall agreed.  
34

35  
36 **FINAL DETERMINATION FOR CASE 817-AM-15:**  
37

38 **Ms. Griest moved, seconded by Mr. Randol that pursuant to the authority granted by Section 9.2 of**  
39 **the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**  
40 **determines that:**  
41

42 **The Zoning Ordinance Amendment requested in Case 817-AM-15 should {BE ENACTED by**  
43 **the County Board in the form attached hereto.**  
44

45 **SUBJECT TO THE FOLLOWING SPECIAL CONDITION:**

1  
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**A. The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

The above special condition is necessary to ensure the following:  
**Conformance with Policy 4.2.3 of the Land Resource Management Plan.**

Mr. Thorsland requested a roll call vote.

The roll call vote was called as follows:

<b>Griest-yes</b>	<b>Lee-yes</b>	<b>Passalacqua-yes</b>
<b>Randol-yes</b>	<b>Capel-yes</b>	<b>Thorsland-yes</b>

Mr. Hall informed the petitioners that they have received a recommendation for approval of their map amendment request. He said that the case will be forwarded to the Environment and Land Use Committee at for their December 3, 2015, meeting.

Mr. Thorsland stated that was just for the map amendment and now we are going through the special use. He said that the special use request has a lot of special conditions and when we get to them in the final version, the special conditions will be shown up on the screen so we can all see exactly how they will be worded before the petitioner agrees to the special conditions or not.

Mr. Thorsland stated that the Board will now hear Case 808-S-15, which is the related special use permit request. He stated that he did not know if there are new questions now that the map amendment has been approved and there are some new items in the packet that are underlined. He reminded the Board that his question about how many security guards were present for events was answered as 1 guard per 40 guests, found on page 8 of Attachment I. He stated that he had no other items until the Board reviews the special conditions.

Mr. Passalacqua stated that on page 11 of 30, item 8.J.(d), the Board had testimony earlier tonight that the parties are over at 11:00 p.m. and the music is turned off at 10:00 p.m., but this evidence says that the music is turned down at 10:30 p.m. and the party is shut down between 11:30 p.m. and midnight. He noted that this as an inconsistency with tonight's testimony.

Ms. Griest requested further discussion of the noise factor, in the fact that any special conditions we apply, they would apply to both venues, not just the east building.

Mr. Hall clarified that the special use only applies to the venues on this property which includes the east barn, but it is good that Ms. Griest brought this up because one special condition does say the extent of use of this property after 10:00 p.m. which would limit those at the west barn venue from coming on to the east property after 10:00 p.m. He stated that he does not even know if the people do cross properties, but these conditions are to this property, and to the extent that the west barn uses this property, it would have to be according to these conditions.

1  
2 Ms. Griest asked if otherwise it gets to stand alone.

3  
4 Mr. Hall agreed. He said that the timing of when the music gets turned down would have nothing to do with  
5 the west barn.

6  
7 Mr. Thorsland asked the Board what they would like to do about the inconsistency in this piece of evidence.  
8 He noted that they have tonight's evidence of turning the music down at 10:00 p.m. and the event stopping at  
9 11:00 p.m., applying to the east barn, and maybe this comment applies to the east and west as well.

10  
11 Mr. Passalacqua stated that there was partial discussion to making a special condition for the event ending at  
12 11:00 p.m. and that would clean it up if the Board agrees on something like that.

13  
14 Mr. Thorsland asked if the Board wanted to handle this as a special condition and not worry about it here or  
15 do we want to fix it here too.

16  
17 Mr. Passalacqua stated that he believes it would be more important in the conditions since the testimony is  
18 public record.

19  
20 Ms. Capel stated that this is a phone call to Ms. Chavarria.

21  
22 Mr. Thorsland clarified that this is just a part of the overall average. He referred to Attachment I page 17,  
23 which talks about noise impact under part (d) at the top of the page. He said that it mentions the proposed  
24 10:00 p.m. to turn down the music in conformance with the Nuisance Ordinance. He said that it gets cleaner  
25 the further we go when it comes to how the Board is going to word these conditions. He referred to page 20,  
26 part d. where it again says that Mrs. Dessen stated they turn the music down at 10:30 p.m. and then the  
27 parties are done between 11:30 p.m. and midnight but right underneath that, part e. states that a special  
28 condition has been proposed to turn the music down at 10:00 p.m. as per the Nuisance Ordinance.

29  
30 Ms. Griest pointed out that this is what Ms. Capel referred to earlier in that it said to "turn down" the music.

31  
32 Mr. Thorsland suggested changing part e. on page 20 and anywhere else it is mentioned that the music turns  
33 off at 10:00 p.m. He said that on page 17 part (d) and under (5)b. it should say "turn off". He added the same  
34 should be done on page 15 part (e).

35  
36 Ms. Dessen asked Mr. Thorsland if she just heard him correctly that they would have to turn the music off at  
37 10:00 p.m.

38  
39 Mr. Thorsland responded that the text will be in the proposed special conditions. He stated that we have not  
40 gotten to that part yet, but the condition as it is written right now says to turn it off. He said that is in  
41 compliance with what can be seen up on the screen, which is for the entire county. He said that if you are  
42 having a party anywhere in the county and you are playing music outside, it is supposed to stop at 10:00 p.m.  
43 He said that has been around for a long time.

44  
45 Ms. Griest stated that she is hearing some concern from the petitioner and said that she had a question that

1 might help clarify this. She said that by saying “turn off”, to her as a Zoning Board member, it says you  
2 completely turn it off even inside the building. She asked Mr. Hall if that was the intent of the condition, or  
3 is it so that the music can no longer be heard outside the building.  
4

5 Mr. Hall responded that the intent is the latter, hearing it outside the building but the way he understands it,  
6 this building does not have a ventilation system so the doors are generally open and so is it possible to have  
7 amplified music indoors in this building and not have it be in effect heard outdoors, that is the question. He  
8 said that you could certainly describe it in words that you do not want it to be heard outside.  
9

10 Mr. Thorsland said that when we get to the conditions, he has a feeling this condition is going to take us  
11 awhile.  
12

13 Mr. Hall stated that this is a condition that was first proposed in the first supplemental memo and it was not  
14 included in the original memo. He noted that it was not that we were trying to slip it in here in this meeting  
15 and was here back in July.  
16

17 Ms. Griest stated that she was not trying to infer that at all and that she was just looking for the middle  
18 ground. She said she just likes to find the common ground solution.  
19

20 Mr. Hall stated that we have had this discussion previously, that if the amplified music is turned off at 10:00  
21 p.m. then it absolutely meets the Nuisance Ordinance. He said that is a hard, bright line.  
22

23 Mr. Randol asked if a certain party would want to go past that, can a special permit be requested for an  
24 individual party to exceed the 10:00 p.m. He said that he is not saying that out of 100 parties a year that all of  
25 them would request a special permit, but in a given instance is that a possibility.  
26

27 Mr. Hall answered no, you cannot technically get a variance from the Nuisance Ordinance. He stated the  
28 only way something like that can happen is the level of enforcement, or in this instance the level of  
29 enforcement is being established by the ZBA in establishing these conditions. He said that this condition  
30 could be limited to amplified music, but it is his understanding that virtually all the music they use is  
31 amplified.  
32

33 Mr. Thorsland stated that he has seen other situations where they have limited noise by setting a decibel  
34 limit. He said that as we saw with the wind farms, you cannot measure noise the same from second to second  
35 let alone for a long time.  
36

37 Mr. Passalacqua stated that we have had this area before, where we make another condition that is already  
38 governed by something else. He said that as he stated before, it is the actual guests of the occupants that are  
39 the source of the noise. He said that the County already has an ordinance in the county about amplified music  
40 past 10:00 p.m. He said that he is concerned that the Betas and the Alpha Phi’s are the loud stuff and this is a  
41 great venue to have a party, but he is still thinking about the other side of the fence.  
42

43 Mr. Thorsland stated that this is sort of a unique building setup because it is not all indoors although it is an  
44 80% indoor building.  
45

1 Mr. Passalacqua asked if Minor Farms gets a lot of complaints too even though they don't have the  
2 residential concerns as much, but it is a similar venue.

3  
4 Mr. Hall stated no. He said that as the Zoning Administrator the effects of Minor Farms concern him much  
5 more than the effects here. He said that the level of overall security is much less, it is right on a state  
6 highway, and so if there is any wandering around at all by anyone, they are wandering out on the state  
7 highway or on the federal interstate, as has happened.

8  
9 Mr. Passalacqua stated that he understood, and that he was just trying to gauge the noise complaints because  
10 it is equally as irritating to have loud talking, screaming or singing at 11:00 p.m. as it is to hear loud music.  
11 He added that he is not against this operation at all and that the goal of writing these conditions is to reduce  
12 the number of complaints to nil or low, which he sees are going in that direction. He said that he doesn't care  
13 how you write the rules because someone is going to jump the fence and shoot a paintball at somebody's kid,  
14 as we've seen before. He said it would be nice to clean this language up, but you can't put a decibel limit on  
15 it because you're not going to run out there to measure it.

16  
17 Mr. Thorsland stated that the condition as written states "D. Music playing at events must be turned off by  
18 10:00 p.m." There is not a lot of cleaning up because it is really simple right now.

19  
20 Mr. Passalacqua noted that is what the ordinance says.

21  
22 Mr. Thorsland suggested they take a five minute break to think about this and come back at 8:05 p.m. He  
23 said he is sure the petitioners have some things they want to say and he wants to let them say it before they  
24 come back from the break, then dig into the conditions. He said that right now, the condition about music is  
25 about as short as it could be because it just states "Music playing at events must be turned off by 10:00 p.m."

26  
27 Ms. Lee stated they have been discussing some things about this and noted that the one complaint that was  
28 received by the Zoning Department was in the year 2000 and said that the music could be heard inside their  
29 residence. So it is not just the fact that it was outside, because they were inside their residence and it  
30 disturbed the child. She added that the complaint was from north of where the additional mobile homes have  
31 been located since that date.

32  
33 Mr. Thorsland asked if the complaint mentions a certain time that it happened.

34  
35 Ms. Lee read that it was at about 10:20 p.m. She said that it is on page 11 of Attachment I, part J.(b). and is  
36 the complaint where the child couldn't sleep 3 to 4 nights a week.

37  
38 Mr. Thorsland called for a 5 minute break.

39  
40 **The Board recessed at 8:02.**

41  
42 **The Board resumed at 8:07.**

43  
44 Mr. Thorsland thanked everyone for coming back promptly. He said that maybe it is time to start digging  
45 through these special conditions and suggested that for now, before it comes off the screen, that they take a

1 good look at the noise ordinance on the screen.

2  
3 Mr. Hall reminded everyone that this ordinance does not require that amplified music stop at 10:00 p.m. and  
4 it only talks about when that noise can be heard in an adjacent dwelling.

5  
6 Mr. Jon Dessen stated that he understands the ordinance, but asked if it was proven that the music was not  
7 able to be heard outside of the actual barn, how would that change things.

8  
9 Mr. Thorsland stated that is where we are getting here and we are trying to parse down what this means as  
10 you heard Mr. Hall just say and Ms. Capel infer.

11  
12 Mr. Passalacqua stated that is exactly why he wants the language to read right because he does not want it to  
13 be discernible to a person of average ability within the dwelling.

14  
15 Ms. Capel stated that what we are trying to do is write a special condition that essentially restates the  
16 ordinance.

17  
18 Mr. Passalacqua stated that we are trying to expand upon the ordinance.

19  
20 Ms. Capel stated that if we say “turned off” it is expanding it, but if we just want to create a condition that  
21 requires that this venue comply with the ordinance, if that’s the condition we’re trying to create, it would not  
22 say turn off the music. She said if we set it up so that it is complaint driven, that is hardly fair to the  
23 neighborhood.

24  
25 Mr. Thorsland proposed that they go through some of the conditions that are not a problem and then spend  
26 some time with the noise condition and figure out what we can really do here.

27  
28 Mr. Hall asked Mr. Dessen if the Board had a condition that said at 10:00 p.m. music should not be audible  
29 at the property line, does he think that would allow more freedom. He said that obviously it would allow  
30 more freedom, than just simply turning the music off at 10:00 p.m., but asked Mr. Dessen if it would be a  
31 usable standard.

32  
33 Mr. Thorsland stated that in going in this direction, at some point someone is going to decide they can hear it  
34 at the property line, especially in regards to the east barn, and that someone is going to be bothered enough to  
35 call and if it is after 10:00 p.m., a deputy is going to come out and say that the music has to be turned off.  
36 He said that until that, maybe what we can do is try to give you the benefit of reducing the volume. He said  
37 that again, the petitioner has a unique situation in that the barn doors are open, the music is getting out and  
38 they don’t have a door to close. He said that there are a number of reasons why the petitioner wouldn’t want  
39 to put a door on this building because it changes everything and right now, Mr. Gamble is happy with what  
40 exists.

41  
42 Ms. Capel asked the petitioner how things work there. She asked the petitioner if it is generally a DJ that  
43 provides the music and brings the sound system. She asked to what extent, over the course of an evening, do  
44 those people interact with the petitioners.

45

1 Ms. Dessen and Mr. David Dessen responded that they are there.

2

3 Ms. Capel asked if they are on the property but not necessarily interacting.

4

5 Mr. David Dessen stated that when buses arrive to pick people up the music is off until the buses are loaded.  
6 He said that the only way to get them on the bus is to cut the music entirely. He stated that he talks with both  
7 DJs every night.

8

9 Ms. Capel asked if he could go out at 10:00 p.m. and tell them to turn it down.

10

11 Mr. David Dessen agreed and since they have been having them turn the music down at 10:00 p.m. he has  
12 stood outside the east barn and it is pretty hard to tell which song is being played, and he's pretty familiar  
13 with the songs because he hears them every night. He said it has made a big difference in the level of sound.

14

15 Ms. Capel stated that as long as one or both of them are there representing their interest, she thinks it is much  
16 more likely that the DJ will comply with the rules.

17

18 Mr. Jon Dessen stated that the DJs do have control of the volume during the earlier part of the party and it is  
19 going to be slightly louder decibels but it tapers down as we get along to 10:00 or 10:30 p.m.

20

21 Ms. Capel stated that Mr. Dessen had answered her question.

22

23 Ms. Griest referred back to Item J.(b) on page 11 of Attachment I. She stated that looking at the map and the  
24 aerial photos, we have no way of knowing if item J.(b) pertains to the east barn, because the east barn is the  
25 farthest from George Street which is in that northern trailer park and it would be unlikely that the east barn is  
26 associated with that in my opinion but we have no way of telling that one way or the other.

27

28 Mr. Thorsland stated that he does not want to get into a detective thing where they are trying to work out  
29 where they came from, what time they were, and all these things. He said that on some level, we want to  
30 make it so that no one has a reason to call.

31

32 Ms. Griest stated that she thinks it is important to follow up on that, in that the condition we are talking  
33 about does not pertain to the west barn, so it is not going to resolve this George Street complaint if there is  
34 an issue there.

35

36 Mr. Thorsland stated that the noise ordinance pertains to all of them, so even though we are writing a  
37 condition for the east barn, the west barn falls under the general "if they can hear you they can call and they  
38 can be stopped." He was encouraged to hear that the Dessens interact with the DJs and maybe the Board  
39 wants to put in something about how not just one of the principles but also perhaps these security folks also  
40 know what time it is and are helpfully reminding people that it is after 10:00 p.m. and it's time to keep it a  
41 little quieter and maybe could we please move the discussion inside. He stated that maybe this is part of what  
42 the Dessens can do, not to write all of this down, but we have had other cases before where it has been  
43 suggested that the best way is to take a proactive approach. He said it sounds like the petitioners have done a  
44 lot of that.

45

1 Ms. Capel stated that she always has a hard time telling people how to implement the Board's conditions in  
2 writing.

3  
4 Mr. Thorsland concurred, saying that in the end the county Sheriff will come out and say it's too loud.

5  
6 Ms. Lee stated that she knows that Ms. Dessen previously made a comment about young ladies yelling  
7 loudly. She asked Ms. Dessen what could be done, or what would be her suggestions or proposals to  
8 minimize that after 10:00 p.m.

9  
10 Ms. Dessen stated that the young women have calmed down a little bit by 10:00 p.m. She said they scream  
11 mostly when they see each other as if they hadn't seen each other two hours beforehand so that big scream  
12 level goes up at the beginning of the party.

13  
14 Mr. Thorsland stated that he did not want to get into human behavior because an occasional cheerful greeting  
15 is going to happen at any time and he does not think we want to get into that anymore. He said that the Red  
16 Lobster parking lot is probably also guilty of too much loud interaction at certain times of day. He suggested  
17 that they go through the easier conditions then come back to condition D., and they would start with  
18 condition A.

19  
20 Ms. Griest asked if they could start with the condition that she thinks is missing, which is "the special use is  
21 subject to the approval of the map amendment". She thought that is normally a condition we have.

22  
23 Mr. Thorsland asked if that is in the Final Determination.

24  
25 Mr. Hall stated that we have not been including that but it is absolutely true. He said that in the case where  
26 the map amendment goes to the County Board but the special use stays here, there's certainly no harm in  
27 having it. Mr. Hall asked Ms. Griest to restate the condition.

28  
29 Ms. Griest proposed a special condition as follows:

30  
31 **The special use is subject to the approval of the map amendment in Case 817-AM-15.**

32  
33 The proposed special condition is necessary to ensure the following:

34 **That it is consistent with the intent of the Zoning Ordinance and the ZBA**  
35 **recommendation for special use.**

36  
37 Mr. Thorsland returned to condition A. He said that he is reading from item 18. on page 23 of Attachment I.  
38 He noted that the special conditions appear several times in the document.

- 39  
40 **A. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the**  
41 **proposed combination "Private Indoor Recreational Development" and "Outdoor**  
42 **Commercial Recreational Enterprise" until the petitioner has submitted written**  
43 **documentation from Doug Gamble at the Illinois Capital Development Board that the**  
44 **proposed Special Use complies with the Illinois Accessibility Code.**  
45

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

2 **That the proposed Special Use meets applicable state requirements for**  
3 **accessibility.**  
4

5 Mr. Thorsland asked Ms. Dessen if she had received something from Mr. Gamble.  
6

7 Mr. David Dessen responded that he and Ms. Dessen had spoken with Mr. Gamble several times and Mr.  
8 Dessen has left messages for Mr. Gamble telling him that they really need something in writing and to date  
9 they have not heard back from Mr. Gamble.  
10

11 Mr. Jon Dessen stated that last he knew zoning staff was to contact Mr. Gamble and let the Dessens know  
12 what was discussed but he has not heard anything since.  
13

14 Mr. Thorsland stated that what this condition says is that Mr. Hall is not going to give you all the paperwork  
15 until you have a piece of paperwork from Mr. Gamble but it does not say that operations must be stopped.  
16 He said that given that, he asked Ms. Dessen if she agreed with the condition that she will get something  
17 from Mr. Gamble.  
18

19 The petitioners indicated agreement with Special Condition A as it is written.  
20

21 Mr. Thorsland read Special Condition B as follows:  
22

23 **B. The only two principal uses authorized by Case 808-S-15 are a Single Family Residence**  
24 **and use of the East Barn as a combination “Private Indoor Recreational Development”**  
25 **and “Outdoor Commercial Recreational Enterprise”.**  
26

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

28 **That the petitioner and future landowners understand the requirements of the**  
29 **Zoning Ordinance.**  
30

31 Mr. Hall asked that Special Condition B become a little more consistent with the ordinance and  
32 recommended the following revision:  
33

34 **B. The only principal use authorized by Case 808-S-15 is use of the East Barn as a**  
35 **combination “Private Indoor Recreational Development” and “Outdoor Commercial**  
36 **Recreational Enterprise”.**  
37

38  
39 Mr. Hall stated that revised Special Condition B is literally what the ordinance provides for and the Board  
40 can have a special use that is the principal use and the dwelling is an accessory. He said that we are not  
41 talking about anything changing we’re just trying to put this in language that is consistent with the ordinance.  
42 He said that there is only one principal use, and that is this combination indoor-outdoor facility.  
43

44 Mr. Thorsland asked for clarification, that the residence is an accessory, and that fact is implied.  
45

1 Mr. Hall concurred.

2  
3 Mr. Thorsland asked the petitioners if, as it is written there, do they understand what Special Condition B  
4 means in that it allows this principal use, the east barn, on this part of the property.

5  
6 Ms. Dessen responded yes.

7  
8 Mr. Thorsland stated that Special Condition B. is to ensure that the petitioner and future landowners  
9 understand the requirements of the Zoning Ordinance. He asked Ms. Lee if she wanted to go back to  
10 condition A.

11  
12 Ms. Lee asked why Special Condition B. includes language ensuring that future landowners understand the  
13 requirements of the Zoning Ordinance. She asked what happens if the future landowner is a family member  
14 who is currently actively involved in the venue.

15  
16 Mr. Hall stated that Ms. Lee made a good point and that is accurate, so the Board might want to change this  
17 condition just so that the petitioner understands the requirements of the Zoning Ordinance.

18  
19 Mr. Thorsland read revised Special Condition B. as follows:

20  
21 **B. The only principal use authorized by Case 808-S-15 is use of the East Barn as a**  
22 **combination “Private Indoor Recreational Development” and “Outdoor Commercial**  
23 **Recreational Enterprise”.**

24  
25 The special condition stated above is necessary to ensure the following:

26  
27 **That the petitioner understands the requirement of the Zoning Ordinance.**

28  
29 Mr. Thorsland clarified that the change based on Ms. Lee’s comment makes this special use permit only  
30 applicable to the petitioner. He stated that the change makes it that once the petitioner no longer owns the  
31 property a new owner will have to apply for a new special use permit so that they go through everything that  
32 the petitioners have gone through.

33  
34 Mr. Jon Dessen asked if Mr. Thorsland was talking as a family.

35  
36 Mr. Thorsland said that he believes it that petitioner is only referring to Ms. Loretta Dessen.

37  
38 Mr. Hall stated that is a change the Board might want to consider. He said that we have heard more  
39 discussion tonight about how Mr. David Dessen is actually there apparently for every event. He said that  
40 staff did not understand this fact in the beginning so maybe there is a way to revise that condition because  
41 right now it is based on the residency of Ms. Dessen.

42  
43 Ms. Griest asked if Ms. Dessen moved off the property but continued to own it, the way Special Condition C  
44 reads, the special use would no longer be valid.

45

1 Mr. Hall said that Ms. Griest was correct therefore Special Condition C is going to take some crafting.

2  
3 Mr. Thorsland stated that Special Condition B is actually functional the way it is, and Special Condition C is  
4 where we want to play with what Ms. Lee is talking about.

5  
6 Mr. Randol suggested you could say “and family”.

7  
8 Mr. Thorsland asked the Board if they were in agreement with Special Condition B as it is written:

- 9  
10 **B. The only principal use authorized by Case 808-S-15 is use of the East Barn as a**  
11 **combination “Private Indoor Recreational Development” and “Outdoor Commercial**  
12 **Recreational Enterprise”.**

13  
14 The special condition stated above is necessary to ensure the following:

15 **That the petitioner understands the requirements of the Zoning Ordinance.**

16  
17 Mr. Thorsland stated that this Special Condition really boils down to this is just for this, and we are going to  
18 clarify who these people are because Special Condition C only actually includes Ms. Dessen’s name.

19  
20 Mr. Randol asked if this is a family business.

21  
22 Mr. Thorsland asked that the Board not get into that discussion until we have Special Condition B. finalized.

23  
24 Mr. Randol stated that the discussion could be part of Special Condition C.

25  
26 Mr. Thorsland stated that the Board still has to get through Special Condition B. He asked the petitioners if,  
27 with the modifications, they understand and agree with just Special Condition B.

28  
29 Ms. Dessen stated that she agrees with revised Special Condition B.

30  
31 Mr. Thorsland read Special Condition C. as follows:

- 32  
33 **C. The Special Use Permit shall expire when the current resident Loretta Dessen no longer**  
34 **resides on the property.**

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

37 **That life safety concerns and public welfare are adequately considered in**  
38 **management of the proposed Special Use.**

39  
40 Mr. Thorsland asked to work on this so that it better reflects the testimony received tonight. He said that it  
41 sounds like the petitioners are in charge of DJ management a lot of the time as well as a lot of other things,  
42 such as bus directionality. He asked the Board what they would like to do regarding Special Condition C.  
43 and what would the Dessens like Special Condition C to say. He asked the Dessens if they want this use to  
44 continue in the future, if they have nieces and nephews or other relatives.

1 Mr. David Dessen stated that in Ms. Dessen's will she has given him Farm Lake Inc., which is actually  
2 nothing other than the business therefore without the property it is nothing. He stated that Ms. Dessen's plan  
3 is for him to continue with the events business.

4  
5 Mr. Thorsland asked the Board how they feel about that.

6  
7 Ms. Capel asked Mr. David Dessen if he would be residing on the property.

8  
9 Mr. David Dessen responded he would, at least during the party season.

10  
11 Mr. Thorsland asked if there were any parties in January.

12  
13 Ms. Dessen responded no because there is no heat and no doors.

14  
15 Mr. Thorsland asked the Board if the Special Condition should be revised to indicate Ms. Loretta Dessen and  
16 David Dessen, part-time resident, do we want to be that specific or do we want to just say the Dessen family.

17  
18 Mr. Hall provided a draft, which read as follows:

- 19  
20 **C. The Special Use Permit shall expire when the property is no longer owned and managed**  
21 **by Loretta Dessen or her direct heirs.**

22  
23 The special condition is necessary to ensure the following:

24 **That life safety concerns and public welfare are adequately considered in**  
25 **management of the proposed Special Use.**

26  
27 Ms. Dessen said that she agrees with revised Special Condition C.

28  
29 Mr. Thorsland stated the second part of that condition will stay the same, which is what the Dessens are  
30 basically doing now, keeping everybody safe and keeping the neighbors happy.

31  
32 Mr. Thorsland read Special Condition D as follows:

- 33  
34 **D. Music playing at events must be turned off by 10:00 p.m.**

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

37  
38 **That events held on the subject property adequately consider prior noise**  
39 **complaints and current neighbors.**

40  
41 Mr. Passalacqua proposed the following revision to Special Condition D:

- 42  
43 **D. The petitioners shall ensure that the guests are made aware of the county ordinance**  
44 **prohibiting nuisance noise past 10:00 p.m. and that the use of the facility requires**  
45 **compliance to avoid complaints from neighboring residences.**

1  
2 Mr. Hall stated that it is a good standard, and yet he does not think it is quite as easy to implement as saying  
3 the following:

4  
5 **D. There shall be no music audible at the property line after 10:00 p.m.**

6  
7 Mr. Passalacqua stated that we could certainly add to that. He re-read his proposed revision:

8  
9 **D. The petitioners shall ensure that the guests are made aware of the County Ordinance**  
10 **prohibiting nuisance noise past 10:00 p.m. and that the use of the facility requires**  
11 **compliance to avoid complaints from neighboring residences.**

12  
13 Mr. Thorsland suggested adding the following:

14  
15 **...and music should be turned down at 10:00 p.m. so as not to be heard beyond the**  
16 **property line.**

17  
18 Mr. Thorsland stated that the Board needs to be pretty specific about the music in that it cannot be heard  
19 beyond the property line after 10:00 p.m.

20  
21 Ms. Griest asked if it was just the music.

22  
23 Mr. Thorsland stated it could say the following:

24  
25 **...and music and other noise shall not be audible beyond the property line.**

26  
27 Mr. Hall stated that it should not just be music; rather, it should be

28  
29 **...music and all noise associated with the use of the property beyond the property line.**

30  
31 Ms. Capel suggested adding nuisance before noise in that statement.

32  
33 Mr. Thorsland asked the Board if this is acceptable, or if it should just be decided when the Sheriff comes  
34 out or when the Zoning Department receives the complaint.

35  
36 Ms. Capel suggested that if it is noise that is audible beyond the property line, it is nuisance noise. She said  
37 that just describes it as nuisance noise as opposed to trying to define the decibels.

38  
39 Mr. Thorsland said we're sort of tying it in with the Nuisance Ordinance.

40  
41 Ms. Capel concurred.

42  
43 Mr. Thorsland read revised Special Condition D. as follows:

44  
45 **D. The Petitioner shall ensure that the guests are made aware of the County Ordinance**

1 **prohibiting nuisance noise past 10:00 pm and that the use of the facility requires**  
2 **compliance to avoid complaints from neighboring residences. Music and other**  
3 **nuisance noise shall not be audible at the property line past 10:00 pm.**  
4

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

6 **That events held on the subject property adequately consider prior noise**  
7 **complaints and current neighbors.**  
8

9 Ms. Dessen stated that she believes that they can comply with that and they will do their best to comply.  
10

11 Mr. Thorsland asked for a simple yes or no.  
12

13 Ms. Dessen stated yes.  
14

15 Mr. Thorsland stated that original proposed Special Conditions E. and F. were stricken and read the new  
16 Special Condition E:  
17

18 **E. The Petitioner shall bi-annually provide a Certificate of Insurance to the Zoning**  
19 **Administrator issued by an insurance carrier authorized to do business in the State of**  
20 **Illinois for general liability insurance coverage limits, with minimum acceptable**  
21 **coverage for bodily injury of \$1,000,000 per occurrence and \$2,000,000 per aggregate.**  
22

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

24 **That the property owner is in compliance with the Illinois Liquor Control Act**  
25 **(235 ILCS 5/6-21).**  
26

27 Mr. Dessen submitted a copy of their current Certificate of Insurance to Mr. John Hall, Zoning  
28 Administrator, as a Document of Record.  
29

30 Mr. Thorsland asked Ms. Dessen if she agrees with Special Condition E.  
31

32 Ms. Dessen stated that she agrees with Special Condition E.  
33

34 Mr. Thorsland read new Special Condition F as follows:  
35

36 **F. The Petitioner will not allow visitors into the water or onto the docks on the subject**  
37 **property.**  
38

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

40 **That safety continues to be proactively managed for all visitors.**  
41

42 Ms. Dessen stated that if someone sets their foot in the water they get sent home.  
43

44 Mr. Thorsland reminded everyone that the whole special use permit is about the east barn. He read proposed  
45 Special Condition G. as follows:

1  
2 **G. After 10:00 p.m. guests' use of the grounds should be limited to only the area within the**  
3 **immediate vicinity of the East Barn.**  
4

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

6 **That noise disruptive to nearby residents and safety hazards with the nearby**  
7 **lakes are minimized.**  
8

9 Mr. Thorsland asked Ms. Dessen if she agrees with Special Condition G.  
10

11 Ms. Dessen stated that she agrees with Special Condition G.  
12

13 Mr. Thorsland read proposed Special Condition H as follows:  
14

15 **H. The Special Use is subject to the approval of Case 817-AM-15.**  
16

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

18 **That it is consistent with the intent of the ordinance and the ZBA**  
19 **recommendation for Special Use.**  
20

21 Mr. Thorsland stated that just because the Zoning Board of Appeals decides a map amendment is done does  
22 not mean that it has been approved; it must be approved by the Environment and Land Use Committee and  
23 the full County Board as well. Mr. Thorsland asked Ms. Dessen if she agrees with Special Condition H.  
24

25 Ms. Dessen stated that she agrees with Special Condition H.  
26

27 Mr. Thorsland asked if there were any questions about the conditions before the Board approves them. He  
28 entertained a motion to approve the Special Conditions as amended.  
29

30 **Ms. Griest moved, seconded by Ms. Capel, to approve the Special Conditions as amended. The motion**  
31 **carried by voice vote.**  
32

33 Mr. Thorsland asked if there were any new Documents of Record.  
34

35 Mr. Hall stated that a new item #7 should be added to the Documents of Record as follows: Certificate of  
36 Insurance submitted by Ms. Loretta Dessen at the November 12, 2015, public hearing.  
37

38 Mr. Hall stated that seven items is a record low number of Documents of Record, which is good.  
39

40 **Finding of Fact for Case 808-S-15:**  
41

42 From the documents of record and the testimony and exhibits received at the public hearing for zoning case  
43 808-S-15 held on July 30, 2015 and November 12, 2015, the Zoning Board of Appeals of Champaign  
44 County finds that:  
45

- 1           **1.     The requested Special Use Permit IS necessary for the public convenience at this**  
2           **location.**

3  
4 Ms. Griest stated that the requested Special Use Permit IS necessary for the public convenience at this  
5 location because it brings an existing use into compliance with the Zoning Ordinance.  
6

- 7           **2.     The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**  
8           **IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it**  
9           **WILL NOT be injurious to the district in which it shall be located or otherwise**  
10           **detrimental to the public health, safety, and welfare because:**

- 11  
12           **a.     The street has ADEQUATE traffic capacity and the**  
13           **entrance location has ADEQUATE visibility.**

14  
15 Ms. Capel stated that the street has ADEQUATE traffic capacity and the entrance location has  
16 ADEQUATE visibility.  
17

- 18           **b.     Emergency services availability is ADEQUATE.**

19  
20 Ms. Capel stated that emergency services availability is ADEQUATE.  
21

- 22           **c.     The Special Use WILL be compatible with adjacent uses.**

23  
24 Ms. Capel stated that the Special Use WILL be compatible with adjacent uses.  
25

- 26           **d.     Surface and subsurface drainage WILL be ADEQUATE.**

27  
28 Ms. Capel stated that surface and subsurface drainage will be ADEQUATE.  
29

- 30           **e.     Public safety WILL be ADEQUATE.**

31  
32 Ms. Capel stated that public safety will be ADEQUATE.  
33

- 34           **f.     The provisions for parking WILL be ADEQUATE.**

35  
36 Ms. Capel stated that the provisions for parking will be ADEQUATE.  
37

38 Ms. Capel stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS  
39 IMPOSED HEREIN, is so designed, located and proposed to be operated so that it WILL NOT be  
40 injurious to the district in which it shall be located or otherwise detrimental to the public health, safety  
41 and welfare.  
42

- 43           **3a.    The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS,**  
44           **IMPOSED HEREIN, DOES conform to the applicable regulations and standards of**  
45           **the DISTRICT in which it is located.**

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Mr. Passalacqua stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the DISTRICT in which it is located.

**3b. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located because:**

**a. The Special Use will be designed to CONFORM to all relevant County ordinances and codes.**

Mr. Passalacqua stated that the Special Use will be designed to CONFORM to all relevant County ordinances and codes.

**b. The Special Use WILL be compatible with adjacent uses.**

Mr. Passalacqua stated that the Special Use WILL be compatible with adjacent uses.

**c. Public safety WILL be ADEQUATE.**

Mr. Passalacqua stated that public safety will be ADEQUATE.

Mr. Thorsland stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

**4. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, IS in harmony with the general purpose and intent of the Ordinance because:**

**a. The Special Use is authorized in the District.**

**b. The requested Special Use Permit IS necessary for the public convenience at this location.**

Ms. Thorsland stated that the Board already determined that the requested Special Use Permit IS necessary for the public convenience at this location.

**c. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.**

1 Ms. Griest stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITION  
2 IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be  
3 injurious to the district in which it shall be located or otherwise detrimental to the public health, safety,  
4 and welfare.

5  
6 **d. The requested Special Use Permit, SUBJECT TO THE SPECIAL**  
7 **CONDITIONS IMPOSED HEREIN, DOES preserve the essential character**  
8 **of the DISTRICT in which it is located.**

9  
10 Ms. Griest stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS  
11 IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

12  
13 Ms. Griest stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS  
14 IMPOSED HEREIN, IS in harmony with the general purpose and intent of the Ordinance.

15  
16 **5. The requested Special Use IS NOT an existing nonconforming use.**

17  
18 Mr. Thorsland stated that the Special Use IS NOT an existing nonconforming use.

19  
20 **6. THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO**  
21 **ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS**  
22 **AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:**

23  
24 **A. The Zoning Administrator shall not issue a Zoning Compliance Certificate for**  
25 **the proposed combination “Private Indoor Recreational Development” and**  
26 **“Outdoor Commercial Recreational Enterprise” until the petitioner has**  
27 **submitted written documentation from Doug Gamble at the Illinois Capital**  
28 **Development Board that the proposed Special Use complies with the Illinois**  
29 **Accessibility Code.**

30  
31 The special condition stated above is necessary to ensure the following:

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

34  
35 **B. The only principal use authorized by Case 808-S-15 is use of the East Barn as a**  
36 **combination “Private Indoor Recreational Development” and “Outdoor**  
37 **Commercial Recreational Enterprise”.**

38  
39 The special condition stated above is necessary to ensure the following:

40 **That the petitioner understands the requirements of the Zoning**  
41 **Ordinance.**

42  
43 **C. The Special Use Permit shall expire when the property is no longer owned by**  
44 **Loretta Dessen or her direct heirs.**

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

**That life safety concerns and public welfare are adequately considered in management of the proposed Special Use.**

- D. The Petitioner shall ensure that the guests are made aware of the County Ordinance prohibiting nuisance noise past 10:00 pm and that the use of the facility requires compliance to avoid complaints from neighboring residences. Music and other nuisance noise shall not be audible at the property line past 10:00 pm.**

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

**That events held on the subject property adequately consider prior noise complaints and current neighbors.**

- E. The Petitioner shall bi-annually provide a Certificate of Insurance to the Zoning Administrator issued by an insurance carrier authorized to do business in the State of Illinois for general liability insurance coverage limits, with minimum acceptable coverage for bodily injury of \$1,000,000 per occurrence and \$2,000,000 per aggregate.**

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

**That the property owner is in compliance with the Illinois Liquor Control Act (235 ILCS 5/6-21).**

- F. The Petitioner will not allow visitors into the water or onto the docks on the subject property.**

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

**That safety continues to be proactively managed for all visitors.**

- G. After 10:00 pm guests' use of the grounds should be limited to only the area within the immediate vicinity of the East Barn.**

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

**That noise disruptive to nearby residents and safety hazards with the nearby lakes are minimized.**

- H. The Special Use is subject to the approval of Case 817-AM-15.**

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

**That it is consistent with the intent of the ordinance and the ZBA recommendation for Special Use.**

Mr. Thorsland stated that these conditions have been discussed, amended and approved by the petitioners. He entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings of Fact as

1 amended.

2  
3 **Ms. Griest moved, seconded by Mr. Randol to adopt the Summary of Evidence, Documents of Record**  
4 **and Findings of Fact as amended. The motion carried by voice vote.**

5  
6 Mr. Thorsland entertained a motion to move to the Final Determination.

7  
8 **Ms. Griest moved, seconded by Ms. Capel to move to the Final Determination. The motion carried by**  
9 **voice vote.**

10  
11 **Final Determination for Case 808-S-15:**

12  
13 **Ms. Griest moved, seconded by Mr. Passalacqua that the Champaign County Zoning Board of**  
14 **Appeals finds that, based upon the application, testimony, and other evidence received in this case, the**  
15 **requirements of Section 9.1.11.B. for approval HAVE been met, and pursuant to the authority**  
16 **granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:**

17  
18 **The Special Use requested in Case 808-S-15 is hereby GRANTED WITH SPECIAL**  
19 **CONDITIONS to the applicant Loretta Dessen d.b.a. Farm Lake, Inc., to authorize the**  
20 **following as a Special Use on land that is to be rezoned to the AG-2 Agriculture Zoning District**  
21 **from the current R-4 Multi Family Residential Zoning District in related Zoning Case 817-**  
22 **AM-15:**

23  
24 **Authorize a Special Use Permit for a combination “Private Indoor Recreational Development”**  
25 **and “Outdoor Commercial Recreational Enterprise” to allow existing and ongoing use of an**  
26 **existing barn as a rentable venue for entertainment and recreation.**

27  
28 **SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:**

- 29  
30 **A. The Zoning Administrator shall not issue a Zoning Compliance Certificate for**  
31 **the proposed combination “Private Indoor Recreational Development” and**  
32 **“Outdoor Commercial Recreational Enterprise” until the petitioner has**  
33 **submitted written documentation from Doug Gamble at the Illinois Capital**  
34 **Development Board that the proposed Special Use complies with the Illinois**  
35 **Accessibility Code.**

36  
37 **The special condition stated above is necessary to ensure the following:**  
38 **That the proposed Special Use meets applicable state requirements for**  
39 **accessibility.**

- 40  
41 **B. The only principal use authorized by Case 808-S-15 is use of the East Barn as a**  
42 **combination “Private Indoor Recreational Development” and “Outdoor**  
43 **Commercial Recreational Enterprise”.**

44  
45 **The special condition stated above is necessary to ensure the following:**

**That the petitioner understands the requirements of the Zoning Ordinance.**

- C. The Special Use Permit shall expire when the property is no longer owned by Loretta Dessen or her direct heirs.**

The special condition stated above is necessary to ensure the following:  
**That life safety concerns and public welfare are adequately considered in management of the proposed Special Use.**

- D. The Petitioner shall ensure that the guests are made aware of the County Ordinance prohibiting nuisance noise past 10:00 pm and that the use of the facility requires compliance to avoid complaints from neighboring residences. Music and other nuisance noise shall not be audible at the property line past 10:00 pm.**

The special condition stated above is necessary to ensure the following:  
**That events held on the subject property adequately consider prior noise complaints and current neighbors.**

- E. The Petitioner shall bi-annually provide a Certificate of Insurance to the Zoning Administrator issued by an insurance carrier authorized to do business in the State of Illinois for general liability insurance coverage limits, with minimum acceptable coverage for bodily injury of \$1,000,000 per occurrence and \$2,000,000 per aggregate.**

The special condition stated above is necessary to ensure the following:  
**That the property owner is in compliance with the Illinois Liquor Control Act (235 ILCS 5/6-21).**

- F. The Petitioner will not allow visitors into the water or onto the docks on the subject property.**

The special condition stated above is necessary to ensure the following:  
**That safety continues to be proactively managed for all visitors.**

- G. After 10:00 pm guests' use of the grounds should be limited to only the area within the immediate vicinity of the East Barn.**

The special condition stated above is necessary to ensure the following:  
**That noise disruptive to nearby residents and safety hazards with the nearby lakes are minimized.**

- H. The Special Use is subject to the approval of Case 817-AM-15.**

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

1                           **That it is consistent with the intent of the ordinance and the ZBA**  
2                           **recommendation for Special Use.**

3  
4 Mr. Thorsland requested a roll call vote.

5  
6 The roll was called as follows:

7			
8	<b>Lee - yes</b>	<b>Passalacqua - yes</b>	<b>Randol - yes</b>
9	<b>Capel – yes</b>	<b>Griest – yes</b>	<b>Thorsland – yes</b>

10  
11 Mr. Hall informed Ms. Dessen that she has received an approval for her request for a Special Use Permit.

12  
13 **7. Staff Report**

14  
15 None.

16  
17 **8. Other Business**

18  
19 A. Review of Docket

20  
21 Mr. Hall stated that the special ZBA meeting scheduled for December 3, 2015, has been cancelled because  
22 unbeknownst to him and the person in Administrative Services who reserved the meeting room that night,  
23 they had changed the ELUC schedule and ELUC will be meeting in the Lyle Shields Meeting Room on  
24 December 3<sup>rd</sup>. He stated that staff did not even check on availability of the John Dimit Room for that date  
25 because that room generally doesn't work very well for public hearings. He said that staff decided to move  
26 everything that was on the December 3<sup>rd</sup> agenda to the December 17<sup>th</sup> agenda.

27  
28 Mr. Passalacqua stated that he will not be at the January 14, 2016, ZBA meeting.

29  
30 Mr. Thorsland stated that he will not be at the December 17, 2015, ZBA meeting.

31  
32 **9. Audience Participation with respect to matters other than cases pending before the Board**

33  
34 None

35  
36 **10. Adjournment**

37  
38 Mr. Thorsland entertained a motion to adjourn the meeting.

39  
40 **Ms. Griest moved, seconded by Ms. Capel to adjourn the meeting. The motion carried by voice vote.**

41  
42 The meeting adjourned at 8:51 p.m.

43  
44  
45

1 Respectfully submitted  
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6 Secretary of Zoning Board of Appeals  
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