

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

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

DATE: August 26, 2004

**PLACE: 1776 East Washington Street
Brookens Gymnasium**

TIME: 7:00 p.m.

Urbana, IL 61802

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

MEMBERS ABSENT: None

STAFF PRESENT: Connie Berry, Lori Busboom, Frank DiNovo, John Hall, Susan Monte, Jeffrey Roseman

OTHERS PRESENT: Beverly Seyler, Guy Christopher, Larry Zahnd, Fred Smith, Pat Smith, Emil Blobaum, Amy Hammack-Gilbert, Louis E. Largent, Norman Stenzel, Leonard Sullivan, Debra Wells, Mary Rolfe, Delmer Carter, Randy Ervin, Al Panepinto, Paula Miebach, Herb Ketchum, Marge Ketchum, David Smith, Ronald Mentock, T.L. Cain, Terry McLane, June Jones, Janeane Keller, Bob Januzik, Marge Chapman, John Jay, Carolyn Cornwell, Ray Cornwell, Clarence Zehr, Chris Hausman, Jerry Wright, Darcy Bean, Jim Esworthy, John Castle, Ron Klass, Paula Rogers, Richard Hammel, Elizabeth Cameron, Vincent Hock, Barbara Wysocki, Ted Rund, Roy Block, Terry Howard, Beth Wiessing, G. Wayne Curtis, Eileen Duitsman, Richard Marley, Peggy Marley, Germaine Light, LaVerna Harper, Darrell Sinderson, Pam Smith, Tom Smith, Ward McDonald, Kelly Bean, Leo Moore, Patricia La Roe, Bob Waller, Jan Waller, Gary Jackson, Betty Cain, Ed Cain, Rodney Vanous, Mark Fisher, Steve Meier, Marguerite Zahnd, Greg Fairfield, Jerry Reeves, Sue Helfrick, Richard Menzer, Mary Lou Bauer, David Bauer, Nick Taylor, Bob Szofoni, Diane Szofoni, Joan Noe, James Noe, Sharon Hershbarger, Bjorg Holte, Dan Davies, BJ Hackler, Elmo Denniston, Larry Winters, Lynn Huls, Jonathan Schroeder, August Berning, Vern Zehr, Terry Moore, Roy Humphrey, Phillip VanNess, Ricky Deer, Donald Smith, Gerald Robers, Genny Roberts, Dennis Ohnstad, Shelly Place, Gary Place, Kenneth Williams, Delbert Johnson, Jeff Watson, Alvin Bluhm, Wes Meyers, Edith Carr, James Graham, Anna Moore, Carl Wienke, Chris Doenitz, N. Brown, Ronald Minch, Jim Manley, Mike Murray, Leon Fairfield, Mary K. Freese, John Freese, Tom Schaeffges, Bob Mitsdarfer, Sherry Schildt, Herb Schildt, Howard Sweet, Marg Sweet, James Harper, George Hawthorne, Hal Barnhart, Russ Taylor, Lois Bell, Milton Bell, Jean Livingston, Dorothy Brinkmeyer, Gil Brinkmeyer, Keith

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Crist, John Kindt, Jim Rector, Dennis Dalby, Aaron Cohen, Eric Thorsland, Lisa Haynes, Steve O’Connor, Aleta Holt, Sarah Holt, Robert Gray, Gary Hockersmith, Jack Coleman, Robert McKim, Neil Richardson, George Gore, Marilyn Hunter, Wm. Burke, Joan Burke, Larry Rishel, Greg Hedrick, Amy Hedrick, Lowell Estes, Richard Burwash, Joe Behrends, Susan Krumm, Gary Krumm, Jennifer Noel, Gregory Noel, Mike Kelley, Eric Spitz, Joyce Smith, John Rayburn, Stephen O’Byrne, Everett Johnson, Marian O’Bryan, Lowell Johnson, Owen Tucker, Mrs. Robert Rogers, E. J. Cornelius, Albert Wilms, Mary Atkinson, Tom Fermanian, Dan Magrudes, Martha Kelley, Duane Goodwin, Mike Randall, Lisa Randall, John Emkes, Norma Emkes, Joan Block, Mark Prather, David Vineyard, Jeff Tock, Philip Hult, Jeff Buenting, Marci Buenting, Charles Francisco, Janet Francisco, Gloria Ring, Robert Reese, Gene Johnson, Eric Buzzard, Janet Brewer, Roger Fredenhagen, Scot Brewer, John Moor, Lloyd Carter, Les Olson, Nyle Bolliger, Donald Lahr, Steve Burdin, David Barcus, Tom Anderson, Sara Keeney, Oolan Zimmer, Andrew L. Hollander, Dennis Miles, Harold Lawler, Jan Heimburger, Rita Nordheden, Nancy Moser, Harold Scharlau, Janet Scharlau, Maurice Gordon, Mark Williams, Rick Swearingen, Patricia Combs, Ralph Alexander

1. Call to Order

The meeting was called to order at 7:16 p.m.

2. Roll Call and Declaration of Quorum

The roll was called and a quorum was declared present.

3. Correspondence

None.

4. Approval of Minutes

None

5. Continued Public Hearing

Case 414-AT-03: Zoning Ordinance format changes and addition of new techniques as part of the Comprehensive Zoning Review (Parts A - H)

Case 415-AT-03: Comprehensive Zoning Review Phase One Text Amendments (Parts A – M)

1
2 **Case 419-AM-04: Create the TR, Transition Zoning District, as part of Comprehensive Zoning**
3 **Review Phase One**

4
5 **Case 420-AM-04: Rezone selected AG-2, Agriculture District properties to AG, Agriculture**
6 **District as part of Comprehensive Zoning Review Phase One**

7
8 **6. New Public Hearing**

9
10 **Case 415-AT-03: Comprehensive Zoning Review, Phase One, Text Amendment (Part N)**

11
12 **Case 421-AM-04: Rezone selected CR Conservation-Recreation and AG-2 Agriculture properties**
13 **to the AG, Agriculture District as part of Comprehensive Zoning Review Phase One**

14
15 **Case 422-AM-04: Rezone selected AG-1, Agriculture and AG-2, Agriculture properties to the CR,**
16 **Conservation-Recreation District as part of Comprehensive Zoning Review Phase One**

17
18 **Case 428-AM-04: Rezone selected properties zoned AG-1, Agriculture, AG-2, Agriculture and/ or**
19 **CR, Conservation-Recreation to add the new RPO Resource Protection Overlay District as part of**
20 **Comprehensive Zoning Review Phase One**

21
22 Ms. Griest called Cases 414-AT-03; 415-AT-03; 419-AM-04; 420-AM-04; 421-AM-04; 422-AM-04;
23 and 428-AM-04 concurrently.

24
25 Jeffrey Roseman introduced Susan Monte and John Hall, Associate Planners presenting the proposed
26 Phase One Comprehensive Zoning Review zoning map amendments. He said that the public hearing for
27 the Phase One cases will be continued to September 2, 2004.

28
29 Susan Monte stated that the proposed Phase One zoning map amendment Case 428-AM-04 is a proposal
30 to create a new overlay district, the RPO Resource Protection Overlay District. She said that the area of
31 the proposed RPO District is approximately 4.42% of the unincorporated areas of the County and that
32 RPO District is proposed to be situated primarily over the CR Conservation-Recreation District. She
33 said that Cases 421-AM-04 and 422-AM-04 are proposals to adjust the boundaries of the existing
34 underlying rural districts: Case 421-AM-04 is a proposal to rezone selected CR Conservation-Recreation
35 and selected AG-2 Agriculture properties (approximately 2.4% of unincorporated County area) to the AG
36 District, and Case 422-AM-04 is a proposal to rezone selected portions of the AG-1 and AG-2
37 Agriculture Districts to the CR Conservation-Recreation District.

38
39 John Hall stated that when the Zoning Ordinance was adopted in October, 1973, it was cutting edge
40 because it included the CR Conservation-Recreation Zoning District which was intended to conserve the
41 natural and scenic areas along the stream networks of the County. He said that unfortunately the adopted
42 ordinance had no mechanisms to do that and that over the years a lot of the rural development got steered
43 toward the CR District. He said that people knew that's where the poor soils are and that the CR areas
44 are a scenic place to live, and that people tended to migrate to the CR District because people wanted to

1 live there. He said that in 1999 the County Board adopted a new approach for approving rural
2 development called the RRO. The RRO approach considers 12 factors, including a review of effects on
3 wetlands, historic or archeological sites, natural or scenic areas or wildlife habitat. The ZBA is charged
4 with reviewing these criteria in considering whether to recommend approval of a proposed RRO. In
5 2001, the County Board adopted a set of Land Use Regulatory Policies to guide us in this endeavor,
6 including policies specifically regarding conservation of natural areas. The executive summary of this set
7 of adopted Land Use Regulatory Policies describes how important agriculture is in the County and that
8 all landowners are able to develop beyond their basic development rights, provided that in pristine areas
9 all reasonable effort has been made to determine that especially sensitive and valuable environmental
10 areas, wildlife habitat and cultural features are present and to minimize the disturbance of areas where
11 wildlife, natural areas, historic or archeological resources or forest preserves or other parks and preserves.
12 These policies are in place today, but we still only have the CR District and we don't have any specific
13 guidance on how to achieve that policy.
14

15 Mr. Hall reviewed the steps followed in mapping the proposed RPO District. Based on the Zoning
16 Ordinance description of the CR District, the areas along rivers are areas of interest in forming the basis
17 of the RPO. Areas of the proposed RPO also include the 100-year floodplain and existing wooded areas.
18 To clarify, the RPO is not intended to be only a tree preservation ordinance; however it is intended to
19 protect sensitive riparian areas such as the CR District was originally intended to protect. The soils map
20 was used to identify areas of forest soils and bottomland soils located in the 100-year floodplain. The
21 forest soils and bottomland soils information is used to understand how the existing wooded areas tie into
22 the 100-year floodplain areas. The 100-year floodplain is an important part of the proposed RPO, along
23 with forest soils and bottomland soils. Mr. Hall pointed out an area along the Sangamon River where the
24 100-year floodplain continues and where forest soils are not present. These types of areas are also
25 present along other streams in the County. Not all soils in the 100-year floodplain are wooded soils.
26 These types of areas in the floodplain, where there are not forest soils, are not included as part of the
27 proposed RPO. The proposed RPO includes parts of the floodplain that were either wooded historically
28 or are wooded still. Mr. Hall said that in the process of mapping the proposed RPO, land cover was also
29 considered. He said wooded areas and pastures areas extending from or connected to the 100-year
30 floodplain were included as they comprise scenic areas along streams. He said that isolated grasslands
31 were not included as a part of the proposed RPO, but that isolated woodlands were included provided that
32 the woodland tracts were a minimum area of 10 acres.
33

34 Mr. Hall encouraged anyone with questions regarding whether the proposed RPO District is located on
35 their land to stop by the office so that their land parcel can be specifically reviewed.
36

37 Ms. Monte described the proposed zoning restrictions that would be effective within the proposed RPO
38 District. These are text amendments proposed concurrently as part of Phase One Case 415-AT-03. The
39 purpose of these types of zoning restrictions is to minimize disturbance to natural areas. The first group
40 of proposed zoning regulations relate to construction that is allowed 'by right', without a public hearing.
41 The proposal is to allow landowners the right to create from one to three lots—depending on parcel size
42 on which to construct a single family dwelling. If these lots are partially or wholly within the RPO
43 District, then the proposed zoning regulations that I describe will apply. The first proposed restriction
44 described is the Stream Protection Buffer. The proposed Stream Protection Buffer will be located 150

1 feet from the edge of a stream or river located within the RPO District. The following is restricted within
2 the 150 feet Stream Protection Buffer: construction, excavation or filling that requires a Zoning Use
3 Permit is prohibited. Also prohibited within the Stream Protection Buffer are: the disturbance of natural
4 vegetation; animal enclosures (other than for agricultural operations); surface mining or piling of mining
5 material; outdoor storage or business operations, storm drain discharge with certain exceptions and
6 surface discharge of wastewater. Drainage district activities are exempt from Stream Protection Buffer
7 restrictions.

8
9 Ms. Monte described the proposed Public Resource Area Buffer, a buffer area of 250 feet that would be
10 required adjacent to specific properties such as parks, preserves and research tracts that are identified as
11 Public Resource Areas and designated as such on the Zoning Map. She said that Public Resource Areas
12 primarily are situated within the proposed RPO District. She said that construction activities would be
13 prohibited within 250 feet of the edge of a Public Resource Area. She said that no prohibition on the
14 removal of vegetation is proposed within the Public Resource Area Buffer.

15
16 Ms. Monte described a zoning restriction that will apply generally in all zoning districts: the ‘buildable
17 area’ requirement. The buildable area is defined as the area on a lot or parcel on which construction can
18 occur. She said that the ‘buildable area’ will need to be identified on all Zoning Use Permit applications.
19 She said the minimum buildable area requirements in the rural districts are an area of at least 30,000
20 square feet with an average width of 150 feet. A typical buildable area will include sufficient area for a
21 septic field; a reserve septic field and outbuildings in addition to principal single family residence or
22 other principal use.

23
24 Ms. Monte said that a maximum limit on the size of a buildable area is a proposed requirement if the
25 buildable area is located entirely within the proposed RPO District—that within the proposed RPO
26 District, there will be a maximum limit on buildable area size. A buildable area on a lot must be located
27 outside of the RPO if that option exists. As an example, if a person wishes to construct a house, an
28 outbuilding, or even a pond, a ‘buildable area’ will need to be identified on the Zoning Use Permit
29 application.

30
31 Ms. Monte described proposed Phase One zoning requirements that would apply only when a land use
32 that requires a special use or a rezoning is requested within the proposed RPO District. These are
33 requests that require a public hearing. The first proposed zoning requirement of this type –that is, which
34 would apply only to special uses or rezonings requested within the RPO District—is the Natural Area
35 Assessment Conservation Report. The purpose of the required NAACR is to describe natural
36 communities which may exist in the RPO District on the site of the proposed development and to provide
37 an evaluation to the Zoning Board of Appeals and to the County Board, of the effects of the proposed
38 development. The ZBA and the County Board will be better informed as they make a recommendation
39 or decision regarding a proposed Special Use or Rezoning because they will have information provided
40 in the NAACR. The NAACR will be required to be prepared by a qualified natural area scientist. In
41 some instances, a natural area scientist may find and may report that the impacts as the result of a
42 proposed development may be minimal.

43
44 Ms. Monte reviewed examples of each of the proposed zoning restrictions just described in a Powerpoint

1 presentation.

2
3 Ms. Monte reviewed the proposed limits on 'by right' construction of single family dwellings. She said
4 the proposed limits are proportionate based on the size of a tract. She reviewed the limits as they appear
5 in proposed Section 15.20 of the Public Review Draft Two dated March 9, 2004. She reviewed the
6 proposed maximum lot size limit of three acres on best prime farmland in the rural districts. She said that
7 the proposed maximum lot size limit will apply to tracts that are at least 12 acres in size.

8
9 Ms. Griest moved to the witness register and stated to the audience that comments and testimony during
10 the public participation portion of the hearing are to be addressed to the Board and not to the audience in
11 general. She instructed persons testifying to limit their comments to the proposed amendments and
12 requested that everyone be mindful of the time they take to speak so that the 80 people who wish to speak
13 each have an opportunity.

14
15 Beverly Seyler, who resides at 2060A CR 125E, Mahomet stated that she owns property entirely within
16 the proposed RPO District and provided information regarding the sequence of a series of events related
17 to her acquisition of property and her actions to correctly identify the floodplain on her property. Ms.
18 Seyler believes the 100-year floodplain is incorrectly identified on her property and that she does not
19 agree that her entire property is within the 100-year floodplain and that the soils survey indicates types of
20 upland woodland soils are present on portions of her property.

21
22 Mr. Hall clarified that the County only refers to one 100-year floodplain map and that is the Federal
23 Emergency Management Agency map. Actual ground topographic information is lacking on the FEMA
24 maps and FEMA allows for a process whereby corrections can be made to these maps. Persons can rebut
25 the boundaries of the proposed RPO District by providing ground elevation information. However, the
26 boundaries of the proposed RPO also include connected woodland, pasture and grassland,
27 so we would just have to see how that plays out given the land cover and the specific characteristics of
28 the property.

29
30 Mr. Roseman said he and Ms. Seyler discussed her concerns regarding the 100-year floodplain on her
31 property and he informed her of her right to protest the proposed addition of the RPO. He said that he
32 requested that she send him a letter including all the facts regarding her property so that the location of
33 the proposed RPO could be re-examined and re-evaluated.

34
35 Ms. Griest added that mechanism is available to anyone with similar concerns regarding the location of
36 the RPO on a particular property.

37
38 Guy Christopher, who resides at 2060A CR 125E, Mahomet shared his concerns that his property was
39 purchased in 1988 under one condition and now that condition is proposed to be changed. He said that
40 he is concerned that he may not be able to sell a buildable lot if the RPO District is added on the property.
41 He asked questions regarding submission of a landowner protest.

42
43 Mr. Roseman said the parcels proposed to be rezoned will be treated as separate segments, and that
44 protests received regarding any particular rezoning is tracked. Each protest received identifies the

1 protested rezoning and once 20 percent of a frontage protest is received for a rezoned segment, a majority
2 vote will be required. Each protest received is tracked by the parcel identification number.

3
4 Ms. Griest asked Mr. Roseman if a landowner protest is valid for his own parcel only or for the entire
5 ordinance change.

6
7 Mr. Roseman said that a landowner protest could be for the landowner's parcel and for any proposed
8 rezoning that fronts the landowner's parcel if applicable.

9
10 Ms. Griest clarified then that if a landowners wishes to file a protest for his own parcel, then only his
11 signature is required on the protest letter.

12
13 Mr. Hall noted that the deadline for receipt of a landowner protest is prior to the County Board
14 consideration of the proposed Phase One amendments

15
16 Larry Rishel, who resides at 2451 CR 1225N, St. Joseph stated that he is a self-employed nursery owner
17 based on 62 acres of nursery and timber ground along the Salt Fork River. All his land is proposed to be
18 rezoned to the RPO District. He has harvested trees on his property for several years and asked if he will
19 be able to continue to harvest nursery and timber stock off of his land. He noted that the proposed
20 Stream Protection Buffer extends onto the ridge where his office and greenhouses are located and he
21 asked how that will affect his plans to expand his greenhouse in the future.

22
23 Mr. Hall said that if a structure already exists within the Stream Protection Buffer it is a nonconforming
24 structure and it may be continued to be used. Expansion would require a Variance and that determination
25 is up to the ZBA. He said if nursery stock is planted within the Stream Protection Buffer, if that nursery
26 stock is considered as agriculture then it would be exempt from zoning requirements. He said that
27 disturbance of natural vegetation is prohibited within the Stream Protection Buffer and he would not
28 consider nursery stock to be natural vegetation. He said that Mr. Rishel's existing nursery areas may
29 also be considered as non-conforming, and the question for the Zoning Administrator would be whether
30 you can you replant those existing nursery areas with new stock as you remove old stock. He
31 recommended that further analysis would be necessary given the number of issues and history of
32 development of this particular site, and indicated Mr. Rishel should follow up with this site-specific
33 inquiry during office hours.

34
35 Mr. Rishel asked about the timber he is harvesting on his land.

36
37 Mr. Hall said that harvesting timber is still allowed. He said that harvesting timber within the Stream
38 Protection Buffer by any of the approved methods is exempt from zoning requirements. The purpose of
39 the proposed Stream Protection Buffer is to prohibit clear-cutting of the area. However, the harvesting of
40 trees is allowed.

41
42 Mr. Rishel asked if he could get this in writing so the rules don't change again.

43
44 Mr. Hall stated that testimony received during this public hearing and ZBA recommendations are entered

1 as a part of the public record so that 20 years from now we could go back and know what was
2 determined. He said that staff will re-examine the proposed zoning provisions as they relate to existing
3 non-conforming uses and that the intention of the proposed amendments is not to create non-conformities
4 on a large scale.

5
6 Ms. Griest clarified that staff would review the issue of nonconformities and have additional information
7 for the ZBA at the scheduled meeting on September 16, 2004.

8
9 Mr. Rishel asked if it is determined that his land can no longer be used for the harvesting of timber, then
10 will there be some kind of compensation offered. He said that this is his business and livelihood that is
11 being considered.

12
13 Mr. Hall responded that the intent of the proposed amendment to the Ordinance is not to take all the
14 value away from the land and that is the issue. He said the question that staff will consider is whether the
15 proposed amendment is taking all value from the land.

16
17 Ms. Griest requested that Mr. Rishel keep the ZBA directly informed as to whether his property will be
18 negatively impacted by the proposed amendment.

19
20 Mr. Greg Hendrick, who resides at 616 CR 3475E, Foosland stated that he has a 17-acre farm that is
21 zoned AG-1 and his property is proposed to be rezoned to RPO. He asked whether he can grow hay in
22 the non-wooded portions of his property situated along the creek.

23
24 Ms. Monte said that agricultural activities are exempt from zoning.

25
26 Mr. Hendrick said he has a barn and a few outbuildings that are not taxable and a house on his property
27 and asked whether he would be allowed to construct a machine shed and a garage.

28
29 Ms. Monte said that staff would determine whether the proposed construction is a part of his agricultural
30 operation and if the structures were determined to be agricultural, they would be exempt from zoning
31 requirements.

32
33 Mr. Hendrick asked if the proposed rezoning would result in increased taxes above the farm rate in the
34 future. Would the rezoning result in an increased tax assessment?

35
36 Ms. Monte said that the most direct factor affecting tax assessment of a property is how the property is
37 actually used. The tax assessment procedures are based on state regulations that do not consider zoning
38 designation as a factor.

39
40 Richard Burwash, who resides at 401 Burwash Av, Savoy stated that he was on the first Zoning
41 Committee some 30 years ago and said he has a few suggestions for the Board. He said that the Zoning
42 Committee found that it was advantageous to go to each township at a designated time for each township
43 and have an open meeting where the questions of each township could be asked and answered. You
44 would be surprised at the nice and knowledgeable people in this County and that they could help you out

1 in making decisions. We suggested that periodically every five years those town meetings should occur
2 to discuss the zoning regulations. He advised that the ZBA familiarize themselves with the individual
3 townships in the County
4

5 Gregory Noel, who resides at 2040 CR 125E, Mahomet stated that he has concerns regarding surface
6 discharge of wastewater. He asked if the RPO specifically targets jet waste systems.
7

8 Mr. Hall said that within the proposed RPO any surface discharging waste treatment plant is prohibited
9 within the limits of a Stream Protection Buffer. He said the same kind of prohibition is proposed as a
10 part of the proposed drainageway protection zoning provisions within 100 feet of a surface drainageway
11 in all rural areas. He said that surface discharges of wastewater may still occur in the buildable area on
12 the lot, but just not within those buffers. He said that Mr. Noel's property where the discharge occurs
13 within the proposed Stream Protection Buffer is an example of a nonconforming and presumably lawful
14 discharge that may be allowed to continue. He said Mr. Noel's nonconforming rights would allow for
15 continued use of his wastewater system. He said that surface discharge wastewater treatment systems
16 may require replacement at some future time and that staff will need to consider the question of whether
17 the replacement of a nonconforming wastewater treatment system will be required to meet the new
18 zoning standard.
19

20 Mr. Noel asked what requirements are proposed for discharging wastewater in the RPO and about
21 replacing a jet flow wastewater system.
22

23 Mr. Hall said that no provision is proposed regarding discharge of wastewater except that it is restricted
24 from occurring within the Stream Protection Buffer and in the Drainageway Buffer. He said that the
25 County Health Department regulates on-site waste and wastewater treatment and that the County has not
26 finalized the issue of allowing for replacement of a nonconforming wastewater discharge system. He
27 said under the current proposed Ordinance that a Variance would be required to allow for replacement of
28 a nonconforming wastewater discharge system within the Stream Protection Buffer or Drainageway
29 Buffer. He said that a Variance runs with the land if the property is sold.
30

31 Mr. Noel asked whether he would be able to continue an orchard and prairie restoration activities within
32 the proposed Stream Protection Buffer area. He asked whether routine burning to maintain the prairie
33 will be allowed.
34

35 Mr. Hall said that he thinks Mr. Noel would be allowed to continue the prairie restoration. He said he'd
36 like to provide a more affirmative decision at a later hearing once staff has reviewed this question.
37

38 Ms. Griest requested that staff provide a response at the September 16 meeting.
39

40 David Vineyard, who resides at 10702 Manor Dr, St. John, IN, stated that he has concerns regarding the
41 proposed rezoning Cases 422-AM-04 and 428-AM-04. He said he owns property that would be affected
42 and that he and other family members are strongly opposed to the proposed changes as they apply to
43 timber and forest products. He has established black walnut trees on his property as an alternative crop
44 and as a long-term investment. His father removed scrub growth trees and improved the quality of the

1 woodlands on the property. His family has established waterways where needed. He considers his
2 family as long-term landowners with farm holdings over the span of several years dating back to the mid-
3 nineteenth century. He intends to continue the good stewardship practices of his family. He said the
4 proposed ordinance will group landowners like his family together with others too stupid to properly
5 manage our properties. He objects to additional requirements or limitations with regard to tree harvesting
6 on his land. He submitted a prepared statement as a Document of Record.
7

8 Owen Tucker, Mrs. Robert Rogers, Albert Wilms, and Don McGruder declined to testify at this time.
9

10 Charles Francisco, who resides at 401B CR 2425N, Dewey asked why property in CR is proposed to be
11 rezoned to Agriculture and whether the proposed changes are intended to expand the CR District.
12

13 Ms. Monte said that the purpose of rezoning selected properties from the CR District to the AG
14 Agriculture District is to adjust the boundaries of the CR District so the CR District is situated around the
15 perimeter of the proposed RPO District. She said that in some instances the proposed RPO District
16 extends beyond the limit of the existing CR District, and that the proposed rezoning cases would result in
17 a gross increase of CR District land.
18

19 Philip Coles and Jeff Bunting declined to testify at this time.
20

21 Janet Brewer, who resides at 557 CR 2425N, Dewey stated that she objects to the fact that someone else
22 is deciding for her what should be allowed on property that she purchased four years ago. She said she
23 believes that she should be paid for the land that others are making decisions about. She said she owns
24 the land and should have the basic right to decide what to do with it.
25

26 Steven Burden declined to testify at this time.
27

28 Herb Schildt, who resides at 398 CR 2500N, Mahomet stated that he and his wife oppose the proposed
29 regulations. He said that he had a couple of questions that he would like to respectfully ask the Board and
30 staff.
31

32 Mr. Schildt asked what legal authority can be sited that grants you the ability to create the RPO.
33

34 Joel Fletcher, Assistant State's Attorney stated that the Zoning Enabling Act gives the County authority
35 to rezone for the purpose of promoting the public health, safety morals comfort and general public
36 welfare. He said that the legal statute is: 55 ILCS 5/5-12001.
37

38 Mr. Schildt asked Mr. Fletcher to indicate where it grants the creation of an overlay district.
39

40 Mr. Fletcher stated that the authority is not specifically expressed in the county code
41

42 Mr. Schildt stated that the proposed regulations, should they be implemented, would constitute a severe
43 reduction in the value of my land and asked who will be compensating him for this taking?
44

1 Mr. Roseman stated that he does not believe it is considered a taking under zoning.

2
3 Mr. Schildt stated that he and his wife own slightly less than 40 acres with two homes and existing barns.
4 He said that the land is largely wooded and the land is already platted into 5 or 7 acre tracts and while
5 they own the property they do not intend to sell those parcels separately, however they do have
6 substantial value. He said that he has had his property appraised several times and if the regulations go
7 into effect the value would be severally diminished therefore it appears that it constitutes a “taking.” He
8 said that he and his wife are the people who made this property the way that the County wants it to be yet
9 they are being punished for it. He said that they did this out of their own pockets and it seems that the
10 County desires to take the value that they put into the property, by allowing it to be come beautiful
11 wooded land, and taking it as their own.

12
13 Ms. Griest asked Mr. Schildt if the 5 and 7 acre tracts were currently platted as separate parcels.

14
15 Mr. Schildt stated that the 5 and 7 acre tracts have been platted.

16
17 Mr. Roseman stated that if the 5 and 7 acre tracts have been legally platted then they will remain legal
18 lots.

19
20 Mr. Schildt stated that even though they are legal lots the proposed zoning will restrict any construction
21 on those lots.

22
23 Mr. Roseman stated that the proposed zoning will limit the construction to a specific location and area
24 and that is all.

25
26 Mr. Schildt stated that he does not agree. He said that it has been discussed that existing multi- flow
27 systems will be grand-fathered but what if you have to replace this system or your house burns down are
28 you not allowed to rebuild on it?

29
30 Ms. Griest stated that this is a question which the Board has requested staff to present additional
31 information so that not only the Board is well informed but also the public.

32
33 Mr. Schildt stated that he opposes the proposed RPO entirely and not just the specifics because it does
34 constitute a “taking.”

35
36 Russ Taylor, who resides at 1304 Woodland Ct, Mahomet stated that he agrees with a lot of the previous
37 speakers. He said that his family has owned land for a lot of years, some ground for over 100 years and
38 they also develop land and own a lot of river land in the Mahomet area. He said that he totally opposes
39 the regulations because they take away the rights of the landowners. He said that they have taken care of
40 their land and have tried to develop land in a responsible manner. He requested that the Board make a
41 recommendation of denial.

42
43 Terry Moore, who resides at 403 CR 2600N, Mahomet stated that the notifications were not explicit in
44 the implications of the proposed changes and many of his neighbors did not believe that this affected

1 their properties therefore they did not attend many of these meetings. He encouraged the Board and staff
2 to make a better attempt to communicate with the people in these affected areas before the next meetings
3 to outline how these proposed changes will affect their properties.
4

5 Ms. Griest called Ms. Shelly Place and Mr. Kenneth Wilbur but they were no longer in attendance.
6

7 Mr. Richard Menzer, who resides at 2231 Heather Hills, St. Joseph declined to speak at this time.
8

9 James Noe, who resides at 3407B Mill Creek Ct, Champaign, stated that he lives in the Cherry Hills
10 Subdivision. He said that he would like to correct and supplement the statement that he made at the July
11 29, 2004, meeting. He said that he and his neighbors object to their inclusion within the TR district
12 proposed to be created by Case 419-AM-04 of a parcel of land which is approximately fives in area at the
13 northeast intersection of Curtis Road and Duncan Road. He said that this objection is based on the fact
14 that the land is bordered on three sides by residential development and seventeen homes will be affected.
15 They will be affected because the proposed TR district would allow certain uses, as a matter of right. He
16 said that these uses include: Farm Equipment Sales and Service, Lawn Mower Sales and Service,
17 Archery Range and a Veterinarian Hospital. He said that these uses on this land surrounded by
18 residential property would create a nuisance and greatly diminish the value of the residential property.
19 He said that they plan to file a petition in opposition to the proposed map amendment.
20

21 BJ Hackler, Mayor of the Village of St. Joseph declined to speak at this time.
22

23 Ms. Griest called Mr. Terry Howard but he was no longer in attendance.
24

25 Richard and Peggy Marley, who reside at 445 CR 2500N, Mahomet stated that they own 15 acres and
26 100% of the land is within the CR district. He said that he is very confused by the proposed RPO. He
27 said that when he first came to the meeting he was not aware of how the proposed changes would affect
28 his property for instance; he has a jet system, and a lot of timber. He said that he has a walking path
29 along the river yet the language indicates that he can not disturb vegetation within 150 feet of the river.
30 He asked if he can mow the walking path area along the river.
31

32 Mr. Roseman stated that a landowner is allowed to perform general maintenance such as mowing or
33 fallen trees.
34

35 Mr. Marley stated that ATV and moto-cross/motor bikes insist on trespassing upon their property and
36 asked if the RPO will offer any protection against this.
37

38 Mr. Roseman stated that a landowner still has their private property rights and if someone is trespassing
39 the County Sheriff should be contacted.
40

41 Mr. Marley asked if the RPO is more restrictive than the CR district. He asked if ATV and motorcycle
42 courses are allowed in the CR district.
43

44 Mr. Roseman stated that the CR district is the underlying district and the RPO is a more restrictive

1 overlay district. He said that the restrictions are described in Chapter 21 and 22 of the Draft Zoning
2 Ordinance.

3
4 Mr. Hall stated that the RPO is an overlay district and the uses are governed by the CR district. He said
5 that ATV and motorcycle courses are not allowed in the CR district.

6
7 Mr. Marley stated that the uses which are permitted in the CR district are also permitted in the RPO. He
8 said that the text indicates that agriculture is permitted "by-right," therefore he could construct a
9 confinement hog farm on his property in the RPO district.

10
11 Mr. Hall stated that a confinement hog farm would be exempt from our regulations.

12
13 Mr. Marley asked if this made sense since there has been so much discussion regarding preserving the
14 natural environment yet a hug exemption is made for confinement livestock. He said that if the County is
15 trying to do something then they should be consistent.

16
17 Mr. Hall stated that the exemption is out of staff's control and is governed by the State Constitution and
18 the Statutes.

19
20 Mr. Marley asked if shooting ranges were allowed in the RPO.

21
22 Mr. Hall stated that a shooting range is permitted upon approval of a Special Use Permit.

23
24 Mr. Marley stated that it is apparently okay for someone to create a lot of noise in the RPO disturbing the
25 neighbors and creating all kinds of problems.

26
27 Mr. Hall stated that if someone had 100 acres of woodland in the proposed RPO district they could go out
28 the day that this ordinance is adopted and cut every tree with the possible exception of the Streamway
29 Protection Buffers but otherwise they could clear cut the rest of the land.

30
31 Pam and Tom Smith, who resides at 1306 Greenridge, Urbana declined to speak at this time.

32
33 Ward McDonald, who resides at 1950 CR 0E, Mahomet asked Mr. Hall if his prior letters would be part
34 of the record.

35
36 Mr. Hall stated that Mr. McDonald's prior letters are part of the record.

37
38 Mr. McDonald stated that he and wife have planted 50,000 trees and have approximately 140 acres which
39 has been placed in CRP for 15 years and have now gone into permanent conservation easements.
40 He said that part of those trees will be harvested by the state forester and a lot of them are within the 150
41 feet of a stream buffer therefore there is a considerable conflict. He said that he cannot tell the forester to
42 not cut down the trees and is not aware if the County is subject to the forester or if the forester is subject
43 to the County. He said that he hopes that none of the trees will be cut down but he does not like the idea
44 that the County is telling him that he can't. He said that they have tried to do with their land what the

1 County's general interests are which is to protect the rivers and streams so that more wildlife can be
2 created and protected. He said that he agrees with Mr. Marley in that there are some inconsistencies in
3 that the text. He said that just the idea that he cannot build a fence for his puppy within the 150 foot
4 buffer but he can go out and buy 150 Angus steers and build a fence and allow them to defecate in the
5 river. He said that when drainage districts are allowed to cut 10 miles of river frontage yet he cannot cut
6 down a tree indicates an inconsistency that needs to be dealt with. He said that there may be exemptions
7 in that it is not within the County's problem but it is everyone's problems. He asked if the buildable area
8 of 30,000 square feet has to be contiguous. He suggested that the buildable area not be required to be
9 contiguous because if someone had woodland, and the intent is to protect trees, there may be open areas
10 for outbuildings in isolated locations that would be far better and less intrusive than telling someone that
11 they must place their buildings within a contiguous 30,000 square foot area. He said that it would be
12 better to allow them to build their desired building in remote location. He also suggested that staff make
13 an exception for pre-existing non-conforming uses because they are typically thought of in an urban
14 setting to protect surrounding owners. He said that most of the homes in his area are located in remote
15 locations and to tell someone that they cannot rebuild their home where it previously existed does not
16 make sense because they would have to go further into the woods and destroy a 30,000 square foot area
17 to rebuild. He said that it would be far better to allow these people to rebuild their home in the same
18 location because those trees are already gone.

19
20 Ms. Kelly Bean, who resides at 608 W John, Champaign stated that she and her husband purchased some
21 lots on CR 2550N in the Mahomet area and both of those lots may suddenly become unbuildable. She
22 said that a portion of her land falls in the RPO. She asked if the lots, which she paid a high dollar for,
23 become unbuildable what does she do.

24
25 Mr. Roseman asked if Ms. Bean would contact him at the office so that he can review the two individual
26 lots.

27
28 Ms. Griest requested that Mr. Roseman update the Board on the results of that review.

29
30 Ms. Bean stated that she is concerned because she did pay a lot of money for these lots and one of those
31 lots was deeded with existing covenants. She said that the covenants already restrict the lot on what can
32 and cannot be constructed on the lot. She said that she is not against protecting resources and nature and
33 hopes that the County gives people a little more credit when it comes to protecting their property.

34
35 Mr. Roseman stated that if Ms. Bean's lots are currently considered legal lots they are buildable lots with
36 perhaps some restrictions.

37
38 Ms. Bean stated that people pay a specific price for a certain piece of property based upon what they are
39 told is allowed at the time. She said that if those allowances are restricted then the value of the property
40 is diminished. She asked that perhaps the County consider grandfathering in a lot of these lots.

41
42 Ron Karr, who resides at 3407-I Mill Creek Ct, Champaign stated that he concurs with his neighbor Mr.
43 James Noe's comments. He asked who or what is the driving force behind the proposed amendments and
44 what is the time line for approval or denial at the County Board level.

1
2 Ms. Griest stated that no final action will be taken prior to September 16, 2004. She said that beyond that
3 date the Board does not have any specific guidelines or scheduling. She said that if the Board does not
4 feel that they have a quality product to recommend to the Environment and Land Use Committee then the
5 case will not receive an affirmative recommendation from this Board. She said that there have been
6 many quality issues brought forward this evening and there appears to be a lot of work which needs to be
7 resolved.

8
9 Mr. Karr stated that some attention should be given to regionalizing these hearings so people can plead
10 their individual cases. He suggested that perhaps the meetings should be broken down in smaller groups
11 so that the Board does not have this mass public participation.

12
13 Mr. Bob Januzik, who resides at 2417 CR 600E, Dewey declined to speak at this time.

14
15 Mr. Darcy Bean, who resides at 608 W John, Champaign declined to speak at this time.

16
17 Mr. Vincent Hock, who resides at 2638 CR 600E, Mahomet thanked Mr. Roseman for taking time in
18 explaining in great detail how the proposed changes would effect his property. He said that he farms
19 south of Fisher on CR 600E and was never contacted by the County that this meeting was going to take
20 place. He said that the RPO tends to run right up to his door and through part of his farm. He said that
21 he agrees with some of the speakers in that the public requires a clear description of the impact of the
22 RPO on our properties. He suggested township meetings and that this issue be placed on the County
23 ballot this November. He asked if the RPO has been coordinated with the USDA, Champaign County
24 Soil and Water Conservation District. He said that he does have land in the CRP program and some of
25 his other neighbors are involved in the CREP. He said that they are operating under the authority of the
26 USDA which has very different rules. He said that there are inconsistencies between what is allowed by
27 the Federal government and the County government and this could possibly lead to a conflict with federal
28 legislation regarding the Farm Bill. He said that he is assuming that the Farm Bill will take preference
29 over County zoning. He asked how the proposed changes will affect agriculture located in the RPO. He
30 asked if the Board has considered how long it will take for the County Board to resolve these non-
31 conforming requests. He asked how the RPO would affect the University of Illinois property on 2600N.
32 He said that he would submit all of his questions in writing.

33
34 Mr. Hall stated that he and Ms. Monte gave a presentation to the Soil and Water Conservation District
35 Board in March and we were very pleased with their response. He said that they agreed with everything
36 that was being proposed and even offered to make some products available to staff . He said that he will
37 contact their office again and request their comments in writing.

38
39 Mr. Norman Stenzel, who resides at 545A CR 1900N, Champaign stated that he appreciates the time that
40 the Board and staff have taken over many months and all of the testimony which has been provided. He
41 said that he has seen results and responsiveness of the staff to the input and assures the audience that they
42 do listen. He said that he has been here for many of the meetings and only wished that many of the
43 members of tonight's audience had also attended those previous meetings. He said that there was notice
44 that zoning considerations were being considered. He said that many of the concerns and fears will not

1 materialize because of the care that has been taken by staff. He said that staff must be aware of the legal
2 ramifications of what is proposed and must be consistent in the application of zoning. He said that
3 consistency means that every individual wish of the public may not be fulfilled but it does not mean that
4 rights have not been taken away. He said that staff has been concerned about the appropriation of
5 property or denial of rights but just because a person has purchased property doesn't mean that their
6 expectations won't be allowed if there are pre-existing conditions. He said a purchase of property is a
7 speculation and a property owner's expectation of getting grand returns may not be fulfilled and is not
8 necessarily a legal right. He said that there are court cases in respect to shorelines, beach fronts and other
9 areas nation wide and it may not be a right to expect a profit from the purchase of property but he is sure
10 that staff is willing to understand the public's interest and work with the public.

11
12 Dennis Miles, who resides at 1100N CR 2200E, Sidney declined to speak at this time.

13
14 Mark Williams, who resides at 3208 S. First St, Urbana stated that they are surrounded by University
15 property and is unsure if the proposed changes will affect his property.

16
17 Ms. Griest informed Mr. Williams that he should contact staff during business hours regarding his
18 individual property.

19
20 Mr. Williams asked how much cooperation and involvement is the board doing with the University?

21
22 Ms. Monte stated that she is in contact with the Real Estate and Capital programs offices at the
23 University of Illinois and have received their full support for the proposed zoning map amendments and
24 regulations. She said that she has received written support which was distributed at the last meeting. She
25 said that the University of Illinois supports the creation of the TR district for the South Campus Master
26 Plan area.

27
28 Ms. Griest asked if this information was available on the website.

29
30 Ms. Monte stated that information regarding the TR district, Case 419-AM-04 is available on the website.

31
32 Mr. George Gore, who resides at 702 W Washington St, Urbana stated that the maximum lot size on Best
33 Prime Farmland is a good idea. He said that one of the things that we are going to be seeing in the future
34 is trying to shift our energy supplies away from foreign oil to locally produced fuel supplies. He said that
35 this will essentially increase the value of agricultural land and this is an excellent way to preserve that
36 land so that it is available further down the road. He said that he was involved in the rezoning process in
37 Sangamon County. He said that the Sangamon County Farm Bureau performed a survey to see what the
38 interest was in doing the rezoning which involved restrictions on development and such. He said that it
39 turned out the opinion was 50/50 and they found that the division of the opinion was pretty much
40 dependent on whether it was a farmer who was remote and wasn't expecting to sell his land anytime soon
41 or whether it was a landowner/farmer who was located close to the city and anticipated developing that
42 land in the near future. He said that because of the division in opinions within their own community the
43 Sangamon County Farm Bureau took no position. He said that about a year ago he attended one of the
44 previous meetings and had the opportunity to speak about the 100-year flood plain. He said that building

1 in a floodplain does not make sense because it costs the community a lot of money to replace houses to
2 replace all the effort which has been expended in those areas. He said that by protecting the river
3 corridor areas would be a big benefit for our economy. He said that there are a lot of people who live in
4 the urban areas who like to go out and recreate and having those areas available for recreation will be
5 very helpful.

6
7 Jim Rector, who resides at 9 Dunlap Woods, Sidney read a prepared statement to the Board and
8 submitted the statement as a Document of Record.

9
10 Jack Coleman, who resides at 1186 CR 300E, Sidney stated approximately 10 years ago he purchased
11 property along the river and unfortunately not one piece of his property is further than 125 feet from the
12 river. He said that there has been a lot of discussion regarding sewage disposal and multi-flow systems
13 and asked the Board if they were aware that if the multi-flow system is maintained properly the water is
14 probably better than most well water in the County. He said that many of the city's sewage is dispersed
15 into our rivers therefore why pick on these private sewage systems. He said that the multi-flow systems
16 are checked periodically with the State of Illinois to make sure that the water is pure.

17
18 Mr. Hall stated that the reality is that the multi-flow systems are not required to be checked with the
19 Illinois Department of Health on a regular basis and many of them are not even chlorinated like they are
20 supposed to be. He said that if the systems are chlorinated the discharge is chlorinated and that discharge
21 will end up in the river and the point is to protect the riparian area. He said that staff is not proposing to
22 prohibit these systems but setback a certain minimum distance so that the water can de-chlorinate and the
23 nitrates can soak into the soil so that there is less impact on the riparian area.

24
25 Mr. Coleman stated that the University of Illinois dumps ammonia into the river and they only get a slap
26 on the hand. He said that the Urbana landfill leaks which goes into the river and that is okay. He said
27 that fertilizer goes into the river from farm fields and waste running off from the parking lots in town
28 runs into the river. He said that it is going to take more people to enforce this than it is to catch the cats
29 for not having tags. He said that his house is about 30 feet above the river but he is within 150 feet of the
30 river and he does not see how the County can tell him that he cannot cut down a dying tree to make way
31 for new trees. He wished the County a lot of luck but he hopes it doesn't succeed.

32
33 Mr. Hall explained that the whole purpose is to setback discharge areas a certain distance so the
34 chlorination can be absorbed prior to entering the river.

35
36 Ms. Griest called Robert McKim, Dorothy Brinkmeyer and Gil Brinkmeyer but they were no longer in
37 attendance.

38
39 Maurice Gordon, who resides at 1421 CR 2900N, Rantoul asked if the streams include the drainageways
40 which were installed years ago.

41
42 Mr. Hall stated that whenever the drainage ditches are located within the RPO district they are treated just
43 like the natural streams but outside of the RPO they are protected by the drainageway protections.

1 Mr. Gordon asked if the flood water can be channeled into the stream to drain the fields and will the RPO
2 district restrict the construction of a catch basin to drain into these drainage ditches.

3
4 Mr. Hall stated that agricultural drainage improvements are exempt from this ordinance.

5
6 Jennifer Noel, who resides at 2040 CR 125E, Mahomet asked what was the cost of the whole rezoning
7 process and enforcement costing the taxpayers of this County.

8
9 Ms. Griest stated that staff was unaware of the cost.

10
11 Mr. Roger Fredenhagen, who resides at 1916 CR 2325E, St. Joseph asked if the term,
12 "AGRICULTURE" is defined in the ordinance and is it available on the website.

13
14 Ms. Griest stated that this information is available on the website.

15
16 Mr. Fredenhagen stated that we all know that corn and beans are considered agriculture but is something
17 as wild as raising earthworms or trees considered agriculture.

18
19 Ms. Monte read the definition of "AGRICULTURE."

20
21 Mr. Oolan Zimmer, who resides at 2910 Appaloosa Lane, Mahomet stated that he is a member of The
22 Meadows Subdivision Homeowners Association. He said that his subdivision is located in the southern
23 portion of Newcomb Township close to Mahomet Township and is entirely rural. He said that a fair
24 portion of all of the subdivision is zoned CR currently and a fair portion of it will be rezoned to RPO. He
25 said that approximately 14 to 15 lots will be covered entirely by the RPO and several others partially in
26 the RPO. He asked if it will be difficult for people with these lots to rebuild their home or expand or if
27 the vacant lots will be considered buildable.

28
29 Mr. Hall stated that all of the lots in the Meadows Subdivision are legal lots therefore any vacant lots are
30 buildable lots, subject to the floodplain regulations.

31
32 Mr. Zimmer stated that one of his concerns is that there are a number of drainage swales between the lots
33 in order to drain stormwater off of the road in the subdivision. He asked if anyone would be able to build
34 within 150 feet of the drainageway swales.

35
36 Mr. Hall stated that these are man-made drainage swales and are not considered drainageways.

37
38 Mr. Zimmer stated that it is unclear whether the buildable area could be built close to any drainageway.

39
40 Mr. Hall stated again that those swales are not considered drainageways and we are not concerned about
41 those swales in the drainage protections.

42
43 Ms. Griest asked if this issue should be clarified in the text.

44

1 Mr. Hall stated that a complete list of definitions is still to be completed by staff.

2
3 Amy Hammack-Gilbert, who resides at 468 CR 2425N, Mahomet stated that she and her brothers have
4 placed their father’s farm in land trust and almost 90% of their property is in the proposed RPO district.
5 She said that the land has been in their family for over 60 years and they have tried to be good stewards
6 of the land. She asked if since the land is in a trust, should she have her attorney prepare a protest in
7 opposition of the proposed changes.

8
9 Mr. Joel Fletcher stated that he is not in the position to give Ms. Hammack-Gilbert legal advice and
10 encouraged her to speak to her attorney about her protest rights.

11
12 Chris Hausman, who resides at 948 CR 100N, Pesotum stated that it is very hard to site livestock
13 operations anywhere and there are numerous regulations, both State and Federal, that people have to go
14 through when these operations are sited. He said that the comment was made that a hog confinement
15 operation is exempt is incorrect. He pointed out that agriculture is not a “free for all” and there are many
16 numerous requirements which must be met for these livestock operations to be sited.

17
18 Mr. Schildt asked when the voting date by the County Board is anticipated.

19
20 Ms. Griest stated that the earliest date that this could move forward to the County Board could be
21 November 04, 2004.

22
23 Mr. Schildt stated that he feels that the public is being punished for being good stewards of their land.
24 He said that we love these areas and when they look at these regulations they ask why they are being
25 punished for assisting in making and maintaining the areas which the County wants to protect. He asked
26 that the public be assured that the use and value of their land will not be diminished because of these
27 proposed changes.

28
29 Ms. Griest stated that the Board appreciates everyone who has come forward to express their concerns
30 regarding the proposed changes. She said that this is how the Board gets to hear the public’s comments
31 and concerns and encouraged the audience to attend any future meetings.

32
33 **Mr. Goldenstein moved, seconded by Mr. Irlle to continue Case 414-AT-03; Case 415-AT-03; Case**
34 **419-AM-04; Case 420-AM-04; Case 415-AT-03, Section N; Case 421-AM-04; Case 422-AM-04; and**
35 **Case 428-AM-04 to September 02, 2004. The motion carried by voice vote.**

36
37 **7. Staff Report**

38
39 None

40
41 **8. Other Business**

42
43 None

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

None

10. Adjournment

The meeting adjourned at 10:00 p.m.

Secretary of Zoning Board of Appeals