

AS APPROVED MAY 11, 2006

Case 497-AM-05 Petitioner: Helen Willard and Steven and Shirley Willard. Request to amend the Zoning Map to change the zoning district designation from CR-Conservation Recreation to AG-2, Agriculture. Location: A 29 acre tract in the Northwest 1.4 of the Southeast 1/4 of Section 36 of Newcomb Township and located east of CR 550E and north of CR 2425N at the corner of CR 550E and CR 2425N and commonly known as the home and property at 556 CR 2425N, Dewey.

Case 498-S-05 Petitioner: Helen Willard; Steven and Shirley Willard and rock the shed, inc. a non-profit corporation with Directors and Officers Steven Willard, Micah Boyce, Sherry Newton, Brian Maroon and Peter Ruedi. Request to authorize the establishment and use of a Private Indoor Recreational Development as a Special Use in the AG-2, Agriculture Zoning District pursuant to the final determination in related Case 497-AM-05. Location: A five acre tract in the Southwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 36 of Newcomb Township and located east of CR 550E and north of CR 2425N at the corner of CR 550E and CR 2425N and commonly known as the shed and the home at 552 CR 2425N, Dewey.

Ms. Griest called Case 497-AM-05 and Case 498-S-05 concurrently.

Ms. Griest informed the audience that this is an Administrative Case and as such the County allows anyone the opportunity to cross examine any witness. She said that at the proper time she will ask for a show of hands for those who would like to cross examine and each person will be called upon. She requested that anyone called to cross examine go to the cross examination microphone to ask any questions. She said that those who desire to cross examine are not required to sign the witness register but are requested to clearly state their name before asking any questions. She noted that no new testimony is to be given during the cross examination.

Mr. Hall stated that after direction from the Assistant State's Attorney's Office he indicated that he must recuse himself from the case due to newly submitted evidence. He said that Mr. Roseman will be handling the case from here on out. He said that on August 21, 2005, there was an Open House at The Shed and the photographs which were included in the packet were taken during that event. He said that Mr. Roseman will visit the site again. He said that a new Supplemental Memorandum dated October 13, 2005, was distributed for the Board's review. The memorandum included new correspondence (both in support and in opposition) and a copy of the letter from Mr. and Mrs. Fox dated October 10, 2005 was distributed to the Board.

Mr. Roseman stated that the Supplemental Memorandum dated October 10, 2005, outlined the letters which were received and documents the minutes from the July 14, 2005, meeting. He said that the applicant has indicated that he would like to add church services as an additional amendment to this case therefore the Board may not desire to take action on these cases at tonight's hearing.

Ms. Griest asked if the additional amendment would require re-advertisement.

Mr. Roseman stated that the additional amendment would require re-advertisement therefore no new

AS APPROVED MAY 11, 2006

testimony should be received on this issue. He said that the State Fire Marshal's requirements regarding capacity were reviewed and they indicated that The Shed's capacity should be approximately 161 persons. He said that The Shed will be required to install a publically accessible restroom. He said that Mr. Hall informed him that Mr. Willard has hired an architect to prepare drawings and to assist him in The Shed meeting all of the Illinois Accessibility Codes.

Ms. Griest asked the Board if they had any questions for Mr. Roseman. She informed the audience that the Board will not be accepting testimony on the additional proposed use because it has not been advertised. She noted that if an attempt is made to present testimony regarding the proposed use the testimony will be interrupted and a request will be made that the testimony be presented at a future meeting after the advertisement has been made.

Mr. Roseman stated that the church services will be included as a Part B. to the Special Use Permit.

Mr. Steeves asked Mr. Roseman if the Part B. is authorized in CR or does it have to be located in AG-2.

Mr. Roseman stated that the proposed use is authorized in the CR and the AG-2 as a Special Use.

Mr. Steve Willard, who resides at 552 CR 2425N, Dewey, IL, stated his views regarding The Shed have not changed. He said that he loves the kids and only wants the best for them even if the best is not what is totally acceptable by other standards. He said that The Shed is a way of life for the kids and is not just a place for them to hang out. He said that an Open House invitation was sent to most of the people of the neighborhood and several invitations were delivered to Ms. Capel's home for distribution. He said that he wanted people to have the opportunity to come to The Shed so that they could see what went on and to present comments or receive answers to their questions. He said that he has never received a complaint from the people who are now presenting opposition and he wished that he would have had the opportunity to speak to these folks on a personal basis rather than through a meeting or reading their comments in a newspaper. He said that the article indicated that he did not care about the kid's safety and this is absolutely untrue.

Ms. Griest interrupted Mr. Willard and requested that he focus on the issues which relate to zoning.

Mr. Willard stated that he is aware that there are a lot of things which must be done regarding zoning. He said that he is aware that he must comply to the Health Department and the Fire Marshal's requirements. He said that he has prepared and mailed the appropriate paperwork to the Internal Revenue Service so that The Shed can become "tax-exempt." He said that once they receive this designation he can call on the public requesting funds to support the organization. He said that he installed doors and has also installed lights in the building and at the exits which will come on in case power is loss. He said that he is trying his best to meet all of the requirements but money is an issue and he is unable to do it all at once. He said that safety is a priority and traffic has been a concern but the current traffic on the road is a safety issue and has not seen a dead deer along his road in a long time. He said that this may not be the ideal place for The Shed but where would an ideal place be. He said that there is a show scheduled in November at the McKinley

AS APPROVED MAY 11, 2006

Foundation on the University of Illinois campus because it is a bigger show and this location is necessary due to the amount of kids that will be present. He said that it is a concern that all of these kids will be on campus with a bunch of college kids on a Saturday night and it too may not be the ideal place to hold the venue. He said that people have recommended that he hold the venues somewhere else but he is not aware where this somewhere else would be. He said that he contacted a venue in Mahomet and they indicated that they could seat 300 people and the charge would be \$250, with one or two weeks notice. He said that he informed the venue that he might need the facility two or three times per year for a concert but when he informed them what the concert would be and the age group which would attend the conversation ended and it was suggested that he contact the Village of Mahomet Board. He said that he does not want to have bigger shows at The Shed because he doesn't want it to be too crowded and he does not want to raise the price at the door to compete with the Assembly Hall therefore he does not know where else to go. He said that he would like the property to be changed to AG-2, Agriculture and have a Special Use Permit approved. He said that he understands that if he expands The Shed then he must come before this Board for approval.

Ms. Griest asked the Board if they had any questions for Mr. Willard and there were none.

Ms. Griest asked if Staff had any questions for Mr. Willard.

Mr. Roseman asked Mr. Willard if he designated parents to assist in supervision.

Mr. Willard stated that he does not designate parents to assist in supervision. He said that he, his wife and his mom attend every show although there are some parents which choose to stay but they are not responsible for the supervision. He said that there is no set rule on the number of kids versus the number of parents who must attend. He said that he could begin this if it is mandated but he does not see any reason for this to be done at this time.

Ms. Griest asked the audience if they had any questions for Mr. Willard.

Ms. Martha Kersey, who resides at 107 Ridge Road, Mahomet, IL, asked Mr. Willard if smoking was allowed within 50 feet of the building or 50 feet within the five acre area.

Mr. Willard stated that he does not allow smoking inside the building, if you are under 18 years of age or within 50 feet of the building.

Ms. Kersey asked Mr. Willard if it was true that there are people who do smoke on the premises.

Mr. Willard stated that there are people who smoke on the premises but there are probably people outside of this building who are smoking at this minute.

Ms. Kersey asked Mr. Willard if it was true that some of the kids could go behind the shed to smoke.

Mr. Willard stated that he does try to monitor the area. He said that they have a large place and if someone

AS APPROVED MAY 11, 2006

wants to smoke then they have to follow the rules.

Mr. Joe Lierman, Attorney for Cathe Capel, asked Mr. Willard if he controls the volume of the music for the venue.

Mr. Willard stated that he does control the volume of the music.

Mr. Lierman asked Mr. Willard if he varies the volume from time to time.

Mr. Willard stated that each type of band has a different sound which requires a different volume level. He said that he always keeps the volume at an appropriate level for the music which is being played. He said that he can turn all of the sound down but he tries to keep the kids in comfort zone which is appropriate for the type of music which is being played at the venue. He said that he wants the kids to have a place to go and this is the only place that he can afford and he is trying to go through the right channels to accomplish his goal. He said that he has held 28 shows since the last ZBA meeting which makes 56 shows this year but he is still asking for a maximum of 70 shows per year. He said that the events are from 7 p.m. to 10:00 p.m. He noted that he is not trying to make the neighborhood miserable but make the kids lives valuable without alcohol and drugs.

Mr. Lierman stated that there have been some newspaper articles printed describing the music as deafening and he asked Mr. Willard if he would agree or disagree.

Mr. Willard stated that he would agree with the characterization that the music is deafening but the lady who wrote one of the articles was 58 years old and sent from the Religious Section of the newspaper therefore the content of the venue took her off guard. He said that he closed the big doors off due to complaints regarding sound and noted that he has met every need that has been brought to his attention.

Ms. Griest asked the audience if anyone else had any questions for Mr. Willard and there were none.

Mr. Roseman asked Mr. Willard if any of the bands use pyrotechnics or fireworks during their performances and are any proposed in the future.

Mr. Willard stated that none of the bands use pyrotechnics or fireworks during their performances. He said that fireworks are illegal and dangerous and he does not allow them.

Ms. Griest asked Mr. Willard if he said that in the last three months 14 shows have been held.

Mr. Willard stated that in three months he had 14 shows. He said that it was discussed that he would hold approximately 70 shows per year.

Ms. Griest reminded the audience that if they have already given testimony regarding this case there is not need to repeat that testimony at tonight's hearing because it is included in the record.

AS APPROVED MAY 11, 2006

Ms. Sherry Newton, who resides at 1306 Kimela Dr, Mahomet, IL, stated that she is on the Board for Rock the Shed. She said that she is very concerned about the articles which have been published in the papers that people will get the wrong impression of the events which take place. She said that in regard to noise the Board strives very hard to make the atmosphere comfortable for the attendees and the neighbors. She said that she is available if the Board or the audience has questions.

Ms. Griest asked the Board if they had any questions for Ms. Newton and there were none.

Ms. Griest asked if staff had any questions for Ms. Newton and there were none.

Ms. Griest asked if anyone in the audience had any questions for Ms. Newton.

Mr. Lierman asked Ms. Newton if as a Board member if she is familiar with the website in relation to information for future show dates.

Ms. Newton stated that there is website and Mr. Jake Willard tries to keep it current.

Mr. Steve Willard stated that a band member from Ohio set up the website for them and purchased the name rocktheshed.com. He said that the dues for the website came due and the password was not available to renew the name. He said that they had to wait for the name to go into a bidding mode where they can re-bid to regain their name for their website. He said that he wants the website to be back up and running with information regarding all of the events.

Mr. Willard asked Ms. Newton if the noise is very loud in the shed and almost deafening.

Ms. Newton stated that yes the noise at times is very loud and deafening.

Mr. Willard asked Ms. Newton if when the doors are shut and one is outside is the noise deafening.

Ms. Newton stated no. She said that you can hear the music when you are about 15 feet from the building but it isn't deafening.

Ms. Griest asked if anyone in the audience had any questions for Ms. Newton and there were none.

Ms. Kate McGinley, who resides at 2517 CR 600E, Dewey, IL stated that she lives approximately one mile from the Shed on CR 600E. She said that she met with Mr. Willard and believes that his intentions are very good and the idea of The Shed is good however even with the woods separating her property from the Willards she can hear the music coming from The Shed during shows. She said that approximately five years ago she and her husband moved to their residence from Washington D.C. She said that she and her husband are both biologists and when they found this area they were very pleased due to the protection area. She said that she is a licensed wildlife rehabilitator and it is true that there are no dead deer on the road but there are a lot of other dead animals on the road. She said that she and her husband feels that it is great that

AS APPROVED MAY 11, 2006

this area is zoned CR, Conservation-Recreation because of the woods and wildlife in the area and she is very concerned that it would even be considered to turn a barn into a rock venue. She said that if the rezoning is granted what would prevent someone else from doing something similar. She said that this request is not compatible to the nature in the area because it is a quiet natural area and the reason that they purchased their home in this area is because of these things. She said that they are counting on this Board to protect them with this case.

Ms. Griest asked the Board if they had any questions for Ms. McGinley.

Mr. Bluhm asked Ms. McGinley if she lives north of Long Leap Farm.

Ms. McGinley stated that she does live north of Long Leap Farm and boards two horses there.

Ms. Griest asked if the Board had other questions for Ms. McGinley and there were none.

Ms. Griest asked if staff had any questions for Ms. McGinley and there were none.

Ms. Griest asked if the Petitioner had any questions for Ms. McGinley.

Mr. Willard asked Ms. McGinley if she had witnessed any change since The Shed has started.

Ms. McGinley stated that Willards are opening the door for change. She said that the point is not The Shed itself but this is not the nature of this area to have a rock venue. She said that this is basically a residential area where just up the road someone is building a beautiful home and she wonders if those owners have any idea of what they are moving in to. She said that they will be within 1/4 of a mile from The Shed and will probably not be able to sit on their deck on a summer night unless they like rock and roll music and this is not fair. She said that she applauds what the Willards are trying to do but it needs to be done somewhere else. She said that there are more appropriate places for this type of venue. She said that there has been an increase in traffic when the events take place at The Shed and the area has lost its peacefulness. She said that if this venue was held in town they would be closer to emergency services if they were required.

Mr. Willard asked Ms. McGinley if she did not board horses at Long Leap Farm would this be an issue.

Ms. McGinley stated that her boarding horses at Long Leap Farm has nothing to do with her opinion.

Ms. Griest asked if anyone in the audience had any questions for Ms. McGinley and there were none.

Mr. Stephen Henigman, who resides at 2302 Shurts Ct, Urbana, IL, stated that he is a student at the University of Illinois and is present to give support for The Shed. He said that The Shed is a one of a kind place where kids can get together in a drug free atmosphere and it is sad that there was not a place like this available when he was in high school. He said that a place like this is not available in town or really anywhere else. He said that he plays in one of the bands which performs at The Shed and it is great to see

AS APPROVED MAY 11, 2006

the kids there enjoying each others company. He said that he has played at many other places where all ages are not accepted but this is not the case at The Shed. He said that Mr. Willard does try to keep everyone safe and Mr. Willard does control the noise and even hands out free earplugs.

Ms. Griest asked the Board if they had any questions for Mr. Henigman and there were none.

Ms. Griest asked if staff had any questions for Mr. Henigman and there were none.

Ms. Griest asked the Petitioner if he had any questions for Mr. Henigman and there were none.

Ms. Griest asked if anyone in the audience had any questions for Mr. Henigman and there were none.

Mr. Pat Elifritz, who resides at 804 Pheasant Lane, Savoy, IL, stated that he plays guitar in one of the local bands which performs at The Shed. He said that he has played at The Shed since October, 2003, and it has become a very big part of his life. He said that the request is for three hours once or twice a week and Mr. Willard is very strict about the shows ending at 7:00 p.m. He said that the people that come to The Shed is almost like a family rather than a bunch of kids and it is a safe atmosphere. He said that he has played at other locations where he does not feel safe during the performance due to intoxicated people but that is not the case at The Shed. He said that the music is loud but Mr. Willard expects the kids to respect the neighbors and The Shed is so important to the kids that they do not want to do anything to ruin what they have.

Ms. Griest asked the Board if they had any questions for Mr. Elifritz and there were none.

Ms. Griest asked if staff had any questions for Mr. Elifritz and there were none.

Ms. Griest asked the Petitioner if he had any questions for Mr. Elifritz and there were none.

Ms. Griest asked if anyone in the audience had any questions for Mr. Elifritz and there were none.

Mr. Dustin Hoke, who resides at 1136 Eastview, Paxton, IL, stated that at least once a month he attends the performances at The Shed and has done so since the first show. He said that he is a friend of the Willard family and they have helped his band out a lot. He said that at the last meeting in July, 2005, Steve Buck from the University of Illinois who manages the Nettie Hart Research Area indicated that over the past few years there have been no significant changes in the area due to The Shed. He said that Mr. Willard walks around with a box of earplugs during the show in case anyone in attendance wants them. He said that on the stage the music is much louder than in the crowd therefore the people who play in the bands are dealing with the noise issue more than the crowd and the neighbors. He said that if someone requests that the music be turned down then he will turn it down. He said that Mr. Willard is the type of guy that if someone has an issue then he would like them to bring that issue to him first so that he can deal with the issue. He said that over the past two years Mr. Willard has poured his life in The Shed and it is nice to see that someone cares this much about the kids.

AS APPROVED MAY 11, 2006

Ms. Griest asked the Board if they had any questions for Mr. Hoke and there were none.

Ms. Griest asked if staff had any questions for Mr. Hoke and there were none.

Ms. Griest asked the Petitioner if he had any questions for Mr. Hoke.

Mr. Willard asked Mr. Hoke if he has ever asked for the music to be turned down and he would do so.

Mr. Hoke stated that the music would be turned down when requested.

Mr. Willard asked Mr. Hoke if he has every asked him to turn down the music.

Mr. Hoke stated that Mr. Willard has asked him to turn down the music.

Mr. Willard asked Mr. Hoke what would happen if the music was not turned down.

Mr. Hoke stated that Mr. Willard would come up and turn the music down for him if it wasn't done when requested.

Ms. Hillary Boyter, who resided at 1009 N. Springfield Av, Champaign, IL, stated that she is a student at Central High School and attends the venue at The Shed but not on a regular basis. She said that The Shed has an atmosphere where kids can go and feel safe unlike places on campus where there is an age limit or most of the people are intoxicated. She said that the Willards do try hard to keep it safe and they promote a family atmosphere.

Ms. Griest asked the Board if they had any questions for Ms. Boyter and there were none.

Ms. Griest asked if staff had any questions for Ms. Boyter and there were none.

Ms. Griest asked the Petitioner if he had any questions for Ms. Boyter and there were none.

Ms. Griest asked if anyone in the audience had any questions for Ms. Boyter and there were none.

Mr. Joe Lierman, Attorney for Ms. Cathe Capel, stated that he went to school with Tom Willard and has known Tom and Steve for many years and has a great deal of respect for what they are trying to do. He said that the problem is that there are competing concerns and interests involved which may be irreconcilable. He said that the a request for a map amendment or special use permit does necessitate that the ZBA and County Board look hard at the adverse effects to the surrounding property owners and is especially true in the case of the special use permit. He said that there is a zoning district which is CR, Conservation Recreation with a request to rezone it to AG-2, Agriculture so that a special use permit can be requested and hopefully issued to allow the property which is fully contrary to agriculture use. He said that the use of the land for a rock venue is not advantageous to the agricultural uses and according the Preliminary Draft the AG-2, zoning district is intended to preserve the agriculture nature of the area. He said that the current use

AS APPROVED MAY 11, 2006

is agriculture in a CR district which is allowed and is the highest and best use that is allowed in the CR district is currently meeting any needs of a true agricultural use so the requested change to an agricultural use to allow for the request of a SUP for a rock venue appears to be a strange situation which will not go with the spirit of the agricultural district. He said that the request would amount to “spot zoning” because currently the property is zoning CR, Conservation-Recreation and all of the ground surrounding it is also CR, Conservation-Recreation and clearly there was a reason for this designation and to change that it is necessary for the Board to determine that there is a good reason to do so. He said that the real reason is to do something that is contrary to agricultural use and is probably adverse to the much more historically typical use in agriculture such as a horse stable, such as his client owns, does seem to be more consistent with the zoning district. He said that the proposed use of The Shed would create two principal buildings and two principal uses on one lot which appears to be a violation of the Zoning Ordinance. He said that the property owners do have a right to rely upon the current zoning of a piece of property and the protection that the zoning gives them. He said that when people buy into a neighborhood, as Ms. Capel did 16 years ago and came to the County before building her stable and requested and received a Special Use Permit and is now operating that special use within the CR district, does have the right to expect the Zoning Ordinance to protect them from uses which are not allowed in the CR district. He said that it seems that when there is use that is in violation of the Zoning Ordinance the solution is not to grant a change of zoning district and a Special Use Permit because it does not solve the problem. He said that he is not sure what a good solution would be for everyone but for the reasons that he previously stated he requests that the Zoning Board recommends denial.

Ms. Griest asked the Board if they had any questions for Mr. Lierman and there were none.

Ms. Griest asked if staff had any questions for Mr. Lierman and there were none.

Ms. Griest asked the Petitioner if he had any questions for Mr. Lierman and there were none.

Ms. Griest asked if anyone had any questions for Mr. Lierman.

Ms. Paulette Willard asked Mr. Lierman what the current zoning designation was for the subject property.

Mr. Lierman stated that the current zoning is CR, Conservation-Recreation.

Ms. Willard asked if they petitioned not to change the zoning and provided conservation and recreation for our young people would they still be within the rights to have The Shed or park open.

Mr. Roseman stated that private Indoor Recreational Development is not allowed in the CR, zoning district.

Ms. Willard asked if a park was allowed in the CR, zoning district.

Ms. Griest that in the classification of a park amplified music would not be allowed “by-right”.

AS APPROVED MAY 11, 2006

Mr. Roseman stated that Outdoor Commercial Recreational Enterprise is allowed only by a Special Use Permit in the CR, Conservation Zoning District.

Ms. Willard asked what would happen if The Shed was turned into a private home by which they invited guests on weekends for parties. She asked Mr. Roseman if she had a private pool could she invite people over for a party every weekend and provide live music.

Mr. Roseman stated that he could do this but one home is already located on the subject property and The Shed is not located on a separate lot.

Mr. Lierman stated that no matter how it is done noise and safety are issues which must be addressed. He said that his client's main concern is the noise and its affect on her business.

Mr. Dustin Hoke stated that there are other uses allowed in the AG-2, zoning district which do not appear to be compatible with agriculture therefore why is there a problem with the requested use.

Mr. Lierman stated that the Zoning Ordinance indicates that the intent of the agricultural district is to be primarily agriculture therefore it would not make sense to rezone a property that is in CR, which does allow agricultural uses, to an AG-2 zoning district for the purpose of requesting Special Use Permit that would then allow an Indoor Recreational Facility such as The Shed has been characterized as being. He said that in some respects in how The Shed affects the boarding stable it could almost be considered an Outdoor Recreational Facility. He said that the horses do not know the difference between an Indoor Recreational Facility and an Outdoor Recreational Facility when the music is blaring and they responsively react when a rider is on them or a handler has them and this is a main portion of the problem. He said that the peaceful enjoyment of life in the area's setting is important but to Ms. Capel it really is the horses more than anything and her continued enjoyment of her property without this requested use.

Mr. Hoke asked Mr. Lierman if there have been any occurrences of the horses rearing up or accidents taking place due to the music from The Shed.

Mr. Lierman stated that this is a question for Ms. Capel. He said that he is aware of reports which indicate that the horses react to the music and it is a problem.

Mr. Tom Willard asked Mr. Lierman if he had been to the property during a performance at The Shed.

Mr. Lierman stated that he has not been at the subject property during a performance.

Mr. Willard stated that the property where The Shed is located has never been farmed.

Mr. Lierman stated that this is part of his point in that the request is for an agricultural district so that they can do something which is absolutely contrary to an agricultural use. He said that it is his understanding that a portion of the 29 acres is indeed farmed but the five acres which is involved in the Special Use Permit is not farmed.

AS APPROVED MAY 11, 2006

Mr. Steve Henigman asked if amplified music was allowed in the current zoning district.

Ms. Griest noted that this was not a question for Mr. Lierman but for staff.

Mr. Roseman stated that noise is allowed but the Public Nuisance Ordinance does have certain restrictions on public noises. He said that amplified music is allowed under certain conditions but staff did receive complaints regarding the noise which was being created at The Shed.

Mr. Phil Parker asked Mr. Lierman if the noise was the big issue and how it affects the horses.

Mr. Lierman stated that the noise is a big issue and how it affects the horses is even a bigger issue.

Mr. Parker asked Mr. Lierman if the boarding stable had an indoor or outdoor arena.

Mr. Lierman stated that there is an indoor arena and an outdoor pasture and riding area.

Mr. Parker asked Mr. Lierman if the noise effected the horses while they were in the inside arena or only when they were located in the outdoor pasture and riding area.

Mr. Lierman stated that when the noise occurs the horses are affected but Ms. Capel would be able to answer this question.

Mr. Jake Willard, who resides at 552 CR 2425N, Dewey, IL, stated that he does all of the booking of the bands and promoting of the events. He said that The Shed is a much safer atmosphere in comparison to other venues which he has attended. He said that he attempts to welcome everyone who attends so that if someone is a newcomer they do not feel awkward. He said that he has attended almost every show and in comparison to other venues the noise is no more deafening than any other show that he has attended and perhaps even less deafening. He said that this is a good place for kids.

Ms. Griest asked the Board if they had any questions for Mr. Jake Willard and there were none.

Ms. Griest asked if staff had any questions for Mr. Willard and there were none.

Ms. Griest asked if the Petitioner had any questions for Mr. Willard.

Mr. Steve Willard asked Mr. Jake Willard if illegal things happen at The Shed.

Mr. Jake Willard stated that no illegal things happen at The Shed because the kids know they have to be clean if they plan on attending.

Ms. Martha Kersey asked Mr. Jake Willard how many new kids would generally attend the performances.

AS APPROVED MAY 11, 2006

Mr. Willard stated that the amount of new kids which attend varies with each performance.

Ms. Kersey asked Mr. Willard if it would be fair to say that depending upon the band the attendance would also vary.

Mr. Willard stated that certain bands do draw a certain amount of people.

Ms. Kersey asked Mr. Willard if it was fair to say that he pulls bands in from all over the Midwest to perform at The Shed.

Mr. Willard stated that he does pull bands from all over the midwest to perform at The Shed.

Ms. Kersey asked Mr. Willard if it was fair to say that many of the audience members are from other states.

Mr. Willard stated that she was correct.

Mr. Steeves asked Mr. Willard what the average attendance would be for a performance.

Mr. Willard stated that normally between 20 to 40 people attend each performance unless it is a special performance.

Mr. Pat Elifritz asked Mr. Willard if he and his father would be willing to meet with Ms. Capel to discuss the noise issue so that some type of an agreement could be made.

Mr. Willard stated that he is sure that he and his father could meet with Ms. Capel to discuss the issues.

Ms. Kate McGinley asked Mr. Willard how many people normally attend the special performances.

Mr. Willard stated that between 80 to 100 people could be in attendance for a special performance.

Ms. Griest asked the audience if anyone else had any questions for Mr. Jake Willard and there were none.

Ms. Cathe Capel, who resides at 505 E South Mahomet Rd, Mahomet, IL, read a prepared statement to the Board and submitted the statement as a Document of Record.

Ms. Griest asked the Board if they had any questions for Ms. Capel.

Mr. Bluhm asked Ms. Capel how far her boarding stable was from The Shed.

Ms. Capel stated that she would estimate that her boarding stable is about two football fields to the east of The Shed.

AS APPROVED MAY 11, 2006

Ms. Griest asked if staff had any questions for Ms. Capel and there were none.

Ms. Griest asked if the Petitioner had any questions for Ms. Capel.

Mr. Steve Willard asked Ms. Capel if her property was currently on the market and what price is she asking for the property.

Ms. Capel stated that this is private information.

Mr. Willard asked Ms. Capel if she would be as concerned if he had requested a dirt race track.

Ms. Griest informed Mr. Willard that a dirt race track was not part of the evidence nor testimony presented by Ms. Capel.

Mr. Willard asked Ms. Capel if she had influenced her clients to oppose The Shed.

Ms. Capel stated that she did not testify to such.

Ms. Griest informed Mr. Willard that Ms. Capel's clients would have the opportunity to speak for themselves.

Mr. Willard stated that he did have permission from staff to have the Tuesday night show. He noted that he is aware that any expansion to The Shed would require his return to this Board for approval as well as any other entities which would be involved.

Ms. Griest stated that changing a map classification is a broader decision than just the Willard's individual use. She said that any expansion would require Mr. Willard's compliance with all of the applicable laws, rules and regulations. She said that the Board, ELUC and the County Board have the right to consider all of the available uses that the requested classification would allow.

Mr. Willard stated that he wanted everyone to know that he does understand that he must follow the appropriate steps to expand the facility.

Mr. Dustin Hoke asked Ms. Capel if there have been any decibel readings from The Shed to the stables.

Ms. Capel stated that she has not had any decibel readings completed. She said that she relies on the responses of the horses.

Mr. Hoke asked Ms. Capel how the horses respond.

Ms. Capel stated that the horses bolt, shy and run.

AS APPROVED MAY 11, 2006

Mr. Hoke asked Ms. Capel if there had been any injuries which have resulted from the music.

Ms. Capel stated that one of clients was able to stay on her horse but did require several visits to her chiropractor.

Mr. Hoke asked Ms. Capel how many clients are normally present at the stable during a performance at The Shed.

Ms. Capel stated that honestly there are a few as possible.

Mr. Hoke asked if this was fewer than before the origination of The Shed.

Ms. Capel stated that she did not monitor the visits of her clients during that time because it wasn't an issue.

Mr. Hoke asked Ms. Capel when this became an issue.

Ms. Capel stated that it became a regular issue during the Summer of 2004.

Ms. Hoke asked Ms. Capel if there was any voiced opposition to Mr. Willard prior to the Summer of 2004.

Ms. Capel stated no.

Mr. Phil Parker stated that he was unable to hear Ms. Capel's response to the decibel readings.

Ms. Capel stated that she has not had decibel readings completed and relies on the response of the horses.

Mr. Parker asked Ms. Capel if she was in tune to the horses responses.

Ms. Capel stated no but she is aware of the horse's normal behavior.

Mr. Parker asked Ms. Capel if she thought that it would be appropriate to have decibel readings completed to see if the music is really the source of the horse's odd behavior.

Ms. Capel stated that she has never been able to ask a horse what they thought about a given decibel. She said that all she can do is respond to her horse's response to what is going on in their environment.

Mr. Parker asked Ms. Capel if she had an indoor and outdoor arena.

Ms. Capel stated that she has an indoor and outdoor arena plus three 2 acre pastures and a jump field.

Mr. Parker asked Ms. Capel if she knew the cause of the horse's ulcers which developed after The Shed's origination.

AS APPROVED MAY 11, 2006

Ms. Capel stated that the horse developed ulcers over the last 18 months and the cause is unknown.

Mr. Parker asked Ms. Capel if the real issue is a cultural and appearance problem and asked if she was willing to help find a place for this venue so that kids can attend a safe, drug and alcohol free atmosphere.

Ms. Capel stated that she chose the causes that she puts forth and has a limited amount of time, energy and money. She said that she is on the Library Board and that is her primary focus for volunteer work at this time. She said that last summer she did check with the Independent Media Center because they have been trying to run an all age venue. She said that there is a partnering opportunity with “big.small.all” and perhaps they could contact Barbara Wysocki, County Board Chairman or Frank DiNovo, Regional Planning Commission.

Mr. Parker asked Ms. Capel if her indoor arena had music.

Ms. Capel stated that it is available.

Mr. Neil Wright asked Ms. Capel if she has heard the warming up period of the bands or abrupt noise as she called it.

Ms. Capel stated that she has heard the abrupt noise and has had a horse jump on top of her when the music starts.

Mr. Irle moved, seconded by Mr. Steeves to grant a five minute recess. The motion carried.

The Board recessed at 9:08 p.m.

The Board resumed at 9:13 p.m.

Ms. Griest informed the audience that she is going to entertain a motion for a continuance of this case at 9:30 p.m. She asked the audience to be expeditious with their testimony and cross examinations because there are six more people who are listed on the witness register. She noted that the case will be continued to a later date therefore there will be an opportunity to present evidence at a future hearing or submit testimony in writing.

Mr. Matt Best asked Ms. Capel if the sounds from construction in the area would disturb the horses.

Ms. Capel stated that she did not talk about development in the area.

Mr. Best asked Ms. Capel what IEPA regulations The Shed is violating.

Ms. Capel stated that these would be the IEPA regulations in regard to noise. She said that she read the law and made a common sense determination.

AS APPROVED MAY 11, 2006

Ms. Griest noted to the audience that everyone's testimony is taken in its entirety and the ZBA does not focus on any individual items or pick out specific points within an individual testimony. She said that if the ZBA has a concern about a judgement point the ZBA will investigate it further.

Mr. Best asked Ms. Capel if the change in behavior of the horses is consistent with each time there is a performance at The Shed or occasionally when there is a performance.

Ms. Capel stated that the horses react anytime there is a sudden loud noise. She said that when she can clearly hear the music from The Shed in her barn the horses are apparently agitated. She said that this has been going on for a long time and her first reaction was to let it go because it was The Willards and they were her neighbors. She said that all she can do is that when the noise is loud in the barn the horses react. Mr. Pat Elifritz asked Ms. Capel if the Independent Media Center was now open for performances because it was his understanding that they were closed to performances.

Ms. Capel stated that she was told that they were working towards being open for performances. She said that they need support and The Shed needs support so perhaps it is a partnering opportunity for both venues.

Mr. Lee Sentman, who resides at 2514 CR 600E, Dewey, IL stated that he lives one and one-half miles from The Shed. He said that when he is inside his home he can hear the noise from The Shed. He said that all of the area is zoned AG-1 or CR and there have been attempts in the past to rezone but those requests were denied because the County does not want "spot zoning." He said that those of us who have homes in the area are counting on the County to keep the area maintained under its current zoning. He said that he opposes the request.

Ms. Griest asked the Board if they had any questions for Mr. Sentman and there were none.

Ms. Griest asked if staff had any questions for Mr. Sentman and there were none.

Ms. Griest asked the Petitioner if he had any questions for Mr. Sentman and there were none.

Ms. Griest asked the audience if anyone had any questions for Mr. Sentman and there were none.

Ms. Janet Fitch, who resides at 1711 Bonnie Blair, Champaign, IL stated that she has been a boarder at Long Leap Farm for approximately 12 years. She said that her emotional feel as a boarder is that if they are paying their Ms. Capel they are part of the community of the barn and have a right to enjoy the property. She said that all of the people who board at the stable are not a bunch a rich people and make sacrifices, including the work involved, in order to support their animals and their hobby. She said that she has no objection to the venue for the young people to pursue their interests but it does infringe upon the area residents. She said that she has not personally been injured by a horse due to the music but she has had to jump sideways or maneuver around her horse during a performance. She said that when the horses are observed it is not a matter of the decibels but the sharp, loud, sudden noise which is cumulative to the nervous system of the animal. She said that as the animal becomes agitated and uncomfortable it becomes

AS APPROVED MAY 11, 2006

increasingly dangerous to the handler. She urged the Board to not allow the “spot zoning” for the proposed use.

Ms. Griest asked the Board if they had any questions for Ms. Fitch and there were none.

Ms. Griest asked if staff had any questions for Ms. Fitch and there were none.

Ms. Griest asked the Petitioner if he had any questions for Ms. Fitch and there were none.

Ms. Griest asked the audience if they had any questions for Ms. Fitch.

Ms. Paulette Willard asked Ms. Fitch if she was aware that hunting season is about to begin.

Ms. Fitch stated that she was aware that hunting season is about to begin and this is an issue that they deal with every year.

Mr. Dustin Hoke asked Ms. Fitch if she has been at the stable during a performance.

Ms. Fitch stated that she has been at the stable approximately five or six times during a performance.

Mr. Hoke asked Ms. Fitch how many times her horse jolted or reacted to the music.

Ms. Fitch stated that once the show starts there is a nervous level which would be apparent in the horse.

Mr. Hoke asked Ms. Fitch if the reaction of the horse would be the same if a book or board were dropped.
Ms. Fitch stated no.

Ms. Lorraine Best asked Ms. Fitch how often she is at the stable.

Ms. Fitch stated that she is at the stable about 4 to 5 times per week.

Ms. Capel asked Ms. Fitch if she avoids the stable on nights when the performances are to occur.

Ms. Fitch stated yes.

Ms. Griest stated that it is now 9:30 p.m. and as promised she intends to close the witness register. She said that there are three witnesses remaining on the witness register and asked those witnesses to submit their comments in writing or attend the next meeting.

Ms. Paulette Willard asked Ms. Griest if this case continues to go on what is the cut off date for objections.

Ms. Griest stated that as long as the public hearing is open the ZBA is required by law to accept testimony

AS APPROVED MAY 11, 2006

for support and opposition as well as anyone who wishes to cross examine any witnesses. She said that the longer the case drags out the longer it will take to come to a final determination.

Ms. Willard asked Ms. Griest if as long as this case is open The Shed can continue as usual.

Ms. Griest stated that at this point and time she is correct but there is no guarantee that this case will last forever.

Mr. Irle moved, seconded by Mr. Bluhm to continue Cases 497-AM-05 and 498-S-05 to the December 15, 2005, ZBA meeting. The motion carried by voice vote.

Ms. Griest informed the audience that if they had signed the witness register and was not called upon at tonight's hearing if they attend the hearing on December 15, 2005, they will be the first to testify.

Case 517-AT-05 Petitioner: Zoning Administrator Request to amend the Ordinance to allow lots in platted subdivisions between 1/1/91 and 2/18/97 to have access by means of an easement (if included as part of original plat.) (Related to Cases 508-V-05 & 509-V-05).

Mr. Roseman stated that there is no information for the Board to review at this time therefore he is requesting that the case be continued to a later date.

Mr. Bluhm moved, seconded by Mr. Goldenstein to continue Case 517-AT-05, to the November 22, 2005, ZBA meeting. The motion carried by voice vote.

6. Staff Report

Mr. Roseman stated that the Zoning Ordinance (CZR) was an item on the October 11, 2005, Environment and Land Use Committee but the item was deferred. He said that a Special Study Session is scheduled for November 02, 2005, to discuss the changes. He said that hopefully the results of the Study Session will allow the item to be placed on the November 14, 2005, ELUC agenda so that the public hearings will be able to begin in January, 2006.

Mr. Hall stated that the tentative dates for the CZR public hearings are: Wednesday, January 4, 2006; Tuesday, January 17, 2006; and Thursday, February 2, 2006. He said that following the February 2, 2006, public hearing the expectation is that it will be forwarded to ELUC for its February, 2006 meeting and then on to the County Board.

Mr. Irle asked why the item was deferred.

Mr. Hall stated that the deferral also took staff by surprise.

AS APPROVED MAY 11, 2006

Mr. Steeves asked if the January meetings would be public meetings.

Mr. Hall stated yes. He said that the Zoning Ordinance has a provision that a petitioner can request a final decision and once the request is made the ZBA must yield that decision within two meetings but the petitioner must be prepared to accept the result of the request.

Ms. Griest requested a motion regarding the December 29, 2005, ZBA meeting.

Mr. Bluhm moved, seconded by Mr. Goldenstein to cancel the December 29, 2005, ZBA meeting. The motion carried by voice vote.

Mr. Hall stated that ELUC voted to recommend denial with very little discussion on remanded Case 459-AM-05, Timothy and Cyndy Woodard and Chris Creek. He said that this is the case which the ZBA worked very diligently on the findings and the final determination.

Ms. Griest asked if the full County Board can over-ride ELUC's recommendation.

Mr. Hall stated that they could but there would be no reason to remand it back to the ZBA. He said that it is a legislative decision between ELUC and the County Board and because it is a legislative decision it will not be held to the same standards that this Board is.

Mr. Roseman stated that some of the Board members expressed concern regarding flooding.

Mr. Hall discussed the docket with the Board.

7. Other Business

None

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

None

9. Adjournment

The meeting adjourned at 9:55 p.m.

Respectfully submitted

AS APPROVED MAY 11, 2006

Secretary of Zoning Board of Appeals

AS APPROVED MAY 11, 2006

AS APPROVED MAY 11, 2006