

**AS APPROVED APRIL 26, 2007**

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**MINUTES OF REGULAR MEETING**

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**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

**1776 E. Washington Street**

**Urbana, IL 61801**

**DATE: November 30, 2006**

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

**1776 East Washington Street**

**Urbana, IL 61802**

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

**MEMBERS PRESENT:** Dennis Goldenstein, Debra Griest, Joseph L. Irle, Richard Steeves, Roger Miller

**MEMBERS ABSENT:** Doug Bluhm, Melvin Schroeder

**STAFF PRESENT:** John Hall, JR Knight, Leroy Holliday

**OTHERS PRESENT :** Jenny Park, Lowell Osterbur, Tim Hyde, Sharon Saunders, Matt Deering, Kevin Luebchow, Shiv Kapoor, Dan Hittle, Dale Kesler, Steven Shoemaker, David Phillippe, Pradeep Khanna, Madhu Khanna, Eric Thorsland, Donald Wauthier, Riley Glerum, Pallassanna Balgpal, Mike Kukreti, Judy Swartzendruber, Birgit McCall, Clyde Kesler, Dale Kesler, James & Donna Dhom, Rashmi Kapoor, Bob Gordon, N Rajapopale, Sharada Panditi, James Moncrief, Kyoung Moncrief, Ravi Gogula, G.A.Naido, Ravi Rekapalli, Veera Boddu, Prabha Boddu, David Swartzendruber, Benjamin McCall, Kim McQueen, Bob McQueen, Raju Perecherla, Shawn Foley, Bobbie Dittman, Tina Hughes-Gordon, Madhukar Yarlaladda, Lynn Sickley, Shuchi Kapoor, Usmaan Chaudmry, Peggy Anderson, Kent Weeks, Nani Bhowmik, Douglas Majers, Tim Taylor, Pallassanu Balgopal, Bob Scott

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**1. Call to Order**

The meeting was called to order at 6:33pm.

**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

1 5. Continued Public Hearing

2  
3 **Case 555-AM-06** Petitioner: **James T. Battle** Request: **Amend the Zoning Map to change the zoning**  
4 **district designation from B-3 Highway Business Zoning District to B-4 General Business Zoning**  
5 **District.** Location: **A 5.0 acre tract located in the Northeast ¼ of the Northeast ¼ of Section 24 of**  
6 **Hensley Township and commonly known as the field north of the I-57 interchange in Section 24 of**  
7 **Hensley Township.**

8  
9 Mr. Hall said he has a new memorandum with draft minutes from the October 26, 2006, meeting for review  
10 and a revised Finding of Fact. He said that at an earlier meeting there were three goals or policies without  
11 clear conformance and it still remains tonight. He said staff had originally inserted a recommendation of  
12 conforms for policy 3.6 of the Land Use Goals Policies which states that the County Board will strongly  
13 discourage proposals for new development not making provisions for adequate drainage and other site  
14 conditions. Mr. Hall said from a staff perspective there was no need to change the recommendation of  
15 conforms.

16  
17 Mr. Irlle asked Mr. Hall if he received any correspondence from Hensley Township.

18  
19 Mr. Hall answered he had not heard from them.

20  
21 Ms. Griest asked the Board if there were questions for Mr. Hall and there were none.

22  
23 Attorney Jenny Park, representative for the petitioner, stated she did not have anything to add other than  
24 that B-3 Zoning has become obsolete and property next to it has been recently zoned B-4.

25  
26 Ms. Griest asked if there any questions for Ms. Park and there were none.

27 Ms. Griest asked if there were any others who wish to present testimony regarding this case and there were  
28 none.

29  
30 Mr. Steeves stated that Mr. Osterbur called him and asked if the meeting was still on in spite of the weather.  
31 He said he told him the meeting was still on.

32  
33 Mr. Hall asked Mr. Steeves if Mr. Osterbur knew that the meeting time was at 6:30pm.

34  
35 Mr. Steeves answered that he did not know.

36  
37 Mr. Hall said you could close this case until Mr. Osterbur arrives.

38  
39 **Mr. Irlle moved, seconded by Mr. Goldenstein to close Case 555-AM-06 until Mr. Osterbur arrived.**  
40 **Motion carried by voice vote.** The case was closed at approximately 6:45pm.

41  
42 Ms. Griest opened case 555-AM-06 at approximately 7:10pm..

43  
44 Lowell Osterbur said that this subject property has a drain tile running through it that drains his property. He

11/30/2006

AS APPROVED APRIL 26, 2007

ZBA

1 said that George Malloch, the Hensley Township Planning Commission Chairman, told him that in the past  
2 where Market Street connects with Hensley Road there was a sink hole and water set at this location and  
3 even now there is trouble with one semi going into the tire store basically during the summer season. He  
4 said that they're constantly repairing the road out there because it can't handle heavy traffic.

5  
6 Mr. Irle asked Mr. Osterbur if he attended the November Hensley Township Planning Commission Meeting.

7  
8 Mr. Osterbur answered yes.

9  
10 Mr. Irle asked Mr. Osterbur if he had any comment about this situation.

11  
12 Mr. Osterbur answered no.

13  
14 Ms. Griest asked Mr. Osterbur if the Township had an official position on this.

15  
16 Mr. Osterbur answered the Hensley Township Planning commission stated this road is not suitable for heavy  
17 traffic.

18  
19 Ms. Griest asked if there were any other witnesses and there were none.

20  
21 Mr. Steeves asked Mr. Osterbur if he was there as Township Supervisor.

22  
23 Mr. Osterbur answered yes.

24  
25 Ms. Griest asked if anything else was needed.

26  
27 Mr. Goldenstein asked if there were any plans to expand the road.

28  
29 Mr. Hall answered he was not aware of any plans to expand the road.

30  
31 Mr. Goldenstein asked Mr. Hall if he knew the weight limit of the road.

32  
33 Mr. Hall answered and said that he did not know.

34  
35 Mr. Irle said he believes the weight limit is 73,280 pounds except during February thru March when there  
36 are restrictions.

37  
38 Mr. Hall said Mr. Osterbur testified that they have had maintenance problems during the summer months.

39  
40 Ms Griest said there is discussion in most instances when a request is received for rezoning and a specific  
41 use is proposed but in this case there is no corresponding use proposed. She said that Ms. Park stated that  
42 they are not at the point to where they have a use defined. Ms. Griest stated she is struggling with that  
43 because with respect to the road conditions and the issues related to the road conditions because some B-4  
44 uses do not impact the road as dramatically as others might.

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Mr. Irle said per the testimony of the representative of the petitioner at the last meeting that there was no pending construction proposed and while we do want to move along it would be good to have testimony from Bob Sherman, the Hensley Township Road Commissioner, and Jeff Blue, the County Engineer, to see if there are any plans coming up.

Mr. Goldenstein said it would be good to hear from the Hensley Township Plan Commission to see what they have to say about it.

Mr. Steeves said that he had heard comments that B-3 is an old zoning designation and asked Mr. Hall if there was any truth to it.

Mr. Hall said if we were starting with a clean slate and proposing zoning districts there would be no B-3 zoning district.

Mr. Irle asked Mr. Osterbur if he had any information as to the exact location of the drainage tile on his property.

Mr. Osterbur answered the tile that goes through the back of his lot connects into a broken tile that stretches across the road to where this location is.

Mr. Hall asked Mr. Osterbur if there was any surface indication of where that tile might be.

Mr. Osterbur answered he didn't believe so.

Mr. Irle asked Mr. Osterbur if there were any catch basins along the township right of way.

Mr. Osterbur answered no it is not on the township right of way it is in the field on the north side that crosses Hensley Road.

Mr. Irle asked Mr. Osterbur if there is an inspection tile opening along the interstate.

Mr. Osterbur answered yes it runs along the interstate right of way.

Mr. Irle stated that taking into account the infrared map that has been submitted and the testimony from Mr. Osterbur it seems to indicate that the tile does cross at that property therefore we have a downhill water problem.

Mr. Hall stated that a condition could be proposed as follows: A Statement from an Illinois Professional Engineer asserting that research has been completed on the tile and the tile located. He said that the Illinois Professional Engineer would submit drawings which would detail how the tile will be handled and that the County does not require such a statement as a part of the Stormwater Management Policy.

Mr. Steeves said that he is concerned how that drainage would impact that property if the zoning was

1 changed to B-4.

2  
3 Mr. Hall stated that page 9C indicates significant uses under the current zoning which would add heavy  
4 traffic to the roads and could interfere with drainage just as easily as anything under B-4. He went on to say  
5 that the probability of development is greater under B-4 than it is under B-3 and the probability of  
6 development on this property in Hensley Township would be greater zoned as B-4 than B-3 but as far as  
7 damage on this property under B-3 or B-4 there is not much difference. Mr. Hall said he would not  
8 recommend a conditional rezoning of this property.

9  
10 Mr. Irle asked Mr. Hall if it was possible to have special conditions in addition to the Stormwater  
11 Management Policy.

12  
13 Mr. Hall stated that he believed so.

14  
15 Ms. Griest asked Mr. Hall if he could look into drafting a condition.  
16 Ms. Griest asked Mr. Hall about the next date this case could be heard.

17  
18 Mr. Hall said the next date this case could be heard would be February 15, 2007.

19  
20 **Mr. Irle moved, seconded by Mr. Goldenstein to continue case 555-AM-06 to February 15, 2007.**  
21 **Motion carried by voice vote.**

22  
23 Ms. Griest asked Ms. Park if that date will work for her and her client.

24  
25 Ms Park answered that date is fine but she would like to know if we are continuing this case so that Mr. Hall  
26 could come up with language on a condition for the location of the tiles.

27  
28 Mr. Hall said that is one of the tasks, the other is contacting the Hensley Township Highway Commissioner  
29 asking for testimony regarding the road conditions and the County Engineer regarding any plans or any  
30 alternatives available for this road in regards to better maintenance and the Hensley Township Planning  
31 Commission for written comments or minutes that they would like to forward to the Board between now and  
32 February 15<sup>th</sup>.

33  
34 **Case 559-V-06 Petitioner: Tim Hyde Request: Authorize the following on a nonconforming lot of record**  
35 **in the R-1 Single Family Residence Zoning District: A. The replacement and use of an existing**  
36 **nonconforming dwelling with a front yard of 13.5 feet and a setback of 43.5 feet, in respect to CR.**  
37 **2485N, a minor street, in lieu of the required 25 foot front yard and 55 foot setback; and a setback of**  
38 **48 feet in respect to CR2095E, a minor street, in lieu of the required 55 foot set back; and B. The**  
39 **replacement and use of an existing shed with a side yard of 1.9 feet and a rear yard of 3.68 feet, both**  
40 **in lieu of the required 5 feet and, C. The construction and use of a garage with a front yard of 21.7**  
41 **feet and a setback of 41.7 feet, in lieu of the required front yard of 25 feet and required setback of 55**  
42 **feet; and a side yard of 7 feet. Location: Lot 14 of Kienitz Subdivision in Section33 of Compromise**  
43 **Township and commonly known as the dwelling at 2095 CR. 2485N, Thomasboro**  
44

1 Mr. Hall said wanted to amend the description of this case Part C to the construction and use of a garage as  
 2 an addition to the dwelling with a front yard of 21.7 feet and a setback of 41.7 feet, in lieu of the required  
 3 front yard of 25 feet and required 55 feet and a side yard of seven feet in lieu of the required 10 feet. He said  
 4 that change need to be included anywhere that case is described. Mr. Hall said Mr. Hyde came in wanting to  
 5 add a garage on his house which is nonconforming. He said his lot is 75 feet wide instead of the required 80  
 6 feet plus it's a corner lot which has less buildable area.

7  
 8 Mr. Irle asked Mr. Hall if the proposed addition will be on the opposite side of the visibility triangle.

9  
 10 Mr. Hall answered yes. Mr Hall also said the rear yard is on the east side of the house so the north side is the  
 11 side yard.

12  
 13 Mr. Irle asked Mr. Hall if the entire frontage on the west side of Park St. is still farmland.

14  
 15 Mr. Hall answered yes.

16  
 17 Ms. Griest asked the Board if there were questions for Mr. Hall and there were none.

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

24  
 25 Tim Hyde said he had nothing to add but want to add but would like to construct an attached garage onto the  
 26 rear of the house

27  
 28 Ms. Griest asked the Board if there were questions for Mr. Hyde and there were none.

29  
 30 Ms. Griest asked staff if there were any questions for Mr. Hyde and there were none.

31  
 32 Ms. Griest asked if there were anyone who wished to cross examine Mr. Hyde and there were none.

33  
 34 **Document of Record, Summary of Evidence**

35  
 36 Ms. Griest asked Mr. Hall if there were any changes or additions to Summary of Evidence and Documents  
 37 of Records.

38  
 39 Mr. Hall answered yes, in the description on the first page Part C is what I read earlier. He said on page 2  
 40 Item 5B should read, a proposed garage addition to the house that has a setback of 41.7 feet and a front yard  
 41 of 21.7 feet in regard to CR. 2095E and that is 7 feet from the north lot line. Mr. Hall said on page 4 should  
 42 Rear Yard, Side and Yard, Rear is a yard extending the full length and width of a lot and situated between  
 43 the rear lot line and the principal structure. He said on page 6 Item 10D.2 should read the proposed garage  
 44 addition will make the setback 41.7 feet, which is 75.8% of the required 55 feet for a variance of 24.2% and

11/30/2006

AS APPROVED APRIL 26, 2007

ZBA

1 the front yard of 21.7 feet is 86.8% of the required 25 feet for a variance of 13.2%, with regards to CR  
2 2095E. The 7 foot side yard is 70% of the required 10 feet for a variance of 30 feet.

3  
4 Ms. Griest asked if the Board if there were any other changes to Document of Record, Summary of  
5 Evidence.

6  
7 Mr. Goldenstein said that the site plan shows the garage on the south side of the house instead of the north  
8 side

9  
10 Mr. Hall said that the garage should be on the north end of the house. In addition, on the drawing where it  
11 says 7 feet rear yard, it should read side yard and where the 68.5 feet is located it should read rear yard.

12  
13 Ms. Griest asked if there any additional changes and there were none.

14  
15  
16 **Finding of Facts**

17  
18 From the documents of record and the testimony and exhibits received at the public hearing for zoning case  
19 559-V-06 held on November 30, 2006, the Zoning Board of Appeals of Champaign County finds that:

- 20  
21 **1. Special conditions and circumstances do exist which are peculiar to the land or**  
22 **structure involved, which are not applicable to other similarly situated land and**  
23 **structures elsewhere in the same district**

24  
25 Mr. Irle stated that special conditions and circumstances do exist which are peculiar to the land or structure  
26 involved, which are not applicable to other similarly situated land and structures elsewhere in the same  
27 district because the small lots were created prior to zoning and restricts potential additions to this lot.

- 28  
29 **2. Practical difficulties or hardships created by carrying out the strict letter of the**  
30 **regulations sought to be varied will prevent reasonable or otherwise permitted use of**  
31 **the land or structure or construction**

32  
33 Mr. Goldenstein stated that practical difficulties or hardships created by carrying out the strict letter of the  
34 regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or  
35 construction because the house located at said address is a small house on small lot and land locked on all  
36 four sides and it is the best way to make additional living space.

37  
38 Mr. Irle said since it's a corner lot building size is restricted.

- 39  
40 **3. The special conditions, circumstances, hardships, or practical difficulties do not result**  
41 **from action of the applicant**

42  
43 Mr. Steeves stated the special conditions, circumstances, hardships, or practical difficulties do not result  
44 from action of the applicant because the house was built prior to zoning and makes it difficult to meet

1 setbacks.

2

3 **4. The requested variance is in harmony with the general purpose and intent of the**  
4 **Ordinance**

5

6 Mr. Goldenstein stated the requested variance is in harmony with the general purpose and intent of the  
7 Ordinance because this is a single family residential subdivision and it is like the other homes in the  
8 subdivision.

9

10 Mr. Irle said that additional right-of way is still possible on Park Street and a new garage will permit  
11 necessary off street parking.

12

13 **5. The requested variance will not be injurious to the neighborhood or otherwise**  
14 **detrimental to public health, safety, or welfare**

15

16 Mr. Irle stated the requested variance will not be injurious to the neighborhood or otherwise detrimental to  
17 public health, safety, or welfare because the visibility triangle will not be affected by the propped  
18 construction and there are no objections from the Township Road Commissioner or the Fire Department.  
19 Mr. Miller stated that there is no impact to the septic system.

20

21 **6. The requested variance is the minimum variation that will make possible the**  
22 **reasonable use of the land/structure**

23

24 Mr. Goldenstein stated the requested variance is the minimum variation that will make possible the  
25 reasonable use of the land/structure because it has side yards on two sides and no additional land can be  
26 purchased and it has no affect on the septic system

27

28 **Mr. Irle moved, seconded by Mr. Miller to adopt the Summary of Evidence, Finding of Fact and**  
29 **Documents of Record. Motion carried by voice vote.**

30 **Mr. Steeves moved, seconded by Mr. Goldenstein to close the public hearing. Motion carried by voice**  
31 **vote.**

32

33 Ms. Griest informed Mr. Hyde that the Board has five of the seven members present at tonight's hearing.  
34 She stated that all of the members who are present constitute a quorum and a positive in his favor would  
35 require all members affirmative voted. She said that it is at his discretion that the Board proceeds to a final  
36 determination at tonight's hearing or he can request a continuance to a later date when all Board members  
37 are present.

38

39 Mr. Hyde said he would like the board to proceed to the Final Determination.

40

41 **Final Determination for Case 559-V-06**

42

43 **Mr. Goldenstein moved, seconded by Mr. Irle that based on the application, testimony, and other**  
44 **evidence in the case that, the requirements of Section 9.1.9.C have been met, and pursuant to the**



11/30/2006

AS APPROVED APRIL 26, 2007

ZBA

1 authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board  
 2 of Appeals of Champaign County determines that the Variance request in Case 559-V-06 are hereby  
 3 granted to the petitioner, Tim Hyde to Authorize A. The replacement and use of an existing  
 4 nonconforming dwelling with a front yard of 13.5 feet and a setback of 43.5 feet, in respect to CR  
 5 2485N, a minor street, in lieu of the required 25 foot front yard and 55 foot setback; and a setback of  
 6 48 feet, in respect CR 2095E, a minor street, in lieu of the required 55 foot setback; and B. The  
 7 replacement and use of an existing shed with a side yard of 1.9 feet and a rear yard of 3.68 feet, both  
 8 in lieu of the required 5 feet; and C. The construction and use of a garage with a front yard of 21.7  
 9 feet and a setback of 41.7 feet in lieu of the required front yard of 25 feet and required front yard of  
 10 25 feet and required setback of 55 feet, and a side yard of 7 feet.

11  
 12 The roll was called

14 Mr. Goldenstein-yes

Mr. Irle-yes

Mr. Miller-yes

15 Mr. Steeves-yes

Ms. Griest-yes

Mr. Bluhm-absent

17 Mr. Schroeder-absent

19 **Case 560-S-06** Petitioner: **The Hindu Temple & Cultural Society of Central Illinois and Shiv Kapoor.**  
 20 Request: **Authorize the establishment of a temple and Cultural Center as a Special Use in the AG-1**  
 21 **Agriculture Zoning District.** Location: **A 40 acre parcel that is the South ¼ of the North ½ of the**  
 22 **Southwest ¼ of Section 14 of Hensley Township, except for the North 100 feet of the West 350 feet of**  
 23 **said area, and located on the east side of County Highway One and that is commonly known as the**  
 24 **field north of Thor-O-bred Acres Subdivision.**

25  
 26 Ms Griest informed the audience that Case 560-AM-06 is an Administrative Case and as such the County  
 27 allows anyone the opportunity to cross examine any witness. She stated that at the proper time she will ask  
 28 for a show of hands of those who like to cross examine and each person will be called upon. She requested  
 29 that anyone called to cross examine should go to the cross examination microphone to ask any questions.  
 30 She said that those who desire to cross examine are not required to sign the witness register but are  
 31 requested to clearly state their name before asking any questions. She noted that no new testimony is to be  
 32 given during the cross examination.

33  
 34 Mr. Hall said this Special Use is for a religious structure and there are letters attached. He said the petitioner  
 35 contacted the County Health Department, Thomasboro Fire Protection District and the County Engineer and  
 36 to facilitate documentation of their discussion with those entities the petitioner wrote letters reviewing what  
 37 those discussions were. Mr. Hall stated he contacted the County Engineer again to see if there was any new  
 38 information and there was none. He said he had no new information from Sarah Michaels nor Keith  
 39 Patterson. Mr. Hall said the project seems to meet the requirements of the Stormwater Management Policy  
 40 and no stormwater detention is required.

41  
 42 Ms. Griest asked the Board if there were any questions for Mr. Hall.

43  
 44 Mr. Irle said all petitioners should do more of the background work because it eliminates a lot of questions.

1  
2 Mr. Hall agreed.  
3  
4 Matt Deering, attorney for the Hindu Temple & Cultural Society, stated that the requirements have been met  
5 and there is a demand for this project in the county. He said that as indicated in the application the petitioner  
6 estimated 300 families but had determined that the estimate would be 200 to 300 families but it is still a  
7 significant number of families which indicates a demand for this type of facility in Champaign County. He  
8 said this project is located on a county highway and the Highway could handle the traffic. Mr. Deering said  
9 the project sits on about 40 acres but will only use approximate 4.5 acres. Mr. Deering said this project is  
10 designed so that it will minimize impact on surrounding properties. He said that the requested Special Use is  
11 so designed that it will not be injurious to the district in which it shall be located or otherwise detrimental to  
12 public health, safety, and welfare. Mr. Deering stated that this property is Best Prime Farmland but 90% of it  
13 will remain farm ground. He said that the subject property is in a developing area and so the requested  
14 permit is consistent with the underlying purpose of special use zoning which is to avoid unplanned  
15 development. Mr. Deering went on to say neighboring properties to this proposed project are some small  
16 business slightly to the south and to the immediate south there is a 29 lot residential development. He said  
17 the proposed religious use would be allowed by right in a residential district so by definition it is compatible  
18 with the Thor-O-Bred Acres residential community. Mr. Deering said that the project is designed to  
19 minimize impact on surrounding properties. He said the operation of the expected use of the property large,  
20 whole or full community gatherings of the entire community body will be infrequent. He said that full scale  
21 gatherings would take place once every three to fourth months so it's not like it is a standard regular use.  
22 Mr. Deering said that the building has a 6,500 sq. ft. footprint which is not very large on a 40 acre parcel. He  
23 said the onsite parking will meet requirements of the planned building capacity and new and impervious  
24 surfaces will be less than 16% that would require storm water detention facility. He said the lighting will be  
25 low level lighting to minimize overcast and glare and trees will be to the north and south to shield it from  
26 neighboring properties. He said the location of the proposed building is to the far west of the subject  
27 property. He said the property drains to the north to northeast. He said the location of the building on the far  
28 west of the property will not impede drainage and in addition, you will hear testimony from the engineer Mr.  
29 Dave Phillippe indicating that the additional run-off from this property will not be significant and will easily  
30 be disbursed by the time it reaches the northern border. Mr. Deering said that according to the Illinois  
31 Historic Preservation agency, the site does not have a high probability of significant prehistoric  
32 archeological resources nor are there previously identified prehistoric sites on the property that could be  
33 damaged by this project. He said that according to the Illinois Department of Natural Resources there are no  
34 endangered or threatened species or natural areas that are present on the subject property that could be  
35 damaged. He said that according to the County Highway Department, the proposed location of the driveway  
36 will not cause problems on County Highway 1 and the tree line as identified on the site plan are located far  
37 enough from the road that it will not impede future widening of this county road. Mr. Deering said  
38 according to the Champaign County Health Department they said that a subsurface leach field would be an  
39 appropriate facility for the disposal of waste water on the property and it is the petitioner's intention to  
40 follow the county health department's recommendation. He said according to the Chief of the Thomasboro  
41 Fire Protection District, there is adequate water supply for fire protection purposes in there area and it is  
42 close enough so the property does not require a wet pond. In addition he said, by the recommendation of the  
43 Thomasboro Fire Protection District, a sprinkler system and an alarm should be added to the project. He said  
44 that the requested Special Use Permit does conform to the applicable regulations and standards of the

11/30/2006

AS APPROVED APRIL 26, 2007

ZBA

1 district. He said Champaign County does not have a building code so there is no code to conform to however  
2 the petitioner acknowledges that the building will comply with the Illinois Accessible Building Code as well  
3 as Life Safety Code & Fire Prevention & Safety Rules adopted by the State Fire Marshall. He said the  
4 petitioner's architect will submit certified plans as required by the Illinois Environmental Barriers Act. Mr.  
5 Deering said the requested Special Use Permit does preserve the essential character of the District because  
6 the proposed use will leave in agriculture production approximately 90% of the subject property which is  
7 consistent with the character of the surrounding property which in addition to farmland includes property  
8 which is already developed. Mr. Deering said the requested Special Use Permit is in harmony with the  
9 general purpose and intent of the Ordinance because the temple is a specifically identified permitted Special  
10 Use in the AG-1 Zoning District. He said the issue is not if it is a compatible use but if the use should be  
11 conditioned. He went on to say that there are no specific standards in the ordinance for temple uses in the  
12 AG-1 district. Mr. Deering ended by saying that the requirements of Section 9.1.11B. of the Champaign  
13 County Zoning Ordinance have been met, therefore the request of the petitioner of the Hindu Temple &  
14 Cultural Society of Central Illinois and Shiv Kapoor to authorize the establishment and use of a Temple and  
15 Cultural Center as a Special Use in the AG-1 Zoning District should be granted.

16  
17 Ms Griest asked the Board if there were questions for Mr. Deering and there were none  
18 Ms. Griest asked if the staff if there were any questions for Mr. Deering and there none.  
19 Ms. Griest asked if anyone else if there were questions for Mr. Deering.

20  
21 Mr. Kevin Luebchow stated he is the attorney for some residents of Thor-O-Bred Acres subdivision and  
22 asked Mr. Deering if he was giving a summary of what the petitioner was proposing.

23  
24 Mr. Deering answered yes.

25  
26 Mr. Luebchow asked Mr. Deering if the proposed use is adjacent to a use where it would be allowed as a  
27 matter of right in a residential district.

28  
29 Mr. Deering answered yes.

30  
31 Mr. Luebchow asked Mr. Deering if Thor-O-bred Acres is zoned residential.

32  
33 Mr. Deering answered no but it is in the AG-1 zoning district which allows residential use.

34  
35 Mr. Luebchow asked Mr. Deering if his client is looking to get a Special Use Permit on the entire 39 acre  
36 tract.

37  
38 Mr. Deering answered yes.

39  
40 Mr. Luebchow asked if the remaining land will be use for agricultural purposes.

41  
42 Mr. Deering said that is what's being proposed.

43  
44 Mr. Luebchow asked Mr. Deering why the petitioner is not limiting the special use just to the area that is

1 being proposed.

2  
3 Mr. Deering answered he did not believe the ordinance provides for that.

4  
5 Mr. Luebchow asked Mr. Deering if his client is committing to use only the 4.5 acres for the proposed use.

6  
7 Mr. Deering answered and said if his client chooses to change the proposed use his client acknowledged that  
8 they would have to come back to the County.

9  
10 Mr. Luebchow asked Mr. Deering if there were possible changes that his client could make to the adjacent  
11 land that is not originally intended to be used for the proposed use that would not require a Special Use  
12 Permit.

13  
14 Mr. Deering answered yes the ordinance allows specific uses in the AG-1 District.

15  
16 Ms. Griest asked if there was anyone else who wished to cross examine Mr. Deering and there was no one.

17  
18 Mr. David Phillippe of H.D.C. Engineering and representative for the Hindu Temple Cultural Society said  
19 that this is a tract of ground on Dewey/Fisher Road and that the total acreage of the subject property is 39 ½  
20 acres but will use approximately 4 ½ acres which will include parking lot, building, landscape and utilities  
21 will cover about 11% of the total use of the property. He went on to say that the site drains from the south to  
22 the north and northeast. He said on the property there are field tiles and he has been in contact with  
23 Champaign County Soil and Water Conservation District and they will give us locations of where the tile are  
24 located on the property. Mr. Phillippe said the proposed site development will consist of a building, parking,  
25 driveway and sidewalk equally about 9/10 of an acre of impervious area

26 Mr. Phillippe said this site is below the 16% of site usage therefore stormwater detention is not needed. He  
27 said the proposed site will have surface drainage and will drain to the north and northeast with the proposed  
28 building and parking lot is located in a positioned so there will be adequate room for flow across this  
29 property. He said that there would not be any impact on neighboring ground and will not disturb any of the  
30 existing tile which are in place. Mr. Phillippe stated that the septic system will be designed in accordance  
31 with the Champaign County Public Health District.

32  
33 Ms. Griest asked the Board if there were questions for Mr. Phillippe.

34  
35 Mr. Irlle asked Mr. Phillippe if the map indicated a screen type berm.

36  
37 Mr. Phillippe answered that is a vegetation type screening.

38  
39 Ms. Griest asked the board if there were any other questions and there were none.

40 Ms. Griest asked staff if there were questions and there were none.

41 Ms. Griest asked the audience if there were questions for Mr. Phillippe.

42  
43 Mr. Luebchow said he didn't get a chance to review the architect's plans detail and asked if the plans  
44 included a walkout basement.

1  
2 Mr. Phillippe answered no.  
3  
4 Mr. Luebchow said according to the architect's plan the basement walkout is located in the southwest corner  
5 of the building.  
6  
7 Mr. Phillippe said that he did not have a chance to review the plans but as he looked at it he believed it is  
8 located on the west side of the building.  
9  
10 Mr. Luebchow asked Mr. Phillippe if the walkout basement is approximately in the area where the overflow  
11 parking and low level lighting will be located.  
12  
13 Mr Phillippe answered yes he believed it's near the staff parking and the over flow parking.  
14  
15 Mr. Luebchow asked Mr. Phillippe if there were a great deal of low level lighting.  
16  
17 Mr. Phillippe answered that is correct.  
18  
19 Mr. Luebchow asked Mr. Phillippe if during construction of the proposed site will there be a significant  
20 amount of dirt removed in the construction of the parking area.  
21  
22 Mr. Phillippe answered yes it will be relocated.  
23  
24 Mr. Luebchow asked Mr. Phillippe if he knew if the dirt will be removed or will it stay on site.  
25  
26 Mr. Phillippe answered that it had not been determined yet but this is a preliminary site plan. A more  
27 detailed plan will be submitted further into the project but he would imagine that it would be left on site.  
28  
29 Mr. Luebchow asked Mr. Phillippe would it be the same for the basement as well.  
30  
31 Mr. Phillippe answered yes.  
32  
33 Mr. Luebchow asked Mr. Phillippe if the dirt would be left on site where would it be place.  
34  
35 Mr. Phillippe answered that has not been determined at this point.  
36  
37 Mr. Luebchow asked Mr. Phillippe if the paved area for the parking space indicates 63 parking spaces.  
38  
39 Mr. Phillippe said yes.  
40  
41 Mr. Luebchow asked Mr. Phillippe if that included all the paved area.  
42  
43 Mr. Phillippe answered yes.  
44

- 1 Mr. Luebchow asked Mr. Phillippe if there was overflow parking to the south of the main parking area.  
2  
3 Mr. Phillippe answered yes.  
4  
5 Mr. Luebchow asked Mr. Phillippe how many spaces does the over flow parking have.  
6  
7 Mr. Phillippe answered he had not calculated the parking spaces but there is an overflow parking also to the  
8 north.  
9  
10 Mr. Luebchow asked Mr. Phillippe how large of a leach field is needed for this project.  
11  
12 Mr. Phillippe answered it depends on a couple factors such as water coming from the building and soil  
13 character in the location where the field is proposed to be located.  
14  
15 Mr. Luebchow asked Mr. Phillippe how large the area was indicated on the drawing.  
16  
17 Mr. Phillippe answered the area indicated on the drawing is approximately 50ft x50ft.  
18  
19 Mr. Luebchow asked Mr. Phillippe how big of an area is required for that system.  
20  
21 Mr. Phillippe answered that he was not prepared to answer that question but it could be 2 or 3 times larger.  
22  
23 Mr. Luebchow asked Mr. Phillippe if the leaching system was to be 3 times larger would it have to be  
24 located in the field to the east.  
25  
26 Mr. Phillippe answered no it could extend to the south, west and the east a little bit.  
27  
28 Mr. Luebchow asked if it would be advisable for the leaching system to extend into a tillable area.  
29  
30 Mr. Phillippe answered no it would not be advisable.  
31  
32 Mr. Luebchow asked Mr. Phillippe would the only alternative would be to move to the south or to the west  
33 where the overflow parking area would be.  
34  
35 Mr. Phillippe said the leaching system could extend to the east.  
36  
37 Mr. Luebchow asked Mr. Phillippe where is the area located where it will take water from the south from  
38 Thor-O-Bred Acres.  
39  
40 Mr. Phillippe answered he believed most of the south line takes water from Thor-O-Bred Acres.  
41  
42 Mr. Luebchow asked Mr. Phillippe if the water flows across this property over most of the south area.  
43  
44 Mr. Phillippe answered yes it does and it has some contours and some lower areas where it wants to travel.

1  
2 Mr. Luebchow asked Mr. Phillippe would the leaching system be located in the area where the drainage  
3 from Thor-O-Bred Acres would flow.  
4  
5 Mr. Phillippe answered the drainage from Thor-O-Bred Acres runs across the south side and the potential of  
6 some of that water could run across where that leaching field would be located.  
7  
8 Mr. Luebchow asked Mr. Phillippe if there would be run-off from the roof of the building.  
9  
10 Mr. Phillippe answered yes.  
11  
12 Mr. Luebchow asked Mr. Phillippe where the run-off from the roof of the building discharges to.  
13  
14 Mr. Phillippe answered that he had not seen the design of the building so he could not answer that question.  
15  
16 Mr. Luebchow asked Mr. Phillippe since there will be a basement would there be a water discharge from the  
17 basement.  
18  
19 Mr. Phillippe answered that it would be reasonable to believe a sump pump would be installed.  
20  
21 Mr. Luebchow asked Mr. Phillippe if he knew where that water would be discharged to.  
22  
23 Mr. Phillippe answered he doesn't know.  
24  
25 Mr. Luebchow asked Mr. Phillippe if there would be significant grading and reshaping in order to insure the  
26 drainage from the parking lot, through the overflow parking and then to the east.  
27  
28 Mr. Phillippe answered yes.  
29  
30 Mr. Luebchow asked Mr. Phillippe if there is proper drainage from the parking area down to the south and  
31 to the east with the present contours.  
32  
33 Mr. Phillippe answered no there would have to be some reshaping of those contours.  
34  
35 Mr. Luebchow asked Mr. Phillippe if he had an opinion how the reshaping of the contours would affect the  
36 drainage from the south.  
37  
38 Mr. Phillippe answered there should be no impact on the south. He said the ground and contours along the  
39 south line would not be changed.  
40  
41 Mr. Luebchow asked Mr. Phillippe if he knew how many vehicles the additional parking area and overflow  
42 parking would accommodate.  
43  
44 Mr. Phillippe answered he had not calculated it to see how many parking spaces that area would

1 accommodate.

2  
3 Mr. Luebchow said that potentially 300 families would be attending this facility which would mean that a  
4 lot of vehicles would need parking.

5  
6 Mr. Phillippe answered he don't know because it's hard to say how many people would be in each vehicle.

7  
8 Mr. Luebchow asked Mr. Phillippe if this site would be able to accommodate 100 vehicles.

9  
10 Mr. Phillippe answered he estimated it can due to its accommodating 63 parking spaces within the proposed  
11 parking area so he would believe the other parking areas could accommodate the remaining vehicles.

12  
13 Mr. Luebchow asked Mr. Phillippe if the additional and the overflow parking area would be paved surface  
14 or natural surface area.

15  
16 Mr. Phillippe answered it would be natural a surface meaning a grass surface.

17  
18 Mr. Luebchow asked Mr. Phillippe on evenings like tonight would those areas make good parking areas.

19  
20 Mr. Phillippe answered if they were holding a large meeting tonight it could potentially be a problem.

21  
22 Mr. Luebchow asked Mr. Phillippe if the potential would be the same if it were snow.

23  
24 Mr. Phillippe answered he supposed so.

25  
26 Mr. Luebchow asked Mr. Phillippe if there was not enough parking area in a given evening where is other  
27 parking available.

28  
29 Mr Phillippe answered they have the remainder of the acreage that they own.

30  
31 Mr. Luebchow if they don't develop anything to the east other than what's on the site plan tonight and if  
32 there were inclement weather they cannot park on the grass area which means there will be 63 parking  
33 spaces for 300 families. Do you think that 63 parking spaces would accommodate 300 families?

34  
35 Mr. Phillippe answered and said that he do not know what there meeting schedule is or how many people  
36 attend but buses could come in and drop off.

37  
38 Mr. Luebchow asked Mr. Phillippe is that what the loading berths are for.

39  
40 Mr. Phillippe said that it could be used for parking. He said he was asked to design the berths on the plan  
41 although he has no has no direct knowledge how the berths will be used.

42  
43 Mr. Luebchow asked Mr. Phillippe about the low level lighting and if he knew how high off the ground it  
44 would be, what size light and what kind of light it will produce.



1  
2 Mr. Phillippe answered and said he had not determined the size of lights but we're looking at the low ground  
3 level lighting as oppose to the high lights that sits on a 20-25 foot pole.  
4  
5 Mr. Luebchow asked Mr. Phillippe if he knew the size and type of the trees and scrubs to be used on the  
6 south and the north end in this project.  
7  
8 Mr. Phillippe said that he is not sure of the type of trees but it would be so the trees could block visibility  
9 from the neighbors.  
10  
11 Ms. Griest asked if there were any questions for Mr. Phillippe and there were none.  
12 Ms. Griest asked if there were anyone who wishes to cross examine Mr. Phillippe.  
13  
14 Mr. Benjamin McCall asked Mr. Phillippe is the walkout basement on the high side of the building.  
15  
16 Mr. Phillippe said yes  
17  
18 Mr. McCall said usually the walkout basement is on the low side of a building and asked Mr. Phillippe if  
19 there would be excavation to accommodate the basement exit or is the basement above grade.  
20  
21 Mr. Phillippe answered that detail will have to be addressed in the final plan.  
22  
23 Mr. McCall asked Mr. Phillippe if this structure could be a two story structure as well then.  
24  
25 Mr. Phillippe answered that question is better answered by the architect we were offered a footprint of the  
26 building.  
27  
28 Mr. McCall asked Mr. Phillippe if the low level lighting which is to be used is down facing to avoid any  
29 light trespass.  
30  
31 Mr. Phillippe answered yes they will face downward to avoid any light pollution.  
32  
33 Ms. Griest asked if there were anyone else who wish to cross examine and there none.  
34  
35 **Mr. Irle moved, seconded by Mr. Goldenstein for a five minute recess. Motion carried with voice vote.**  
36  
37 **The Board recessed at 8:20pm.**  
38  
39 **Ms. Griest called meeting back to order at 8:29pm.**  
40  
41 Ms. Griest informed the audience that the normal meeting time will end at 9:30pm and due to the inclement  
42 weather she is not inclined to grant a meeting extension.  
43  
44 Mr. Steeves informed the Board that Hensley Township is a client of his and he would have to abstain from

1 voting.

2  
3 Mr. Riley Glerum stated that his firm, IGW Architecture and the architect for the Hindu Temple Project said  
4 that since Mr. Deering's and Mr. Phillippe's remarks have been quite comprehensive he would limit his  
5 remarks strictly to project design and requirements. Mr. Glerum said the site has been located a great  
6 distance away from the north and south adjacent properties and also set back from the road. He also said the  
7 main entrance of the facility faces east to take advantage of the agricultural landscape on the property. Mr.  
8 Glerum said what you have is preliminary drawings which illustrate basic functions and desires for the  
9 building and as in many church buildings the first floor is usually the worship area and the basement is the  
10 social space and is usually non-simultaneous use and that was the base used when determining the parking  
11 spaces. He said that the overflow parking is designed for 50 to 53 parking spaces. Mr. Glerum said the  
12 governing codes for this project are the Illinois Accessibility Code and the NFPA Life Safety Code 101  
13 version 2000. Mr. Glerum went on to say that these and the codes that this project will be designed to and  
14 this is the intention of the society to also adhere to the International Building Code.  
15 He said there will be accessible parking spaces and paths leading up to the temple entrance as well as ramps  
16 as necessary. He said that with in the building there will be sufficient toilet rooms and ramps as necessary to  
17 change elevation. He said the initial phase of landscape development shows perimeter trees and shrubs to  
18 buffer adjacent property although they have not gone through the final design of this project, they intend to  
19 use high quality fire resistant material and probably include a brick exterior.

20  
21 Ms. Griest asked the Board if they have questions for Mr. Glerum and there were none.

22 Ms. Griest asked Staff if there were questions for Mr. Glerum.

23

24 Mr. Hall asked Mr. Glerum how will the excess soil be disposed of.

25

26 Mr. Glerum said that if we cannot lose the excess soil on site and still meet our drainage requirements then it  
27 would be removed off site. He said that as part of the building design the water collected from the roof and  
28 foundation would be dispersed onto the site respective of the flow of drainage.

29

30 Ms. Griest asked if the petitioner had any questions for Mr. Glerum and there were none.

31 Ms. Griest asked if anyone else had any questions for Mr. Glerum.

32

33 Mr. Luebchow asked Mr. Glerum if he had any estimates as to how much water would be discharged from  
34 the roof and foundation area.

35

36 Mr. Glerum said that he had not estimated it yet and had not designed the system yet but we estimate the  
37 roof area of the building to be 6500 sq. ft. and the perimeter wall is unknown at this time but we would have  
38 a foundation and footing drain that we would collect into a sump and then pump up to grade and discharge  
39 it.

40

41 Mr. Luebchow asked Mr. Glerum if he had building elevations at this time for the building.

42

43 Mr. Glerum said no we don't we don't have the building design and we have to go through a final design.

44

11/30/2006

AS APPROVED APRIL 26, 2007

ZBA

- 1 Mr. Luebchow asked Mr. Glerum if it is the intention of the Society to have a walk-out basement on the  
2 southwest corner.  
3
- 4 Mr. Glerum answered it is a program requirement to have a walk-out basement. He also said that he  
5 acknowledged the criticism regarding the basement on the high side, it would not be on the high side if it  
6 could be helped. It would probably have an interior stairway or a sunk-in courtyard but it's yet to be  
7 determined.  
8
- 9 Mr. Luebchow asked Mr. Glerum how many people was the parking spaces based on.  
10
- 11 Mr. Glerum said 258 people.  
12
- 13 Mr. Luebchow asked Mr. Glerum if the basement and first floor will be used simultaneously.  
14
- 15 Mr. Glerum answered and said they will not be used simultaneously. He said usually in most churches the  
16 worship area and the social area are not used at the same time.  
17
- 18 Mr. Luebchow asked Mr. Glerum if there will be any social events where both upstairs and the downstairs  
19 area would be used at the same time.  
20
- 21 Mr. Glerum answered and said no.  
22
- 23 Mr. Luebchow asked Mr. Glerum if there is a membership of 300 families, did he have an estimate as to  
24 how many people that would be.  
25
- 26 Mr. Glerum answered no.  
27
- 28 Mr. Luebchow said out of a potential membership of 300 families they have a facility here to accommodate  
29 about 250 people.  
30
- 31 Mr. Glerum said that he believes there was a correction in the projection of the number of families involved.  
32 He said he believes he heard it stated earlier that it was 200 to 300 families as opposed to 300 families.  
33
- 34 Mr. Luebchow asked Mr. Glerum if he understood that number to be from the local membership  
35
- 36 Mr. Glerum answered yes.  
37
- 38 Mr Luebchow asked if that number would include any people that would come from out of the local area.  
39
- 40 Mr. Glerum said that out of the 200 to 300 families he is sure there would be some accommodations made  
41 for those visitors from outside the local area.  
42
- 43 Ms. Griest asked if there were any other questions for Mr. Glerum and there were none.  
44

1 Mr. Shiv Kapoor the petitioner for the Hindu Temple & Cultural Society of Central Illinois said that he is a  
2 graduate from the College of Engineering at the U of I more than 25 years ago. He said he has two children  
3 presently attending college and that he is thankful their community has had an opportunity to come here and  
4 to excel in a professions. Mr. Kapoor said that he is thankful for the Champaign-Urbana community for they  
5 had really welcomed them and they had a chance to blend into the society and to contribute to the society.  
6 He said today you will find in the community people from our country engaging in every aspect of public  
7 service from health, education, agriculture, social work and national defense. Mr. Kapoor said that he is  
8 asking for support for the construction of a temple and cultural center in this community. He said the goal is  
9 to construct a place of worship and cultural society. He said that we have 200 plus families not more than  
10 that, in fact the active membership in the society presently is approximately 100 and we are expecting two  
11 times that. He said there are students from the University of Illinois who have come from larger cities and  
12 have seen these types of temples and would like a place for some peaceful meditation and concentration. Mr.  
13 Kapoor said that they use the Urbana Civic Center occasionally whenever they have a religious function.  
14 Mr. Kapoor said that this project would not only be for worship but it will have cultural activity as well. He  
15 said this project is also intended to be a symbol of appreciation for our ancestral land India and our adopted  
16 land here in America. Mr. Kapoor said that as you heard from the site plan we don't intend to use more than  
17 3% of the 40 acres which also includes parking lots, roads, trees and shrubs around the temple to provide  
18 privacy. He said they don't anticipate having regular meetings such as weekly meetings as you may be used  
19 to our meetings are usually once every three or four months but on a daily basis a small number of people  
20 may visit the temple. Mr. Kapoor said that there are more than two hundred Hindu temples in America and  
21 all of them have an excellent relationship with the neighboring community to the best of his knowledge. He  
22 went on to say that they are encouraged by the strong presence here and as we look forward to working with  
23 you to provide a much needed place for worship in our community and a place that everyone can be proud  
24 of.

25  
26 Ms. Griest asked the Board if they had any questions for Mr. Kapoor.

27  
28 Mr. Irle asked Mr. Kapoor if it's traditional for a Hindu temple to site in a rural area.

29  
30 Mr. Kapoor answered yes it is typical for temples to be located in the rural area.

31  
32 Mr. Goldenstien asked Mr. Kapoor if you were only using 4.5 acres why do the 40 acres.

33  
34 Mr. Kapoor said that we are looking for a serene environment and this way we ensure this will be a quiet  
35 area.

36  
37 Mr. Goldensein asked Mr. Kapoor where is the nearest temple from here.

38  
39 Mr. Kapoor said Peoria.

40  
41 Mr. Goldenstein asked Mr. Kapoor how big of area you plan to draw from.

42  
43 Mr. Kapoor said that we are only looking for Campaign-Urbana and the very close neighboring communities.  
44 He said we are not trying to serve Danville and Indianapolis: for example just, the Champaign-Urbana area.

- 1 He said we are not trying to get the Bloomington nor Decatur areas.  
2  
3 Mr. Irle asked Mr. Kapoor if there was going to be a few people there on a daily basis, will there be any  
4 permanent resident keepers there.  
5  
6 Mr. Kapoor said not right now but we would like to when we can afford it.  
7  
8 Ms. Griest asked the Board and staff if there were any other questions for Mr. Kapoor and there were none.  
9 Ms. Griest asked if there were questions from the audience for Mr. Kapoor.  
10  
11 Mr. Luebchow asked Mr. Kapoor how many people would use the temple on a daily basis.  
12  
13 Mr. Kapoor said he didn't know maybe 10 cars a day.  
14  
15 Mr. Luebchow asked Mr. Kapoor would there be particular hours the temple would be open for use.  
16  
17 Mr. Kapoor said yes typically, that is what we have for our temples.  
18  
19 Mr. Luebchow asked Mr. Kapoor if someone will be there to monitor the temple.  
20  
21 Mr. Kapoor said that no one will be living there but someone will be there during the time the temple will be  
22 open for security and to clean up.  
23  
24 Mr. Luebchow asked Mr. Kapoor if the temple will be open in the evenings.  
25  
26 Mr. Kapoor answered yes, that's the time people will be getting off work and they can come for a couple of  
27 hours.  
28  
29 Mr. Luebchow asked Mr. Kapoor how late would the temple remain open.  
30  
31 Mr. Kapoor said I don't know yet we haven't established rules of the temple yet but typically maybe 6:00pm  
32 or 7:00pm.  
33  
34 Mr. Luebchow asked Mr. Kapoor how early would the temple open.  
35  
36 Mr. Kapoor said that it's usually not early morning but maybe 8:00am or 9:00am.  
37  
38 Mr. Luebchow said that Mr. Kapoor indicated that the temple would be used more on the weekends and  
39 asked Mr. Kapoor to explain.  
40  
41 Mr. Kapoor said that the reason is that people are off work usually on the weekends and more people come  
42 to visit temple.  
43  
44 Mr. Luebchow asked Mr. Kapoor if there will be any formal large groups.

1  
2 Mr. Kapoor said that we never get together at one time we usually come, visit, pray and go except for once  
3 every 3 or 4 months that's why we never have any issue with having a large group at the same time. Mr.  
4 Kapoor went on to say we have special religious dates which are once every 3 or 4 months.  
5  
6 Mr. Luebchow asked Mr. Kapoor if the frequency of the large, special events, celebrations is about once  
7 every 3 months.  
8  
9 Mr. Kapoor said every 3 or 4 months because these are special religious dates like Thanksgiving Day and on  
10 Thanksgiving Day you can expect people to go to church and it is the same thing. Mr. Kapoor said they  
11 don't all come at the same time and on that specific day, whole 24 hours, people come and go.  
12 Mr. Luebchow asked Mr. Kapoor on those specific days you indicated 24 hours.  
13  
14 Mr. Kapoor said the days are designated.  
15  
16 Mr. Luebchow asked if there will be a set time for everyone to be present.  
17  
18 Mr. Kapoor said not necessarily.  
19  
20 Mr. Luebchow asked Mr. Kapoor if on those days does the majority of the membership participate.  
21  
22 Mr. Kapoor said it was very possible and all up to the people.  
23  
24  
25 Mr. Luebchow asked Mr. Kapoor if he had intentions on expanding.  
26  
27 Mr. Kapoor said if the community grows we have to think about what to do to serve the community but we  
28 would have to start the process over again for a special use permit for any expansion.  
29  
30 Mr. Luebchow stated that in the previous plan submitted there was a walking path on the property and asked  
31 Mr. Kapoor if there will be a walking path in the new plan.  
32  
33 Mr. Kapoor answered no.  
34  
35 Mr. Luebchow asked Mr. Kapoor if it was his intention to leave the ground to the east as farm grounds.  
36  
37 Mr. Kapoor said yes.  
38  
39 Mr. Luebchow asked Mr. Kapoor if it will be farmed the traditional way such as corn, soybean etc...  
40  
41 Mr. Kapoor answered yes that is our intentions right now.  
42  
43 Mr. Luebchow asked Mr. Kapoor how far in the future that may change.  
44

1 Mr. Kapoor answered he didn't know.  
2  
3 Mr. Luebchow asked Mr. Kapoor if he would be willing to commit to conditions to restrict the use of that  
4 property.  
5  
6 Mr. Kapoor said that he would not know the basis for those conditions.  
7  
8 Mr. Luebchow asked Mr. Kapoor if taking prime farm ground in Champaign County out of productive use  
9 concerns him.  
10  
11 Mr. Kapoor answered and said that anyone would be concerned about that but I cannot answer that you  
12 would have to speak to Mr. Deering.  
13  
14 Mr. Luebchow said that he was not suggesting any specific restrictions tonight for Mr. Kapoor to agree to he  
15 was trying to get an idea if Mr. Kapoor would be willing to consider any restrictions to the property to the  
16 east.  
17  
18 Mr. Kapoor said at this point no he cannot say he would commit to restrictions.  
19  
20 Mr. Luebchow asked Mr. Kapoor what type of water supply is proposed for this property.  
21  
22 Mr. Kapoor answered that it will be a well.  
23  
24 Mr. Luebchow asked Mr. Kapoor if he looked into the licensing requirements regarding a well on this  
25 property.  
26  
27 Mr. Kapoor said the he had checked with the Illinois State Water Survey and tried to find out how deep to  
28 go in order to get water but he's not qualified in that area so he can't answer that.  
29  
30 Mr. Luebchow asked Mr. Kapoor if he knew if the public health or some other agency would oversee a well  
31 on this property or if there are other restrictions or requirements in place.  
32  
33 Mr. Kapoor said he would comply with what ever it is.  
34  
35 Mr. Deering said that he objects to the questions Mr. Luebchow is asking because there are other qualified  
36 individuals to answer those questions and the opportunity has been blatantly passed up.  
37  
38 Ms. Griest asked Mr. Luebchow if he would move on and ask questions specifically suited to the testimony  
39 presented by this individual.  
40  
41 Ms. Griest said there are a lot of individuals who wish to speak tonight and she was sure Mr. Luebchow  
42 would be more than willing to comply with your wishes.  
43  
44 Mr. Luebchow asked Mr. Kapoor if he plans to keep the property clean so there would be no problem with

1 trash from his facility or people who come and left trash to blow on the neighboring property.  
2  
3 Mr. Kapoor answered yes definitely he plans to keep the property clean.  
4  
5 Ms. Griest interrupted Mr. Luebchow and asked him to limit his questioning to the testimony that is being  
6 presented and then if he has additional questions he would like to have the staff find information related to  
7 he could asked them during his testimony.  
8  
9 Mr. Luebchow asked Mr. Kapoor if the letters from Chief Keith Patterson of Thomasboro FPD and Sarah  
10 Michaels reflect his characterization of these meetings.  
11  
12 Mr. Kapoor said yes, he said he talked to those people and the letters state what we agreed.  
13  
14 Mr. Luebchow asked Mr. Kapoor if there were letters or statements directly from Ms. Michaels or Mr.  
15 Patterson regarding any opinion that they have on this project.  
16  
17 Mr. Kapoor said no the letters only reflected the conversation and no opinion.  
18  
19 Mr. Luebchow said that in Mr. Patterson's letter he suggested the installation of a sprinkler system and a fire  
20 alarm system and asked Mr. Kapoor if he is willing to commit to integrate those systems into the design of  
21 the building.  
22  
23 Mr. Kapoor said that Mr. Patterson suggested that and we will consider it but we are still working on the  
24 final plan.  
25  
26 Mr. Luebchow said to Mr. Kapoor that he would consider it but is not willing to commit to it.  
27  
28 Mr. Kapoor said that he doesn't know what this implication means but at this point we'll come up with an  
29 architectural plan.  
30  
31 Mr. Luebchow asked Mr. Kapoor if Ms. Michaels approved the septic system that's reflected in the site  
32 plan.  
33  
34 Mr. Kapoor said that he did not meet her personally but the committee member has met her and we can ask  
35 her to clarify if you need to.  
36  
37 Mr. Luebchow asked Mr. Kapoor if his criteria for site selection are convenience for your members, size  
38 of building, and financial constraints.  
39  
40 Mr. Kapoor answered yes.  
41  
42 Mr. Luebchow asked Mr. Kapoor if he had a proposed budget for land acquisition and construction.  
43  
44 Ms. Griest interrupted again and said that that question is not relevant to zoning. Ms. Griest added that it



1 might be relevant to your concerns but not relevant to zoning so he must refrain from asking that question.  
2  
3 Mr. Luebchow asked Mr. Kapoor if he looked into other site locations that would be zoned for this use.  
4  
5 Mr. Kapoor said yes we have been looking for some time now. Mr. Kapoor said that we are looking for a  
6 rural site.  
7  
8 Mr. Luebchow asked Mr. Kapoor if he excluded sites in Champaign or Urbana.  
9  
10 Mr. Kapoor said he had not excluded sites in Champaign and Urbana.  
11  
12 Mr. Luebchow asked Mr. Kapoor how far from the city limits of Champaign or Urbana would you say is  
13 inconvenient for your membership.  
14  
15 Mr. Kapoor said he didn't know and asked if he had to answer that.  
16  
17 Mr. Deering said that he objects to that question.  
18  
19 Ms. Griest stated that it's relevant to zoning because one of the premises is that it's necessary at that location  
20 so it is a fair question.  
21  
22 Mr. Kapoor answered that one time we discussed a ten mile radius for the assembly hall.  
23  
24 Mr. Luebchow said that he was only wanting to know in general and not anything to hold you to.  
25  
26 Mr. Luebchow asked Mr. Kapoor if he was looking at only vacant sites for new construction or were you  
27 looking at existing structures that might be useable for your needs.  
28  
29 Mr. Kapoor answered we were looking at vacant sites not used ones.  
30  
31 Ms. Griest interrupted again and said that's not relevant to rezoning this parcel.  
32  
33 Mr. Luebchow asked Mr. Kapoor if there were existing religious facilities that were available.  
34  
35 Mr. Deering said that he objects to that question.  
36  
37 Ms Griest said that once again you need to stick to this parcel on this application. Ms. Griest said that is  
38 borderline testimony and you will have your chance to give that. Ms. Griest said we have more evidence to  
39 cover tonight and I'm sure you will have an ample opportunity to again question Mr. Kapoor.  
40  
41 Ms. Griest asked Mr. Luebchow if he was finished.  
42

1 Mr. Luebchow said he had one or two other questions. Mr. Luebchow asked Mr. Kapoor that he mentioned  
2 that he would be bussing people into the site do you think it would be necessary.  
3  
4 Mr. Kapoor answered that it depends on how many people are there and the capacity of the building because  
5 he can only have so many due to fire hazard so we must be concerned about that.  
6  
7 Ms. Griest asked if there was anyone else who would like to cross examine this witness.  
8  
9 Ms. Mary Ann Kessler said that she heard him speak about the coming and going of people who attend the  
10 church and asked Mr. Kapoor if he would have anyone to monitor the building 24 hours a day.  
11  
12 Mr. Kapoor said the building would not be open 24 hours but someone will be there only during the time the  
13 temple is open.  
14  
15 Ms. Kessler asked Mr. Kapoor if he was concerned about that.  
16  
17 Ms. Griest said to clarify Mr. Kapoor will have published hours.  
18  
19 Mr. Benjamin McCall said he is a resident of the area and asked Mr. Kapoor why wasn't he willing to  
20 commit to keeping the remaining farmland off limits and what plans would you have for that property for  
21 the future.  
22  
23 Mr. Kapoor said that if the community grows two or three times and we need to expand we need to be able  
24 to do that but what ever expansion we do we have to get another Special Use Permit.  
25  
26 Mr. McCall said so any addition or expansion has to come to the Board.  
27  
28 Ms. Griest said that any addition, expansion, additional parking, and any modification to the site plan will  
29 require coming back for a Special Use Permit.  
30  
31 Mr. McCall asked Mr. Kapoor about the walking path on the previous site plan.  
32  
33 Ms. Griest interrupted and said that since the since there are no walking paths on this site plan they would  
34 not be permitted without an additional Special Use Permit.  
35  
36 Mr. McCall asked Mr. Kapoor what would the intention of the walking path if it was requested.  
37  
38 Ms. Griest said that you can ask that question when it is requested.  
39  
40 Don Wauthier of Berns Clancy and Associates said he was representing the residents of Thor-O-Bred Acres  
41 Homeowners Association to assist them in the evaluation of the development of this property and the  
42 Special Use Permit issues related to it. He said that in dealing with a project of this nature often time there

1 needs to be information provided as to what is going to happen and how it's going to be addressed and what  
2 the issues and concerns are. Mr. Wauthier said he looked at the site plan and the information in the staff  
3 memo and there are some issues and concerns that we would like to share at this time. Mr. Wauthier said  
4 that it is very notable to want to propose a temple whether it is to be at this location is another issue. He said  
5 the special use does not appear to conform with the comprehensive plan this area is designated for  
6 agricultural use and the temple is not an agricultural use. He said the Thor-O-Bred Acres area is consistent  
7 with the adjacent land use because Thor-O-Bred is single family homes and a rural residential area that is  
8 also zoned agriculture and under the Zoning Ordinance a temple in Thor-O-Bred Acres would not be an  
9 allowed use but would also be a Special Use. Mr. Wauthier said the issue that is before you is if the temple  
10 use is consistent with the surrounding rural neighborhood. He said if you look on the site plan for Thor-O-  
11 Bred Acres you can see that these lots are more than 1 acre in size. He said those are large lot residential  
12 areas and do not seem to be compatible with the adjacent land use and appears to create an isolated,  
13 unrelated land use unrelated to the other land uses in the vicinity. Within a quarter of a mile the land uses are  
14 almost entirely agricultural row crop farmland, as compared to the temple use. He said the question in the  
15 testimony relates to whether or not this temple use might be consistent with health, safety and welfare of the  
16 general public that's one of the issues to be concerned about. He said again there has been testimony about  
17 how the temple will be used. He said he had an experience volunteering for the Virginia Theater when the  
18 local Indian society had their film festival a couple of years ago and the 1600 seat theater was full to  
19 overflowing. He went on to say that he believes the community does turn out and support its members and  
20 he thinks that the area remains concerned that 63 parking spaces may not be enough parking including the  
21 overflow parking on a festival day or once every 2 or 3 months as has been testified to because the number  
22 of parking spaces has been determined by 1 parking space for every 5 seats which is a great criteria but if  
23 you are in a single family residential neighborhood and you don't build a parking lot for Easter Sunday and  
24 the overflow parking lot is in the street. He said winter weather conditions or rainy weather conditions that  
25 prevent the overflow parking from being used where are the people going to park, along the County  
26 Highway, over along Thor-O-Bred Acres and walk across, these are some of the concerns we have that  
27 remain an issue and need to be further thought about. Mr. Wauthier said that the septic system on the site  
28 plan is not 50 by 50 it's 30 by 30. He said that 30 by 30 is 900 square feet and 50 by 50 is 2500 square feet  
29 almost 3 times bigger and there was testimony stating it may be larger than that so the leach field area would  
30 need to be as large as the temple itself look at the site plan and where would they put the leach field there are  
31 trees in the way and tile in the way it doesn't seem to fit in the site plan well. He said that these are design  
32 issues that need to be thought about not to say that it could not be overcome although I'm not sure if this site  
33 plan does that. He said that Sarah Michaels of the County Health Department stated that the leach field  
34 should be suitable on the higher areas of the site and not in the swale. He said that's not this location and  
35 this is not the high area of the site this is down close to the swale about 5 or 6 feet below the higher area so  
36 on one hand it's characterized that you can put a leach field here but when you follow the recommendations  
37 that they put in their own letter it contradicts what she states in the letter once again it's a issue that could be  
38 overcome but not in this set of plans. Mr. Wauthier said that facility in this county in reference to the Illinois  
39 Department of Health has various issues related to licensing public water supply which would need to be  
40 addressed and should be a condition of approval so you will have potentially 265 members of the public  
41 here using a private well for drinking water so those licensing issues should be a condition of the Special  
42 Use Permit at the very least. Mr. Wauthier said that another issue is the specificity in the site plan itself, if

1 you look at the site plan it says for example evergreen trees along the south side not knowing the size, they  
2 could be small trees and would not provide the proper screening. He said that there needs to be specificity in  
3 this site plan including, what exactly are we planting, how big are they, what species are they so there would  
4 be an understanding are they providing enough screen that is intended as compared to planting trees that are  
5 3 weeks old or 4 months old it will take ten years or so before they would provide any type of screening. He  
6 went on to say that specificity in the low level lighting was needed and it was not until the meeting tonight  
7 we couldn't tell if they were talking about lights on a pole that have low intensity or walking path lights that  
8 are low to the ground those kinds of things need to be specified on a set of plans for a special use. He said  
9 that since not any of the details are worked out it leaves an opening for uncertainty as to what is going to be  
10 built. Mr. Wauthier said that as far as the parking, before tonight we didn't know the parking was a dashed  
11 line but is unclear if it was going to be grass, concrete, gravel, we just don't know, these kinds of things  
12 need to be on the site plan. He said that as far as the basement it was unclear, it showed a first floor elevation  
13 and we could assume there was a basement and where would the dirt be placed, if I had forty acres I would  
14 try to place the dirt on site instead of hauling it away. He said the neighbor's hope that a berm doesn't get  
15 placed while deciding to do something and the drainage is blocked. Mr. Wauthier said that there is not  
16 sufficient specificity so we all know what is going to be built.

17

18 Ms. Griest asked the Board if there were questions for Mr. Wauthier and there were none.

19 Ms. Griest asked staff if there were questions for Mr. Wauthier.

20

21 Ms Griest said we need 10 extra minutes for this case.

22

23 **Mr. Miller moved seconded by Mr. Goldenstein for 10 minutes to offset our break. The motion**  
24 **carried by voice vote.**

25

26 Mr. Hall stated to Mr. Wauthier that he made reference to the City of Champaign Comprehensive Plan and  
27 asked Mr. Wauthier what relevance does the City of Champaign Comprehensive Plan have to property that  
28 is outside the mile and a half.

29

30 Mr. Wauthier said that it has a limited relevance other than acting as a general indication that areas outside  
31 its planned area of the vicinity of the mile and a half and as the mile and a half expands they expect it to  
32 remain as agricultural use.

33

34 Mr. Hall said that Champaign County Zoning has already decided that this use is allowed under the AG-1  
35 District as a Special Use Permit which is generally allowable anywhere in the district except for the site  
36 specific consideration to identify specific problems. Mr. Hall said this is allowed anywhere in the AG-1  
37 District but here at this location just slightly outside the mile and a half next to a residential subdivision and  
38 next to two business uses, this is incompatible and he asked if there are any details you would like provided.

39

40 Mr. Wauthier said that a primary use that is allowable by right is allowed by right and a special use has no  
41 right going into any district unless you approve the special use not that a special use is allowed with an  
42 approval of the site plan that is not what a special use says it says you can decide not to allow the use as a

1 use at this location. He said that the area around the Thor-O-Bred Acres is row crop agricultural use so the  
2 question becomes how compatible is this temple with the row the crop use. He went on to say that this is  
3 outside the mile and a half and anything outside the mile and a half should be a row crop agriculture use and  
4 this seems to be incompatible with that use.

5  
6 Mr. Hall said that for the first thirty years of zoning this type of use was allowed by right with no Special  
7 Use requirement it was only recently we added the Special Use review. Mr. Hall asked Mr. Wauthier if he  
8 was suggesting that he wanted to see peak traffic analysis.

9  
10 Mr. Wauthier said that there is a peak hour impact for that facility it may not much be overall but we do  
11 need to look at this.

12  
13 Mr. Hall said with regards to the Stormwater Management Policy he asked Mr. Wauthier if there are any  
14 specific recommendations for this site and even with the provision we don't even exempt 16% if you  
15 have one acre of impervious area within any ninety thousand square foot area and that is specifically to  
16 identify those instances where there is one acre of development on a 100 acre site although that one acre  
17 could create a problem. He said that this project still doesn't even trip that requirement so are there any  
18 specific recommendations that need to be considered.

19  
20 Mr. Wauthier stated that the actual drainage for the 39.5 acres the eastern side drains totally away from  
21 the site in to a different watershed. He said that this site drains only to a specific watershed therefore to  
22 use the entire 39.5 acres as the trip wire for the 16% is a bit of a puzzler. He said that someone could  
23 say that they could build a 25 acre residential development on 160 acres and no retention would be  
24 required because it would be less than 16%. He said that at some point a level is reached where there  
25 can be impacts regardless of the 16% or 25%. He said that the site appears to drain by surface but it  
26 should be looked at very closely. He said he didn't know if stormwater detention is needed or not but  
27 looking at the parking spaces we don't know if they are gravel, it makes a big difference compared to if  
28 it were grass but you couldn't tell from the site plan because there was no indication that those areas are  
29 grass. He said he raised this as an issue of concern to ask about.

30  
31 **Mr. Irle moved, seconded by Mr. Goldenstein to extend the hearing for 10 minutes. Motion carried by**  
32 **voice vote.**

33  
34 Mr. Hall said that you can labor a petitioner with a lot of requirements if you wanted to so some how the  
35 Board needs to quickly get to the point where it can identify what additional information is needed and I  
36 think Mr. Wauthier raised some fair questions in his comments.

37  
38 Mr. Wathier said that he thinks that it is misleading to show a 900 square foot 30x30 area as the septic  
39 making one to believe that is the entire space of the septic system when it is clearly not going to be that it  
40 will be significantly larger than that. He said that he suggests showing a more realistic indication of what the  
41 system is.

1 Ms. Griest asked if the petitioner or their representative would like to cross examine Mr. Wathier.  
2  
3 Mr. Deering attorney for the petitioner asked Mr. Wauthier in his testimony if he interprets the ordinance to  
4 read that a special use is a prohibited use until approved by the Board versus a permitted use subject to  
5 potential conditions.  
6  
7 Mr. Wauthier said that it is not quite my testimony but it is close. He said that the purpose of the special use  
8 review is to determine whether or not that use should be allowed at that location so yes it is prohibited.  
9  
10 Mr. Deering interrupted and asked Mr. Wauthier did he think the land use law supports that.  
11  
12 Mr. Wauthier said that I'm not an attorney.  
13  
14 Mr. Deering interrupted and said thank you that's all I need to know.  
15  
16 Mr. Deering asked Mr. Wauthier if he knew if the Film Festival at the Virginia Theater was a Hindu Film  
17 Festival or an Indian Film Festival.  
18  
19 Mr. Wauthier answered he did not.  
20  
21 Mr. Deering asked Mr. Wauthier if to his knowledge are all Indians Hindu.  
22  
23 Mr. Wauthier answered no.  
24  
25 Mr. Luebchow said that he objected to the question asked by Mr. Deering and asked that it be stricken from  
26 the minutes.  
27  
28 Ms. Griest said that the question was directly related to the testimony Mr. Wauthier gave on the levels of  
29 attendance he would speculate might occur.  
30  
31 Ms. Griest asked if there was anyone else who wished to cross examine Mr. Wauthier.  
32  
33 Mr. Pradeep Khanna said he is a member of the Board of Trustees. He said that he is here as a citizen and  
34 asked Mr. Wauthier if he was sure the individuals who attended the film festival were all Hindus or all  
35 Indian.  
36  
37 Mr. Wauthier answered and said that he is certain that they were not all Indians and that they were not all  
38 Hindus but what he was trying to characterize is that in general the community was very supportive even  
39 though I have no doubt that you have the number of families that you say you have there and there were  
40 many people who attended who were from fairly long distances because we assisted them with hotel room  
41 and places to eat and so on and it was very admirable that they traveled from Peoria and Decatur and  
42 Chicago to come and support the community.

- 1 Ms. Griest interrupted and said that Mr. Wauthier's testimony related to something at the Virginia Theater  
2 not at this particular site and not directly related to these 200 to 300 families that you are claiming in your  
3 petition to be your population for this site location.  
4
- 5 Ms. Griest asked if Mr. Khanna had any other questions.  
6
- 7 Mr. Khanna asked Mr. Wauthier if he knew the film festival was a unique event.  
8
- 9 Ms. Griest interrupted and said that we are not interested in the film festival but you can present that when  
10 you give testimony at the next meeting but that testimony is not cross examination.  
11
- 12 Steve Shoemaker said he is a Christian Pastor in the community and referred to Mr. Wauthier's testimony  
13 and said when Mr. Wauthier goes to church he arrives 15 minutes early but the Hindu religion is not like  
14 that.  
15
- 16 Ms. Griest interrupted Mr. Shoemaker and said that he is giving testimony and you need to save that until  
17 later.  
18
- 19 Mr. Shoemaker said that he was asking Mr. Wauthier if he new the point he was making was wrong, the  
20 point he was making was for Christians it's appropriate.  
21
- 22 Ms. Griest interrupted and said to Mr. Shoemaker that you can submit that in testimony.  
23
- 24 Mr. Shoemaker continued speaking in reference to Mr. Wauthier's testimony.  
25
- 26 Ms. Griest said to Mr. Shoemaker that he is giving testimony and he needs to save that for when he is given  
27 a testimony opportunity. Ms. Griest went on to say that Mr. Wauthier's comments will be put in the minutes  
28 and your comments will be put in the minutes when you give testimony.  
29
- 30 Ms. Griest asked if there was anyone else who wished to cross examine Mr. Wauthier and there were none.  
31
- 32 **Mr. Irle moved, seconded by Mr. Goldenstein to continue the hearing for an additional five minutes.**  
33 **The motion carried by voice vote.**  
34
- 35 Ms. Griest said that the two new cases can rescheduled from February 16<sup>th</sup> to March 15<sup>th</sup> and we can  
36 continue this case to February 15<sup>th</sup>.  
37
- 38 **Mr. Irle moved, seconded by Mr. Goldenstein to continue case 560-S-06 to February 15, 2007. Motion**  
39 **carried by voice vote.**  
40
- 41 **Mr. Irle moved, seconded by Mr. Goldenstein to reschedule Case 571-AM-06 and Case 572-V-06 to**  
42 **March 15, 2007. Motion carried by voice vote.**

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**Staff Report**

None

**Other Business**

None

**Audience participation with respect to matters other than cases pending before the Board**

None

**Adjournment**

Ms. Griest declared meeting adjourned at 9:56pm.

Respectfully submitted

Secretary of Zoning Board of Appeals