

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street

Urbana, IL 61801

DATE: August 11, 2011

**PLACE: Lyle Shields Meeting Room
1776 East Washington Street**

TIME: 7:00 p.m.

Urbana, IL 61802

MEMBERS PRESENT: Catherine Capel, Thomas Courson, Roger Miller, Melvin Schroeder, Paul Palmgren, Brad Passalacqua

MEMBERS ABSENT : Eric Thorsland

STAFF PRESENT : Lori Busboom, John Hall

OTHERS PRESENT : Neal Toler, Stephen Gast, Letha Gast, Jody Eversole, Rachel Schroeder, Julia Hall, Sara Jones, Ben Shadwick, Alan Singleton, Larry Hall, Carl Brown, Phillip Jones, Jean Fisher, Mark Fisher, Damon Reifsteck, Myron W. Salzman, Damon Hood, Ed Gire, Kim Young, William J. Jones, Charles Sollers, Linda Shadwick, Lois Jones

1. Call to Order

The meeting was called to order at 7:00 p.m.

Mr. Hall informed the Board that due to the absence of Eric Thorsland, Chairman, the Board must appoint an Interim Chair for tonight's meeting.

Mr. Miller moved, seconded by Mr. Schroeder to appoint Ms. Cathe Capel as Interim Chair for tonight's meeting. The motion carried by voice vote.

2. Roll Call and Declaration of Quorum

The roll was called and a quorum declared present with one member absent.

3. Correspondence

None

4. Approval of Minutes (June 16, 2011)

Mr. Courson moved, seconded by Mr. Palmgren to approve the June 16, 2011, minutes as

8/11/11

1 **submitted. The motion carried by voice vote.**

2
3 Ms. Capel requested a motion to re-arrange the agenda and hear Case 694-V-11, Damon Reifsteck,
4 prior to the continued cases.

5
6 **Mr. Passalacqua moved, seconded by Mr. Courson to re-arrange the docket and hear Case**
7 **694-V-11, Damon Reifsteck, prior to the continued cases. The motion carried by voice vote.**

8
9 **5. Continued Public Hearing**

10
11 **Case 687-AM-11 Petitioner: Dr. Phillip Jones and Sara Beth Jones Request to amend the**
12 **Zoning Map to change the zoning designation from CR Conservation-Recreation to AG-1**
13 **Agriculture. Location: An approximately 12.69 acre tract of land that is located in the North**
14 **Half of the South Half of the Northeast Quarter of Section 27 of Crittenden Township and**
15 **located on the west side of Illinois Route 130 (CR 1600E) and 1,328 feet south of the**
16 **intersection of Illinois Route 130 and CR 200N and County Highway 16 and commonly known**
17 **as the property at 175N CR 1600E, Villa Grove.**

18
19 **Case 688-S-11 Petitioner: Dr. Phillip Jones and Sara Beth Jones Request to authorize the**
20 **construction and use of a “Heliport-Restricted Landing Area” as a Special Use on land that is**
21 **proposed to be rezoned to the AG-1 Agriculture from the current CR Conservation-Recreation**
22 **Zoning District in related zoning case 687-AM-11; and with a waiver of Special Use standard**
23 **condition required by Section 6.1 that requires a runway safety area to be located entirely on**
24 **the lot. Location: An approximately 12.69 acre tract of land that is located in the North Half of**
25 **the South Half of the Northeast Quarter of Section 27 of Crittenden Township and located on**
26 **the west side of Illinois Route 130 (CR 1600E) and 1,328 feet south of the intersection of Illinois**
27 **Route 130 and CR 200N and County Highway 16 and commonly known as the property at**
28 **175N CR 1600E, Villa Grove.**

29
30 Ms. Capel called Case 687-AM-11 and Case 688-S-11 concurrently.

31
32 Ms. Capel informed the audience that Case 688-S-11 is an Administrative Case and as such the
33 County allows anyone the opportunity to cross examine any witness. She said that at the proper time
34 she will ask for a show of hands for those who would like to cross examine and each person will be
35 called upon. She requested that anyone called to cross examine go to the cross examination
36 microphone to ask any questions. She said that those who desire to cross examine are not required to
37 sign the witness register but are requested to clearly state their name before asking any questions.
38 She noted that no new testimony is to be given during the cross examination. She said that attorneys

8/11/11

1 who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross examination.

2
3 Mr. Hall distributed a new Supplemental Memorandum dated August 11, 2011, to the Board for
4 review. He said that Mr. Singleton distributed two items to the Board for review and it is Mr. Hall's
5 understanding that the neighbors also have new evidence to present at tonight's meeting. He said that
6 in situations such as this, in the past, the will Board take in all of the new written evidence and if
7 there is sufficient evidence the Board will continue the case to a later date so that the Board can
8 properly review the new evidence. He said that in this instance, since there is not a full Board
9 present tonight, he would advise the petitioner to request a continuance until such time when a full
10 Board is present. He said that in a controversial case like this he would always recommend to not get
11 a final determination until a full Board is present. He said that he can review the items of the new
12 memorandum with the Board and he noted that a new revised site plan was received for review. He
13 said that the revised site plan does correct all of the dimensional issues with the old site plan. He
14 said that the safety areas are as they should be as are the side transition areas. He said that the
15 petitioner also revised the length of the strip of land for the hanger which is an improvement over the
16 last site plan. He said that it is now known how close the RLA landing area, the 100 foot wide
17 landing strip, is to the north property line and that dimension is 111 feet. He said that the Board
18 could look at this in two ways how it was intended on the original site plan or that the previous site
19 plan indicated that it would be 20 feet further away. He said that the dimensional issues have been
20 cleared up and it is now clear how far the RLA is proposed to be to the property line.

21
22 Mr. Hall stated that the attachments to the Supplemental Memorandum dated August 11, 2011, did
23 not all come from the petitioner. He said that the first two attachments came from Jean Fisher and
24 all of the other attachments did come from the petitioner. He said that each Board member received
25 a copy of the handout from Allen Singleton with today's date regarding *Section 16.160 of the Illinois*
26 *Administrative Code* and the letter from the Hillard Agency, Inc. He said that any neighbors who did
27 not receive copies of these materials tonight can call the office to request that they be mailed to them
28 before the next hearing.

29
30 Mr. Hall stated that the Board also received a copy of the letter submitted by Steve Gast, dated
31 August 9, 2011. He said that any neighbor who did not receive a copy of Mr. Gast's letter can also
32 request to have it mailed to them before the next hearing.

33
34 Ms. Capel stated that the Board has received a lot of new evidence regarding this case at tonight's
35 hearing. She asked the Board if since this is such a controversial case would the Board desire to wait
36 before receiving testimony to see if there is any other written evidence to be received.

37
38 Ms. Capel asked the audience if anyone in the audience had any additional evidence in writing to

8/11/11

1 present to the Board tonight.

2

3 Mr. Capel informed the audience that anyone who desires to present testimony must sign the
4 witness register. She reminded the audience that when they sign the witness register they are
5 signing an oath.

6

7 Ms. Capel called Mr. Allen Singleton to testify.

8

9 Mr. Allen Singleton, legal counsel for Dr. and Mrs. Jones, stated that the written materials
10 addressed the issue of noise and safety issues. He said that every death is significant but
11 there is a risk anytime someone drives down the road or walks across the street and as citizens
12 everyone needs to keep in mind that just because something may not be familiar doesn't mean that
13 it is more risky than something that is more familiar such as getting into a car on a daily basis.

14

15 Mr. Singleton stated that they provided information with respect to lead because some of the
16 issues raised previously dealt with lead in the airplane gas. He said that in regards to Dr. Jones'
17 airplane and helicopter neither one uses leaded gasoline. He said that one uses kerosene, which
18 does not contain any lead, and the other uses 87-Octane which is the same gas that someone would
19 buy at a gas station for their car.

20

21 Mr. Singleton stated that he did raise the issue regarding the Fisher's dog training activities, but
22 not because he believes that dog training activities are not good. He said that at one time he was a
23 member of a dog training club for years and helped them obtain a special use permit to build a
24 new facility north of Urbana. He said that the dog training club obtained a special use permit due
25 to the nature of the training activities because there is a lot of noise associated with dogs and the
26 training process. He said that the reason why he brings this subject up is because of the nature of
27 the neighborhood. He said that some people train dogs, others fly helicopters and airplanes for
28 recreation and to assist law enforcement. He said that he appreciates the Board's indulgence with
29 this case. He said that the one picture which may not be apparent is a picture of the Fisher's yard
30 which shows the dog training equipment. He said that one individual mentioned in their letter
31 about the dog training which takes place on the Fisher property which is not a bad thing but it
32 does indicate that there are other noisy things that take place in the neighborhood.

33

34 Ms. Capel asked if staff had any questions for Mr. Singleton.

35

36 Mr. Hall stated that he appreciates the accident data because he went to the website and could not
37 find any information regarding the locations of the accidents relative to the runway. He said that
38 if the location information is available then he would appreciate obtaining a link to the website.

8/11/11

1 He said that staff did a mapping of the accident data during the Willard Airport Special Area Plan
2 and areas closer to the runway have a higher density of accidents and he believes that this
3 information goes directly to the heart of some of the issues of this case and if he could have
4 access to that data he would be happy to see what he could do with it before the next hearing.

5
6 Mr. Singleton stated that he would be happy to share all of the resources that he used to gather the
7 data.

8
9 Ms. Capel asked the Board if there were any questions for Mr. Singleton.

10
11 Mr. Passalacqua stated that the most recent accident was two weeks ago at the end of a runway in
12 Rantoul.

13
14 Ms. Capel called Mr. Jody Eversole to testify.

15
16 Mr. Jody Eversole, who resides at 16 Hancock Drive, Villa Grove, stated that he has been a
17 member of the St. Mary's community for over 35 years. He said that this has also been a tough
18 case for him because he has known the Fisher family for a long time and Dr. and Mrs. Jones are
19 also friends of his. He said that Mr. Joshua Fisher's testimony tore at his heart therefore he
20 decided to dig into this issue so that he can clear up a few of the misunderstandings.

21
22 Mr. Eversole stated that he has heard several things about Mr. Jones which concerns him. He
23 said that the Boy Scouts have a jamboree every year at the Rantoul Air Force Base, which is the
24 second highest attended Boy Scout event in the United States and is a real gem for Rantoul and the
25 surrounding community. He said that and at the last minute the hired photographer backed out on
26 the event so he called Dr. Jones requesting that his helicopter services be utilized to come to the
27 event to take photographs. Mr. Eversole stated that Dr. Jones dropped what he was doing with his
28 own family and flew up to Rantoul to take care of the event.

29
30 Mr. Eversole stated that Dr. Jones does a lot of things for the Villa Grove community. He said
31 that the Building and Trades program at the Villa Grove High School was about to be cut and Dr.
32 Jones came forward and funded the entire program.

33
34 Mr. Eversole stated that at one time he was with Dr. Jones and his wife called to let him know that
35 a young man had broken a tooth off and had to go to school the next day. Mr. Eversole said that
36 even though Dr. Jones was getting ready to go to a family event he met the young man at his
37 dentist's office to repair the tooth. Mr. Eversole stated that the entire event took about one-and
38 one half hours and when he picked up Dr. Jones he asked him what it would cost to have a dentist

8/11/11

1 show up on a Sunday night to fix a broken tooth. Mr. Eversole stated that Dr. Jones told him that
2 the young man was not a patient of his therefore he had no records for him therefore he fixed the
3 tooth for free. Mr. Eversole stated that at the last few meetings he heard a lot of testimony
4 regarding Dr. Jones' character therefore he wanted to testify on behalf of his character. Mr.
5 Eversole stated that he does not know a finer man than Dr. Jones and he does know a lot of the
6 people that are sitting in this room. Mr. Eversole stated that he works for Oprah Magazine and he
7 knows a lot of people and there is no one finer in this room than Dr. Jones.

8
9 Mr. Eversole stated that someone indicated at one of the meetings about how Dr. Jones repeatedly
10 rolls his airstrip. Mr. Eversole stated that Dr. Jones did a favor for him for the Boy Scout event
11 therefore he returned the favor by obtaining a large roller from the township road commissioner so
12 that Mrs. Jones does not have to mow over the many bumps along the airstrip. Mr. Eversole
13 stated that Dr. Jones does not have time to roll his yard because he works from 7 AM to 7PM.
14 Mr. Eversole stated Dr. Jones reluctantly allowed him to roll the yard and the first time that he did
15 it the yard was very dry so the rolling process did not do a very good job. He said that he waited
16 for a rain and rolled the entire property for a second time and it smoothed out very well.

17
18 Mr. Eversole stated that testimony was given at a previous hearing about airplanes buzzing their
19 home. He said that he found this ironic because on the way back from Rantoul he tried to get Dr.
20 Jones to buzz his brother's home and Dr. Jones gave him ten reasons why he would not do it but
21 the reason that stuck out was that he had two young boys and a wife at home and he wants to make
22 sure that he is there for them.

23
24 Mr. Eversole stated that yesterday Villa Grove had a huge fire and someone informed Mr.
25 Eversole that Dr. Jones was flying his aircraft through the smoke of the fire which seemed odd.
26 Mr. Eversole stated that he called Dr. Jones' office at the time of the fire and Dr. Jones was at his
27 office performing his dental services. He said that any more it appears that any time something
28 happens with a helicopter or an airplane in the Villa Grove community Dr. Jones either gets the
29 blame or credit for it.

30
31 Mr. Eversole stated that he agrees with Mr. Joshua Fisher regarding the fact that it is the American
32 dream to own your own home and no one wants a neighbor to come in and do anything to devalue
33 your property. He said that on July 23, 2011, he drove out to the Jones' and sat in the driveway so
34 that he could get an idea of what the Fisher's were concerned about. He said that he can remember
35 when the Fisher family set up their dog training equipment because the neighbors in the
36 community were at arms because of the possibility of the barking dogs. He said that the dogs are
37 there and there have been no issues therefore it was just a situation where the neighbors got caught
38 up in the use and it became escalated way beyond what was really happening. He said that the

8/11/11

1 same thing happened when the Fisher family built their pond because the neighbors were
2 concerned about the flood plain and how the pond would affect the neighboring properties. He
3 said that everything ended up just fine and the pond issue was just another incident where the
4 neighbors got excited about the unknown.
5

6 Mr. Eversole stated that he can remember building Mr. Larry Hall's house with Mr. Richard
7 Lively because he took a week off of work to help Mr. Lively get the house framed and closed up
8 during the winter. He said that the one thing that he was always concerned about with the Hall
9 property was the road noise from Route 130. He said that on July 23, 2011, while he was sitting
10 in the driveway at the Jones' property he noticed a lot of farming equipment in the area making
11 noise along with the traffic from Route 130 and St. Mary's Road (County Highway 16). He said that
12 there was also a crop duster within the area which continued to go above the neighborhood which
13 created a lot of noise and he could not imagine that Dr. Jones' helicopter would be any louder
14 than the crop duster. He said that the more that he thought about Mr. Joshua Fisher's comments the
15 more he thought about where Dr. Jones' helicopter had been housed which is in Hugo. Mr. Eversole
16 stated that he went down to Hugo to speak to the neighbors to see what he could find out. He said
17 that where the helicopter is stored is in a very remote location where there is no noise or traffic
18 and there is only one neighbor, Tom Voight. He said that Tom Voight owns Miller & Voight
19 Insurance in Villa Grove and Mr. Eversole served with Mr. Voight on the Villa Grove Park and
20 Recreation Board for many years therefore he was delighted to see that the bordering property was
21 owned by Mr. Voight. Mr. Eversole stated that if anyone would have a gripe about the helicopter it
22 would be Mr. Voight because he has horses and other livestock. Mr. Eversole spoke with Mr.
23 Voight and he indicated that at first he was very concerned about the helicopter because his property
24 is so isolated that he is lucky to see two cars a day go past his house. Mr. Eversole stated that Dr.
25 Jones has been his neighbor for six or seven years and he has been the best neighbor that he could
26 ever ask for because if Mr. Voight needs to borrow a piece of equipment Dr. Jones has no problem.
27 Mr. Eversole stated that Mr. Voight indicated that his horses jumped around a little bit when the
28 helicopter had come and gone but now he and his wife enjoy watching the helicopter come and go.
29 Mr. Eversole stated that Mr. Voight indicated that the helicopter's coming and going does not
30 happen very often because Dr. Jones is busy and he may only fly once every six weeks.
31

32 Mr. Eversole stated that he spoke to the Douglas County Sheriff's office and they indicated that there
33 were four police and sheriff's offices that wrote letters on behalf of Dr. Jones' request. He said that
34 normally they do not get involved in these types of issues because they are elected officials and it is a
35 no-win situation for them to get involved. He said that the Douglas County Sheriff stated that to
36 have a resource like a helicopter is unbelievable because they have found marijuana farms and a
37 meth lab due to Dr. Jones' assistance. Mr. Eversole stated that the Sheriff's information surprised
38 him because Dr. Jones has never told him about these discoveries. Mr. Eversole stated that the

8/11/11

1 Sheriff's office told him that an area nursing home had an Alzheimer's patient leave the nursing
2 home and it was critical, because they do not have money in their budget, to have the air support in
3 locating the lost patient. Mr. Eversole stated that Dr. Jones does not charge for these emergency
4 services and if he gets the call he will drop what he is doing and go but the current location of where
5 he has to keep the helicopter is too far away.

6
7 Mr. Eversole stated that Mr. Larry Hall indicated that the proposed use would devalue his house.
8 Mr. Eversole stated that he never liked the location of Mr. Hall's house when Mr. Lively built it
9 because it was so noisy out there but if he would ever want to sell it he would be interested in
10 purchasing it and having the Jones family has neighbors. He said that Mr. Larry Hall indicated that
11 at times he is awakened in the middle of night by the helicopter but Mr. Eversole stated that he
12 knows Dr. Jones only flies at night if it is in the case of an emergency and he is not out joy riding at
13 2AM. He noted to Dr. Jones that he appreciates the fact that Dr. Jones makes him self available if
14 there is an emergency rather than taking the luxury of rolling over and going back to sleep.

15
16 Mr. Eversole stated that Dr. Jones and his wife are environmentalists and Mrs. Jones, a teacher at
17 Villa Grove Schools, takes her class to the property to research. Mr. Eversole stated that someone
18 was harvesting a tremendous amount deer out of the woods and Dr. Jones was instrumental in
19 putting a stop to that practice. He said that no matter how the Board decides to vote it is going to be
20 a win for Dr. and Mrs. Jones because it is all about time for Dr. Jones, which he does not have. Mr.
21 Eversole stated that Dr. Jones is not going to be opening up an O'Hare Airport South because he has
22 a young family. Mr. Eversole stated that the Sheriff indicated that the response time is critical and
23 Dr. Jones' response time to an emergency means everything. Mr. Eversole stated that if the Board
24 votes for a denial then it means that Dr. Jones can no longer assist the community with their
25 emergency needs. Mr. Eversole stated that he would not want to be the one to put a stop to a needed
26 service such as this.

27
28 Mr. Eversole stated that after the last public meeting the News Gazette had a story on the front page
29 of the Sunday paper indicating that it took the police 90 minutes to respond and 96 people died and it
30 continued to indicate that without a helicopter the S.W.A.T. team had to drive to the incident.

31
32 Mr. Eversole stated that change is hard and it doesn't matter if you are digging a pond, building a
33 house or installing a heliport. He said that Dr. Jones is a good person and everyone involved are very
34 smart people and generally everyone in the community gets along well therefore issues like this can
35 be worked out.

36
37 Ms. Capel asked if staff had any questions for Mr. Eversole.

38

8/11/11

1 Mr. Hall pointed out to the Board, and he discussed this issue with Mr. Eversole prior to the meeting,
2 that most of his testimony was second hand. He said that the Board could have stopped Mr. Eversole
3 but the Board does not have to pay attention to the testimony because it was second hand.

4
5 Mr. Eversole stated that he is glad that Mr. Hall pointed out that his testimony is second hand
6 because he did miss one point. He said that Mr. Voight indicated that he would be glad to address
7 any concerns or questions that the Board may have regarding the current location of the helicopter.
8 He said that Mr. Voight can be reached at Miller and Voight Insurance and Real Estate in Villa
9 Grove.

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

12
13 Ms. Capel asked the audience if they desired to cross examine Mr. Eversole and there was no one.

14
15 Ms. Capel called Ms. Jean Fisher to testify.

16
17 Ms. Fisher requested that she would like to testify at a later time during tonight's meeting.

18
19 Ms. Capel called Julia Hall to testify.

20
21 Ms. Julia Hall, who resides at 177N CR 1600E, Villa Grove, stated that her property is immediately
22 adjacent to the airstrip which is being proposed by Phillip and Sara Beth Jones. She thanked the
23 Board for hearing their appeal to the request and she thanked the audience for taking the time in
24 attending this meeting.

25
26 Ms. Hall stated that Mr. Eversole stated that he helped build her home therefore he probably helped
27 put in the windows and currently the view out the windows is only weeds. She said that she is not
28 indicating that Dr. and Mrs. Jones are bad people at all and they have enjoyed many over-the-fence
29 conversations with the Jones. She said that the issue at hand is not the Jones' themselves but the
30 airstrip that they are proposing next to her home. She said that she respectfully requests that the
31 Jones' property is not rezoned from CR to AG-1 and that the Board deny the request for a Heliport-
32 Restricted Landing Area.

33
34 Ms. Hall stated that during her previous testimony on June 16, 2011, before this Board she indicated
35 that she had no quarrel with Dr. Jones in landing his helicopter on his property. She said that during
36 her research she has found clear evidence of the dangers associated with the landing, take-off, flying
37 and storing of helicopters and/or small planes. She said that some of the dangers are lead
38 contamination, crashes due to operator error, aircraft malfunction and bird or animal strikes therefore

8/11/11

1 she strongly opposes the landing of any helicopter or plane on any of the property commonly known
2 as 175N CR 1600E, Villa Grove. She said that she will not repeat the letter that she submitted to the
3 Board on July 30, 2011, because she is sure that the Board has had sufficient time to read it and
4 anyone else who desires to read it can do so on the Champaign County website. She said that she
5 would like to highlight and expand on some facts that were contained in her letter.
6

7 Ms. Hall stated that at the previous hearing of the ZBA held on June 16, 2011, Dr. Jones indicated
8 that he would like to land his helicopter and his father would like to land his plane. She said that Dr.
9 Jones indicated that according to FAA regulations his landing area can allow up to six aircraft at one
10 time which means that six airplanes and any number of helicopters can land on the property.
11

12 Ms. Hall stated that even the best of pilots under the best conditions have been known to crash. She
13 said that pilots such as 62-year old Joe Pike, a certified flight instructor and long time helicopter
14 pilot, died when his vintage helicopter crashed in a California desert. She said that the exact cause of
15 the crash was unknown but Pike did transmit a "mayday" call to the air traffic control tower before
16 the helicopter hit the power line. She said that his obituary stated that Mr. Pike owned and operated
17 Golden State Helicopters and had guided countless students to their helicopter certificates. She said
18 that even the best of pilots under the best conditions have been known to crash. She said that pilots
19 such as Mr. Burkett of Champaign who along with his wife and daughter were tragically killed in a
20 fiery crash in Rantoul on July 24, 2011. She said that Mr. Burkett had been a pilot for almost 20
21 years and held an instrument rating. She said that friends stated that he was a meticulous and
22 cautious pilot not known to take any risks when it came to flying in inclement weather. She said that
23 the Burkett's plane burst into flames when it hit the ground. She said that pilots such as Daniel Fulk
24 whose single engine plane hit a house just north of Frasca Field in Urbana in February, 2011. She
25 said that the owner of the home said that it sounded like a bomb went off. She said that apparently
26 the pilot was flying west to east to land practicing crosswind landings and when he started banking to
27 go back around to the north he lost altitude, the left wing hit the ground and the aircraft
28 somersaulted. She said that fortunately no one was hurt but the owners of the house were left with a
29 severely damaged home.
30

31 Ms. Hall stated that according to the National Transportation Safety Board records in Illinois there
32 have been 34 recorded single engine plane crashes in an 18 month period between January 5, 2010,
33 to July 7, 2011, which is one crash every other week in Illinois alone. She said that according to the
34 Helicopter Association International Report there were 161 helicopter accidents in the United States
35 in 2009 which is over three accidents per week. She said that the statistics for 2010 had not been
36 published at the time of her research.
37

38 Ms. Hall stated that the Jones family constructed a large pond in the immediate vicinity of their

8/11/11

1 landing strip and the pond has attracted a large amount of water fowl and she has personally
2 observed a blue crane landing on the pond. She said that she has witnessed geese swimming in the
3 cornfield across from her property and when geese find water they land in it and take off from it.
4 She said that tonight a handout indicated that there are no large water fowl on the pond but she
5 begs to differ because she has seen them with her own eyes. She said that water fowl poses a
6 distinct hazard to the landing or take off of any aircraft. She said that according to FAA
7 statistics, in 2010 there were 486 bird strikes by planes in Illinois which is more than one per day.
8 She said that that over 219 people have been killed world wide as a result of bird strikes since
9 1988. She said that water fowl, gulls, raptors, pigeons and doves represent 81% of the reported
10 bird strikes causing damage to U.S. Civil aircraft between the years of 1990 and 2010. She said
11 that over 990 aircraft collisions with deer and 340 collisions with coyotes were reported in the
12 U.S. between the years of 1990 and 2010. She said that if you have ever driven the rural roads of
13 Champaign County you will witness deer and coyotes.

14
15 Ms. Hall stated that the North American non-migratory Canadian Goose population increased
16 about four fold from 1 million birds in 1990 to over 3.5 million in 2010. She said that about
17 1,300 Canadian Geese strikes with civil aircraft have been reported in the U.S. between 1990 and
18 2010 and 42% of these strike events involved more than one bird. She said that this information
19 was taken from the Bird Strike Committee USA.

20
21 Ms. Hall stated that most small planes use a fuel called AvGAS and this fuel contains lead. She
22 said that the lead that is found in AvGAS is a combustion product and it contains potent neural
23 toxins that have been shown in scientific research to interfere with the brain development in
24 children. She said that the United States EPA has noted that exposure to even very low levels of
25 lead contamination has been conclusively linked to low IQ in children thus providing a high
26 degree in motivation to eliminate lead and its compounds in the environment.

27
28 Mr. Miller stated that he does not feel that the type of gas that is used in any airplane or aircraft
29 or automobile, tractor or combine has anything to do with zoning.

30
31 Ms. Hall stated that she is addressing the safety issue of the fuel on the property.

32
33 Mr. Miller stated that this particular type of fuel has nothing to do with this case.

34
35 Ms. Hall stated that she respectfully disagrees with Mr. Miller. She said that according to her
36 research the fuel is not only a hazard because of fuel spills but also because of the of omissions
37 of the fuel.

38

8/11/11

1 Ms. Capel asked Ms. Hall if the information was included in article that she submitted.

2

3 Ms. Hall stated yes.

4

5 Ms. Capel stated that if the information is included in the written information then Ms. Hall does
6 not need to cover it in testimony. She said that the petitioner established what type of fuel he
7 uses.

8

9 Ms. Hall reminded the Board that in 2004 Dr. and Mrs. Jones purchased their property, built their
10 home and now propose to construct a runway just south and west of a previously established
11 subdivision containing three large lots with residential homes and one farmstead. She said that
12 there are other residential homes that will be impacted and many of their neighbors have voiced
13 their concerns about the potential threat to their property and for some reason or another they did
14 not feel that they could voice their opposition. She said that since she and her husband are the
15 most affected by this construction due to the close proximity they implore the Board to not
16 approve the construction of a heliport –restricted landing area or rezone the property.

17

18 Ms. Hall noted that in regards to the noise issue she and her husband can not only hear the
19 helicopter but they can feel it when it is in the area. She said that they are aware of the Fisher's
20 dog training facility and they don't hear the dogs barking. She said that they do hear the planes
21 and the helicopters as they fly extremely low over their house and they feel the vibrations in the
22 house when they fly over.

23

24 Ms. Capel asked if staff had any questions or comments for Ms. Hall and there were none.

25

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

27

28 Mr. Courson asked Ms. Hall if she would feel more comfortable if a condition was proposed that
29 would restrict the use of the landing area to only Dr. and Mrs. Jones.

30

31 Ms. Hall stated yes.

32

33 Ms. Capel called Larry Hall to testify.

34

35 Mr. Larry Hall, who resides at 177N CR 1600E, Villa Grove, stated that his home is immediately
36 adjacent to the proposed use. He said that Mr. Eversole made one of the best presentations that
37 he has heard in a long time and he is not going to take a lot of exception to a lot of the things that
38 he said because it is not personal. Mr. Hall stated that when he made a reference of rolling the

8/11/11

1 lawn it was a question of why and where and it was identified as smoothing the lawn and quite
2 frankly he didn't think of that part of it and it was answered. He said that this hearing is about
3 addressing concerns therefore he posed the question.
4

5 Mr. Larry Hall submitted petitions to support opposition of the proposed rezoning of the property
6 owned by Phillip and Sara Beth Jones for CR to AG-1 for the sole purpose of constructing a
7 heliport-restricted land area. He said that the petition reads as follows: We, the undersigned
8 oppose the rezoning in order to protect the existing neighborhoods in the area, preserve the
9 property values of the homes in the existing residential neighborhoods, protect the wildlife, farm
10 and domestic animals in the area, preserve the scenic value as stated in the Zoning Code as one
11 of the purposes of the Conservation-Recreation classification, protect the safety and welfare of
12 those traveling along Route 130 and protect the safety and welfare of the home owners in the
13 existing neighborhoods.
14

15 Mr. Larry Hall stated that there are 38 signatures on the petition with 32 identified as property
16 owners and the locations of their properties indicated on the attached map to the petition. He
17 said that four of the signatures were persons who have vested interest but are not residing within
18 the boundaries of the request and a couple of concerned friends. He submitted the petition as a
19 Document of Record.
20

21 Mr. Larry Hall stated that he believes the primary difference between the helicopters and the
22 landing strip needs to be identified. He said that his wife has expressed her concerns regarding
23 the helicopter landing on the subject property and he believes that her concerns are valid. He
24 said that he is concerned with the landing strip and he does not believe that if the request was
25 denied that the community would be without his services. He said that he commends Dr. Jones
26 for providing these services for the community and he would trust that Dr. Jones will not stop
27 providing these services if his request is denied
28

29 Mr. Larry Hall stated that it was mentioned that perhaps all of the parties could meet to discuss
30 the proposal so that any concerns could be addressed. He said that as he looks back at this
31 process it seems logical that the one who wanted to do all of this would have been the one who
32 would have come to the neighbors to discuss his proposal ahead of time and this was not done.
33 He said that sometimes when things are not done in the right order it breeds a less than favorable
34 relationship as you get into these situations, which is unfortunate, and the only contact that was
35 made to him was in the eleventh hour and by that time it was hard to weigh anything.
36

37 Mr. Larry Hall stated that he requested that an independent real estate broker visit the property to
38 provide their professional opinion regarding his concern about the future value of his property.

8/11/11

1 He read an excerpt from the brokers letter as follows: I visited Larry and Julia's home and
2 looked over the proposed landing area site and based on their observation and twelve years of
3 experience in real estate it is their opinion that the heliport-restricted landing area being
4 constructed on the proposed property would have a significant negative impact on the Hall's
5 property value and significantly diminish their ability to sell their home in the future.
6

7 Mr. Larry Hall stated that he and his wife are getting ready to look at retirement and they are very
8 concerned about the opinion posed in this letter.
9

10 Mr. Larry Hall stated that the letter continues to read: Even though no comparables are
11 immediately available for a similar situation in Champaign County the negative impact, in their
12 opinion, would be considerable. In addition, they believe that the Halls' have already
13 experienced some reduction in value by the berm that has been constructed to the west and south
14 of their property. The Hall's view of the conservation land to the west has been taken from them
15 for no apparent reason and their other concern after visiting with residents in the Villa Grove area
16 is that the site is being used or will be used for commercial insecticide planes to reload chemicals
17 and fuel. With all of the concern that Champaign county residents have shown in the past several
18 years to preserve conservation land, I would think it would be mandatory for the present owner to
19 present a long term Environmental Impact Study to the county and its residents.
20

21 Mr. Larry Hall asked Mr. John Hall if the recommended restrictions were included in the
22 memorandum.
23

24 Mr. John Hall stated yes. He said that the restrictions were included in the August 5, 2011,
25 Supplemental Memorandum.
26

27 Mr. Larry Hall stated that there is a lot of confusion as to how much usage is proposed. He said
28 that he and his wife have submitted their opposition in writing to the Board although if their
29 opposition is ignored they requested that restrictions be placed on the use of the proposed
30 heliport. He said that requested in their July 31, 2011, letter, which is attached to the August 5,
31 2011, Supplemental Memorandum, that the use of the heliport be limited to only two helicopters
32 or other like aircraft at any one time. He requested a clarification from the petitioner or his
33 representative as to the number of aircraft that is anticipated. He said that at first he understood
34 that Dr. Jones would only have a helicopter and a family plane and one other plane.
35

36 Ms. Capel stated that Mr. Larry Hall can ask Dr. Jones this question during cross examination.
37

38 Mr. Larry Hall stated that he will defer his question at this time but he would like the opportunity

8/11/11

1 to request clarification from Dr. Jones during cross examination.

2
3 Ms. Capel stated that the question has been posed and he can ask Dr. Jones during cross
4 examination.

5
6 Mr. Larry Hall stated that the total package does include the berms that were constructed and the
7 lack of maintenance on the berms. He said that he and his wife are concerned about the weeds
8 that are seven to eight feet in height which includes thistles. He submitted a drawing which
9 indicates the grade of the berm which is behind his property and alludes to the use of other
10 properties surrounding the berm and how the berms will be maintained. He said that the
11 Champaign County Stormwater Management Plan has a slope requirement for berms that are
12 constructed for watershed purposes and the reason for the slope requirement is to allow
13 maintenance of the berm. He said that the slope grade that is required is a 3 to 1 grade ratio,
14 which is similar to the pitch of a roof. He said that the drawing indicates the 3 to 1 slope grade
15 that is required and the 1.2 to 1 grade slope which is the ratio for the berm which is located on
16 the west side of the neighbor's residences. He said that the 1.2 to 1 grade slope cannot be
17 maintained and is not intended to be maintained therefore if it is not maintained and the berm to
18 the south of his residence is not maintained then why would the Board believe that anything else
19 will be maintained. He said that it is only courteous to the neighbors to maintain these berms.

20
21 Mr. Larry Hall stated that he previously testified that the one helicopter did not bother him but
22 when he looked up the definition of a "heliport" he realized that such a use opens up the door for
23 a lot of things. He said that in trying to obtain more knowledge he found an ad for a heliport and
24 the services for that small heliport included helicopter charter, maintenance, ferry service,
25 pollination, air patrol, site seeing tours, aerial photography, electronic news gathering, financial
26 security, etc. He said that it appears that there could be an increased amount of frequency of use
27 and he would add there is already a heliport pad within one and one-half miles of the subject
28 property. He said that with both heliports in the neighborhood within close proximity of each
29 other there will be a lot of buzzing potential.

30
31 Mr. Larry Hall stated that he has not had a chance to review all of the new material but it appears
32 that the edge of the runway will be 110 feet from his property line plus 34 feet to the edge of his
33 home therefore creating a distance of 134 feet between the proposed airstrip and their home. He
34 said that with this distance he is concerned with the safety and noise standpoints. He said that
35 they understood the noise from the highway when they purchased the property and the previous
36 builder did a very good job insulating the house on the east side. He said that the other night one
37 of their neighbors called to let them know that fire engines were going by their home but they did
38 not hear them because they were watching a television show and working on the computer. He

8/11/11

1 said that they have a patio and a backyard therefore they have experienced the noise from the
2 helicopter and it didn't bother him one bit, but that is where he thought we were six months ago.
3 He said that the potential for excessive services with multiple helicopters, which he is told there
4 is no limit regarding the numbers of helicopters, is a concern and he believes that he and his wife
5 has every right to request clarification of the number of helicopters and aircraft proposed at the
6 site. He said that he reserves the right to ask Dr. Jones these questions for clarification and
7 respectfully requests the Board's consideration and support for their obvious position in
8 opposition to the proposed land strip next to their home.
9

10 Ms. Capel asked if staff had any questions for Mr. Larry Hall and there were none.
11

12 Ms. Capel asked the Board if there were any questions for Mr. Larry Hall and there were none.
13 Ms. Capel asked the audience if anyone desired to cross examine Mr. Larry Hall and there was
14 no one.
15

16 Ms. Capel called Ms. Jean Fisher to testify.
17

18 Ms. Jean Fisher, who resides at 195 CR 1600E, Villa Grove, stated that she has lived at her
19 current residence for almost 24 years and is probably one of the longest landowners who has
20 resided in the neighborhood. She said that it is interesting that when you walk around Villa
21 Grove and you talk to its residents should the topic of Dr. Jones' helicopters and aircraft it is
22 indicated that he has been saying for years that one day he will have this airport set up. She said
23 that she finds it very interesting that Dr. Jones purchased the property with the idea that he could
24 do this without approval of the varying agencies, one being the Champaign County Zoning
25 Board, and blatantly disregarded the proper governing bodies and landed his helicopters and
26 planes. She said that it is the buyers responsibility to investigate all aspects and information
27 about the property details and restrictions regardless if it is in regards to a home or a piece of
28 undeveloped land, let the buyer beware.
29

30 Ms. Fisher stated that many of the neighbors believe that there is no clear and convincing
31 evidence to support the petitioner's request for rezoning and special use permit. She said that the
32 last hearing addressed problems and gave evidence such as factual issues with respect to home
33 ownership and distances from the three-mile curve. She said that Champaign County Ordinances
34 which have been infringed by the petitioner were also addressed such as helicopters and planes
35 landing on the CR District property. She said that as Dr. Jones stated in the minutes, Line 8,
36 page 18, the proposed RLA has not been used since the Illinois Department of Transportation
37 landed on the runway last May and IDOT informed him that once the zoning issues were
38 corrected he would have no problem in obtaining a permit from their office. She said that the

8/11/11

1 submitted photographs and DVD demonstrate that this in fact was not correct. She said that Dr.
2 Jones testified that the RLA is a private airstrip and he believes that it is not technically legal for
3 people to land and take off without permission. She said that Dr. Jones also indicated that he
4 cannot have more than six planes come on to the strip without a written letter to the FAA
5 therefore there are many regulations set up by the State and Federal government.
6

7 Ms. Fisher stated that she has conducted some research and there is a requirement for a permit
8 and obtaining necessary approval from the State for a fly-in event, which is limited to 6 planes.
9 She said that with more planes that are at the home base and more planes allowed to fly-in it is
10 unknown as to how many planes could potentially be flying around at one time.
11

12 Ms. Fisher stated that the hearing has addressed home ownership values, safety and dangerous
13 effects on or in the floodplain and conservation areas. She said that statistics on aircraft
14 accidents in Champaign County, recent fatalities in Rantoul, and also incidents of planes crashing
15 may or may not have been totally presented. She said that chemical and fuel spills were
16 addressed and there are more problems which need to be addressed with the petitioner's
17 information.
18

19 Ms. Fisher stated that item 8.M of the Preliminary Draft Summary of Evidence dated June 16,
20 2011, indicates the following: Other than reviewed elsewhere in this Summary of Evidence,
21 there is no evidence to suggest that the proposed Special Use will generate either nuisance
22 conditions such as noise, vibration, glare, heat, dust, electromagnetic fields or public safety
23 hazards such as fire, explosion, or toxic materials release, that in excess of those lawfully
24 permitted and customarily associated with other uses permitted in the zoning district.
25
26

27 Ms. Fisher requested that the Board allow her to address the petitioner's statements with support
28 of the evidence provided. She said that in regards to noise, noise pollution generated from jet
29 propelled helicopters and airplanes have harmful effects of noise and sonic booms have been
30 studied by the U.S. Fish and Wildlife Service. She said that in the literature titled, *Effects of*
31 *Aircraft Noise and Sonic Booms on Domestic Animals and Wildlife: A Literature Synthesis*,
32 discusses the *National Environmental Policy Act* of 1969 or *NEPA* which requires all federal
33 government agencies to analyze the impacts of proposed federal actions significantly affected the
34 quality of the human environment and is referenced as (42 U.S.C.4341). She said that this was a
35 joint study done by the U.S. Air Force and the U.S. Fish and Wildlife Service. She said that the
36 graph on Table 1: Comparison of Sound Pressure and Sound Levels from Typical Sources,
37 indicates the sound pressure a 0.00002 micro-Newtons per square meter and 0 decibels for the
38 threshold of human hearing . She said that a very noisy factor is listed at 2 micro-Newtons per

8/11/11

1 square meter and 100 decibels. She said that the human pain threshold is 20 micro-Newtons per
2 square meter and 120 decibels. She said that by comparison a jet aircraft taking off at 25 meters
3 produces 200 micro-Newtons per square meter and 140 decibels. She said that the study goes on
4 to discuss the frequency levels of high and low exposure and states that humans as well as some
5 animals are more sensitive to higher frequency levels. She said that the study discusses in
6 Paragraph 2.2.1: Subsonic Noise, Turbo fan and turbojet engines are major sources of intense
7 aircraft noise. Jet engines are generally more powerful and produce noise of higher magnitude
8 than turboprop or piston aircraft engines. Also, jet engines produce a greater amount of noise in
9 the high-frequency range, thus increasing their relative annoyance factor. Ms. Fisher stated that
10 she could continue to read more references in the study although she would rather summarize this
11 particular portion by saying that the effects could be attributed to physical blood pressure
12 increases, hormonal and blood count increases and decreases, decreased milk production,
13 decrease in appetite, hearing loss, inner-ear bleeding, decreased fertility and miscarriage, thyroid
14 deficiencies, and psychological and behavioral issues such as anxiety, loss of fright reaction,
15 panic, flapping, soaring or trample reactions. She said that in all 57 species of mammals, birds,
16 fish, amphibians, reptiles and invertebrates were specifically mentioned as having effects
17 attributed to aircraft noise and or sonic booms. She said that the paper also points out the
18 particular studies on sheep and the effects upon them which is particularly important to her
19 situation because she has sheep at her farm.

20
21 Ms. Fisher stated that Mr. Eversole testified that Mr. Voight indicated that his horses jumped in
22 response the helicopter therefore why shouldn't other animals respond to the helicopter as well.
23 She said that she provided an article titled, *Effects of Noise on Hearing Thresholds*.

24
25 Mr. Miller stated that the Board is not discussing the landing of jet airplanes therefore testimony
26 regarding such is not relevant to this case.

27
28 Ms. Fisher stated that Dr. Jones testified that he has a former military helicopter that is jet
29 propelled.

30
31 Dr. Jones noted that the helicopter is jet fueled and not jet propelled.

32
33 Ms. Fisher stated that Dr. Jones testified that he is located in the Broadlands-Longview Fire
34 Protection District although she discovered that the subject property is located in the Villa Grove
35 Fire Protection District. She said that she was told that the Villa Grove Fire Department is a
36 volunteer fire department who would provide initial response to the subject property but for any
37 issues such as chemical or fuel spills a hazardous materials certified fire department would need
38 to be called in to respond because the Villa Grove Fire Department is not certified with such an

8/11/11

1 emergency. She said that the nearest certified fire department would be located in Tuscola or
2 Urbana and any residents or animals located within one-quarter of a mile could be called to
3 evacuate which would cause a hardship to the neighbors. She noted that Dr. Jones stores his
4 helicopter and airplane in Douglas County with little impact to the neighborhood and he is closer
5 to Tuscola which has a hazardous materials certified fire department.
6

7 Ms. Fisher stated that both helicopter and aircraft storage sites, hangar, and chemical
8 containment areas require special permits and are inspected annually to assure that certain
9 conditions and requirements are met. She said that operator error can occur at any time with even
10 the most experienced pilot. She said that petroleum fuel, agriculture pesticides, fungicides can
11 cause contamination to wells and water sources to people, livestock, fish, deer and other wildlife.
12 She said that page 25, of *The Guide to Illinois Drainage Practices and Law*, indicates that over
13 half of the drinking water in Illinois comes from our rivers and streams. She said that Larry and
14 Julia Hall have addressed the hazardous dangers of chemicals at tonight's meeting and Ms.
15 Fisher furnished a copy of the Illinois Department of Agriculture Agrichemicals Facilities
16 Containment Program. She said that she was told that an application for site approval would be
17 required.
18

19 Ms. Fisher stated that the issue of spot zoning was minimally addressed. She said that spot
20 zoning is when a select piece of property is granted a special use or non-conforming use with an
21 inconsistent type of zoned area. She said that there are many factors a planning committee
22 should look at prior to allowing a change in the requested site. She said that concerns for public
23 safety and the impact on the environment and the benefits for the good of the community should
24 show clear and convincing evidence in granting the change. She said that the petitioner has
25 previously stated that he keeps his helicopter in Douglas County and the minutes indicate that Dr.
26 Jones stated that his farmland in Douglas County is over 100 acres but there is a road in the
27 center of the farmland as well as a river. Ms. Fisher stated that Dr. Jones' previous statement
28 was the reason why he does believe that his acreage in Douglas County is not suitable for the
29 proposed use in Champaign County. She said that Dr. Jones also stated that there is no zoning in
30 Douglas County. Ms. Fisher stated that if there is no zoning in Douglas County then Dr. Jones
31 will not need a special use permit for his aircraft or helicopter yet he is asking for a special use
32 permit for an airstrip on 12 acres near many homes, a major highway, a forest line of large trees
33 and a river. She said that the Dr. Jones indicated that the landing of helicopter and aircraft is in
34 reference to a hobby and she said that she can appreciate that but he also indicated that the
35 helicopter was to be used for agricultural purposes. She said that using the helicopter for
36 agricultural purposes would be a commercial business and in the initial proceedings there was a
37 clear statement that there was such a need for this use. She said that whether the use is for
38 agriculture or a hobby, noise nuisance effects on humans or animals, crash, fire or chemical

8/11/11

1 spills, the health and safety of the public dictates the primary importance and not the desires of
2 one individual. She said that spot zoning uses potential buffers such as landscaping or bushes,
3 trees and dirt as a means to decrease the effect on adjacent landowners however the data that Ms.
4 Fisher reviewed doesn't show a support of inclinatory factors. She said that the American
5 Society of Planning factors or zoning buffers discusses issues of sound and air travel and the lack
6 of the fine control and effectiveness.

7
8 Ms. Fisher stated that recently Eric Rund, a farmer from Pesotum, met with President Obama in
9 Washington to request federal funds to promote conservation land use for bio-mass crops. She
10 said that the Prairie State Bio-Mass Group made the proposal to the Farm Service Agency as they
11 would enroll the land into the Conservation Reserve Program. She said that this promotes the
12 need for the conservation land in Champaign County.

13
14 Ms. Capel informed Ms. Fisher that there is a relevance issue regarding her last statement.

15
16 Ms. Fisher stated that there has been a collaboration of efforts between the long term landowners
17 in presenting facts, statistics, photographic and video-graphic evidence to the ZBA. She said that
18 it is a duty and responsibility to preserve the conservation areas but the primary importance
19 should be in protection of the public health and safety of the private landowners nearby. She said
20 that revisions or updates should be made to the County's Zoning Ordinance regarding the
21 protection of conservation areas. She said that possibly a need for more regulations and
22 notification of property owners in a larger capacity than what is customarily utilized. She said
23 that the petition that Larry Hall submitted included over 30 names of local landowners and they
24 had no idea that Dr. Jones had requested this use.

25
26 Ms. Fisher stated that it should stand to come to reason by the clear evidence to refuse the
27 petitioner's request to rezone and deny the special use permit due to the possible dangerous
28 affects to the public. She said that their needs and rights as peaceable, long-term landowners and
29 homeowners should not be infringed upon when they are the good of the community. She said
30 that the immediate long-term impact of dangers to the sensitive eco-system depends on its
31 protection now. She said that she respectfully requests the denial of the rezoning and special use
32 requests submitted by the petitioner.

33
34 Ms. Capel asked if staff had any questions for Ms. Fisher and there were none.

35
36 Ms. Capel asked the Board if there were any questions for Ms. Fisher and there were none.

37
38 Ms. Capel asked the audience if anyone desired to cross examine Ms. Fisher and there was no

8/11/11

1 one.

2

3 Ms. Capel called Mr. Mark Fisher to testify.

4

5 Mr. Mark Fisher declined to testify.

6

7 Ms. Capel called Dr. Phillip Jones to testify.

8

9 Dr. Phillip Jones, who resides at 175N CR 1600E, Villa Grove, stated that he would like to make
10 a few comments on the previous testimony by the audience. He said that the pond which he
11 spends approximately one hour per day upon does not have any regular attendance by wild birds
12 such as geese or ducks. He said that all of the statistics that were presented were relative to a jet
13 propelled engine that could suck in a bird and cause damage and it is impossible for such an
14 aircraft to be on a small air strip such as the one he is proposing. He said that a regular airplane
15 with a bird strike is a minor incident on the most part with a propeller driven airplane. He said
16 that the leaded fuel issue has been addressed because most airplanes are eligible for a fuel called
17 auto fuel STC which means that the aircraft can burn car gas which is nice because there is no
18 lead and it is cheaper to purchase. He said that the helicopter burns kerosene or Jet-A fuel which
19 contains no lead as well. He said that one of the photographs that was submitted includes the
20 visit from the Illinois Department of Transportation when they came to inspect the runway. He
21 said that regarding possible collisions with other aircraft utilizing the helipad, which is located
22 over one-mile from the subject property, they will use radio frequencies to collaborate with each
23 other. He said that his airplane is equipped with traffic avoidance equipment that sets off an
24 alarm if there is an aircraft within a five mile radius.

25

26 Dr. Jones stated that common sense would tell everyone in the room that a sonic boom will never
27 be an issue with a jet propelled aircraft. Dr. Jones stated that Ms. Fisher did a great job in her
28 presentation regarding the fact that the jet propelled aircraft causes damage to a human's ears but
29 not a piston driven aircraft. Dr. Jones stated that this will be a restricted landing area and will be
30 private not public therefore having twelve people fly in and out will not be an issue. Dr. Jones
31 stated that the reason why he desires to establish the use in its proposed location is because it is a
32 45 minute ordeal for him to get to the other property, prepare the helicopter and take off and it
33 creates a huge difference in response time versus ten minutes. He said that he would like to have
34 the RLA near his home because it is his hobby and the close proximity would be great.

35

36 Dr. Jones stated that this is his hobby just like Ms. Fisher's dog training and his family
37 continuously hears dogs barking on a daily basis but they do not make any comments because his
38 neighbors have their own hobbies just like he has his. He said that he spoke with the fire

8/11/11

1 protection district chief and the chief indicated that one of the neighbors had called him to
2 inquire about protection. Dr. Jones invited the fire protection district to come out to do a training
3 day and the chief was thrilled to have the invitation so that his fire crew could figure out how to
4 help if there is a problem, which he does not anticipate.

5
6 Dr. Jones stated that he called a local realtor who has 19 years invested in the real estate business
7 to analyze the situation and the realtor indicated that the proposed use is not an issue with real
8 estate value and could actually increase the value. Dr. Jones stated that the realtor indicated that
9 the improvements that he has made to his property only increases the value of the neighbor's
10 properties. He said that he does not believe that the neighbors are going to incur any loss in
11 value to their property due to this proposed use and tonight Mr. and Mrs. Hall received an offer
12 to purchase their property.

13
14 Dr. Jones stated that Ms. Fisher mentioned Eric Rund in her testimony. Dr. Jones stated that he
15 is partnering with Mr. Rund in the miscanthus project so he has used some of his equipment and
16 there is miscanthus planted right beside the runway and they are hoping to create a very green
17 and environmentally friendly fuel source.

18
19 Dr. Jones stated that the subject of weeds was mentioned. He said that he plants native prairie
20 grasses and at anytime the Board can come to his property to view the native grasses and flowers
21 in its natural habitat. He said that what the neighbors consider as weeds, in one man's eye, is a
22 valuable asset to the eco-system in another man's eye. He said that the thistles were mentioned
23 although the goldfinches thrive on thistle which is a native plant.

24
25 Dr. Jones stated that he has created a nice habitat and the runway will not interfere with it and it
26 makes a for a very nice grass land for grazing animals if they choose but very seldom are there
27 any animals out there due to the woods.

28
29 Ms. Capel asked if staff had any questions for Dr. Jones.

30
31 Mr. Hall asked Dr. Jones if he had a maintenance plan for the backside of the berms.

32
33 Dr. Jones stated that the berms have been planted with native grasses.

34
35 Mr. Hall stated that the native grasses can be planted but doesn't he have to worry about what
36 weeds sprout before the grasses.

37
38 Dr. Jones stated that he would assume that what he planted is growing along the berm.

8/11/11

1
2 Mr. Hall asked Dr. Jones if he had any plan for maintaining the vegetation on the backside of the
3 berms.

4
5 Dr. Jones stated that he has some maintenance plans in mind but he is not sure what he is going
6 to do yet. He said that he would like nature to take its course and he may do a controlled burn
7 with the help from Pheasants Forever therefore there are a lot of things that are possible to keep
8 the berms in the native grasses.

9
10 Ms. Capel asked the Board if there were any questions for Dr. Jones.

11
12 Mr. Courson stated that it appears that there is a lot of concern from the neighbors regarding the
13 frequency of flying. He asked Dr. Jones if he only proposes to fly a couple of times per month.

14
15 Dr. Jones stated that a couple of times per month are only an estimate and it is definitely not
16 going to be a couple of times per day. He said that frequency is going to be relative to the
17 weather and time of year because he will probably fly more during the month of June than he will
18 in January.

19
20 Mr. Courson asked Dr. Jones if he has any concerns about the Board placing restrictions on the
21 landing strip regarding usage exclusively by he and his family and no outside plans could use the
22 land strip.

23
24 Dr. Jones stated that surely he and the Board could surely work through something because there
25 may be an emergency situation.

26
27 Mr. Courson stated that he understands an emergency situation but what he is speaking about is a
28 restriction from friends using the land strip.

29
30 Dr. Jones stated that he is sure that some compromise could be met in regards to frequency.

31
32 Mr. Courson stated that there has been a lot of discussion about conservation and prairie grasses
33 and wildlife yet Dr. Jones is proposing to change the zoning on the piece of property from CR to
34 AG-1. He said that it appears that Dr. Jones is giving two different stories so that he can be
35 allowed to create the landing strip.

36
37 Dr. Jones stated that it is his understanding that the only way that he can create a landing strip is
38 to request a rezoning. He said that if the zoning could stay at CR and he could create the landing

8/11/11

1 strip then he would be as happy as a lark. He said that he does not care if the property is zoned
2 AG-1 or CR and he only wants the proper zoning approval so that he can obtain his permit from
3 IDOT. He said that AG-1 zoning doesn't mean anything him.

4
5 Mr. Passalacqua stated that there is a lot of support for and against the landing strip. He said that
6 geographically the neighbors are opposed and the support is from Dr. Jones' attorney and people
7 who believe that this is a great idea. He said that those who are in support do not necessarily live
8 in the neighborhood. He asked Dr. Jones if there are any neighbors who support the proposed
9 landing strip.

10
11 Dr. Jones stated that there are three neighbors, which are adjoining properties, who have
12 submitted letters of support for the landing strip.

13
14 Mr. Eversole requested the opportunity to ask questions.

15
16 Ms. Capel informed Mr. Eversole that he will need to wait until the Board is finished with their
17 questions for Dr. Jones or he could call Mr. Hall during regular office hours.

18
19 Ms. Capel asked the audience if anyone desired to cross examine Dr. Jones.

20
21 Ms. Capel called Larry Hall to the cross examination microphone. She reminded Mr. Larry Hall
22 that he cannot present new testimony and his cross examination should only be in regards to Dr.
23 Jones' testimony.

24
25 Mr. Larry Hall stated that a controlled burn would not be in the neighbor's interest because the
26 last time that there was a controlled burn it almost took out their largest pine tree.

27
28 Dr. Jones stated that the trees were on his property.

29
30 Mr. Larry Hall stated that the tree on his property was substantially damaged by the controlled
31 burn and for the balance of that year it remained damaged and in the next spring it did green out.
32 He said that the damage was not reported and none of the neighbors complained about the
33 controlled burn nor was there an apology from Dr. and Mrs. Jones. He said that his attention was
34 brought to the controlled burn when he came home and his garden hose was laying across the
35 front yard because someone had the foresight to go get the water hose which was fine. He said
36 that they also feed the goldfinches and they will miss them as they are drawn out into the fields.
37 He said that one of the Board members mentioned placing restrictions on the use of Dr. Jones'
38 personal planes and Dr. Jones indicated that some compromise could be worked out. He asked

8/11/11

- 1 Dr. Jones to indicate what type of compromise he would propose to the Board.
2
3 Dr. Jones stated that such a compromise would require discussion.
4
5 Mr. Larry Hall stated that he is believes that everyone is discussing the use of his and his father's
6 aircraft. Mr. Hall stated that he wants to make sure that he has seen Dr. Jones' helicopter
7 therefore he asked Dr. Jones to indicate the identification number on his helicopter.
8
9 Dr. Jones stated that he cannot remember the identification number on his helicopter.
10
11 Mr. Larry Hall stated that he believes that it is N32049.
12
13 Dr. Jones stated that he does not believe that Mr. Larry Hall is correct.
14
15 Mr. Larry Hall stated that perhaps it is 728LA.
16
17 Dr. Jones stated that he may be correct but he cannot confirm it.
18
19 Mr. Larry Hall stated that the helicopter with the identification number 728LA is registered to
20 Jones' Flying Association.
21
22 Dr. Jones stated that Mr. Larry Hall was correct.
23
24 Mr. Larry Hall stated that the Jones' Flying Association is registered in Wilmington, Delaware.
25
26 Dr. Jones stated that Jones' Flying Association is registered in Delaware and licensed in Illinois.
27
28 Mr. Larry Hall asked Dr. Jones if the Jones' Flying Association is basically just Dr. Jones.
29
30 Ms. Capel informed Mr. Larry Hall that is presenting testimony.
31
32 Mr. Larry Hall stated that he earlier asked permission to request information regarding the
33 airplanes' identification and number of planes owned by Dr. Jones.
34
35 Ms. Capel stated that they did not discuss identification but they did discuss the number of
36 planes.
37
38 Mr. Larry Hall asked Dr. Jones if he has other planes registered under Jones' Flying Association

8/11/11

1 that are owned by Dr. Jones.

2

3 Dr. Jones stated yes.

4

5 Mr. Larry Hall asked whether there is a WACO registered under the association. He asked Dr.
6 Jones to indicate where the plane is located.

7

8 Dr. Jones stated that the WACO plane is located at Tuscola.

9

10 Mr. Larry Hall asked Dr. Jones if there would ever be a reason why he would not want to bring
11 his own plane to his property.

12

13 Dr. Jones stated that it is possible due to storage.

14

15 Mr. Larry Hall stated that if he were building a hangar then he would not want to pay storage to
16 store his plane in. He asked Dr. Jones if the plane that he references in his testimony is the
17 Cessna plane.

18

19 Dr. Jones stated that he does have a Cessna plane.

20

21 Mr. Larry Hall asked Dr. Jones if the Cessna plane was also registered in Wilmington, Delaware.

22

23 Dr. Jones stated yes.

24

25 Mr. Larry Hall asked Dr. Jones where he stores the Cessna plane.

26

27 Dr. Jones stated that the Cessna plane is also stored in Tuscola.

28

29 Mr. Larry Hall asked Dr. Jones if he owned an Airtractor.

30

31 Dr. Jones stated that he does but he believes that it is sold.

32

33 Mr. Larry Hall asked Dr. Jones to indicate how long he had the Airtractor.

34

35 Dr. Jones stated that he has had the Airtractor for approximately six months.

36

37 Mr. Larry Hall asked Dr. Jones if the Airtractor was listed for sale since the first meeting in June.

38

8/11/11

1 Dr. Jones stated that the Airtractor has only been for sale for approximately three weeks.

2

3 Mr. Larry Hall stated that the Airtractor was listed for sale after the first meeting.

4

5 Dr. Jones stated yes.

6

7 Mr. Larry Jones stated that everyone was lead to believe that there was only a plane and a
8 helicopter but there were actually three planes and one helicopter. He said that one Board
9 member indicated that there are concerns about the frequency of the use of the planes and that is
10 the reason why he is posing the questions to Dr. Jones. He said that if there are more planes than
11 what everyone originally believed then he cannot imagine having three or four planes plus one
12 other family plane coming in and out of the property a couple of times per month.

13

14

15 Dr. Jones stated that he does not fly the planes all of the time because they are investments.

16

17 Ms. Capel stated that Dr. Jones does not have to respond to Mr. Larry Hall's comments because
18 Mr. Larry Hall is presenting testimony and not cross examining Dr. Jones.

19

20 Mr. Larry Hall stated that he is trying to address the concerns voiced by the Board member. He
21 said that there are reasons for their concerns and the number of planes that Dr. Jones owns only
22 validates those concerns.

23

24 Ms. Capel asked the audience if there was anyone else who desired to cross examine Dr. Jones
25 and there was no one.

26

27 Ms. Capel called Sara Beth Jones to testify.

28

29 Ms. Sara Beth Jones, who resides at 175N CR 1600E, Villa Grove stated that regardless of the
30 number of airplanes that she and her husband owns she only has one husband and one pilot in her
31 family. She said that in terms of frequency of flying he is not going to have any more time to fly
32 if he had 15 planes or one plane because he can only fly one plane at a time. She said that they
33 do not fly very often and she cannot imagine that he will stop working because he works 10 to 12
34 hours per day and it is not something that is going to change because like everyone else he has to
35 work. She said that she can understand the neighbor's concerns about accidents because every
36 time her husband goes up the possibility of an accident is in her head. She said that she did not
37 grow up flying around in an airplane and the first time that she flew in one was when she was 15-
38 years old and she is old enough to know what can happen when you go up in an airplane. She

8/11/11

1 said that when she gets in an airplane she is not the cool, calm person because she thinks about
2 everything. She said that when she goes up in an airplane with her husband she is amazed at how
3 great of a pilot he really is because he has been flying for almost twenty years and she has been in
4 the airplane since she was able and she has never thought twice about not going up with him.
5 She said that her husband does not fly when the weather is bad or when the airplanes are not in
6 full functioning order. She said that she understands that accidents can occur and it doesn't
7 matter whether you are in a car and what kind it is or how good of a driver you are there is
8 always something that can happen. She said that frankly in regards to the neighbors concerns if
9 something happens on the airport it is going to mean a lot more to her than it is going to matter to
10 them because it is her family.

11
12 Ms. Jones stated that the air strip is going to be a safe and wonderful place. She said that she and
13 her husband do enjoy their conservation practices. She said that she is a teacher and she takes
14 her students to the property for Earth Day. She said that she and her husband are passionate
15 conservation people and in her opinion the grass conserves the ground even more because they
16 are not eroding the ground and the water is not washing it away and they are not tilling it up
17 every year. She said that she and her husband do not place chemicals, pesticides or herbicides on
18 the ground and it is just what it is and currently it isn't growing at all because we haven't had any
19 rain.

20
21 Ms. Jones stated that she has horses because that is her hobby. She said that it was previously
22 mentioned that Mr. Voight's horses jumped when the helicopter takes off but her horses jump
23 when she starts her four-wheeler next to the pasture. She said that the horses are her passion and
24 she would not want anything that might harm her animals.

25
26 Mrs. Jones stated that testimony was given that airplanes have been buzzing their houses. She
27 said that testimony was given that an airplane was flying over Villa Grove due to the fire and
28 people automatically accused her husband. She said that people in the airplane world know them
29 and they know where they live and they also know that they have two little boys who believe that
30 there is nothing cooler than to watch an airplane over their house. She said that many times she
31 does not know who the people are but the boys get excited when a plane flies over the house.
32 She said that they know a lot of people with planes and they have asked them not to fly so close
33 to the house because it bothers their neighbors and other than crop dusters she hasn't seen any
34 low flying planes since the last hearing. She said that it is just like honking your horn when you
35 go past a friend's house pilots fly a little bit lower to say hello.

36
37 Ms. Jones stated that their lives are going to continue whether the Board approves the requests or
38 not and their boys are going to have the opportunity to fly with their dad. She said that approval

8/11/11

1 would make it a whole lot easier for the community if her husband was able to access his aircraft
2 without worrying about two train tracks to get across. She said that she was recently late for a
3 5AM appointment because she had to wait for over one-half hour at the railroad tracks in Villa
4 Grove. She said that if someone's life is on the line and he has to wait for at least one-half hour
5 to get across the railroad tracks in Villa Grove and then drive twenty minutes to the farm in Hugo
6 the delay could be tragic.

7
8 Ms. Capel asked if staff had any questions for Ms. Jones and there were none.

9
10 Ms. Capel asked if the Board had any questions for Ms. Jones and there were none.

11
12 Ms. Capel asked the audience if anyone desired to cross examine Ms. Jones.

13
14 Ms. Capel called Ms. Jean Fisher to the cross examination microphone. She informed Ms. Fisher
15 that no new testimony can be given during cross examination.

16
17 Ms. Jean Fisher stated that she appreciates Ms. Jones' comments and her respect and support for
18 her husband is obvious. She stated that Ms. Jones indicated that she was delayed for an
19 appointment because she had to wait over one-half hour at the railroad tracks in Villa Grove and
20 the same difficulty could exist for Dr. Jones to get to his aircraft to help someone. She asked
21 Ms. Jones to explain what type of service he would provide someone in an emergency.

22
23 Ms. Jones stated that Dr. Jones assists with locating lost people such as children and the elderly.

24
25 Ms. Fisher asked if Dr. Jones flies over the area to look out of the helicopter window for
26 someone.

27
28 Ms. Jones stated that a very different perspective is obtained from the air than from the ground
29 just like a different perspective is obtained from riding a horse than from walking.

30
31 Ms. Fisher stated that Dr. Jones does not have any special equipment to assist him in the search.

32
33 Ms. Jones stated that the helicopter is definitely something that she does not have available to
34 herself and neither does Ms. Fisher therefore the helicopter is a very useful tool.

35
36 Ms. Capel asked the audience if anyone else desired to cross examine Ms. Jones and there was no
37 one.

38

8/11/11

1 Ms. Capel asked the audience if anyone desired to sign the witness register to present testimony
2 regarding these cases.

3
4 Ms. Capel called Mr. Ed Gire to testify.

5
6 Mr. Ed Gire, who resides at 887 CR 1000E, Tolono, stated that he has known Dr. Jones and the
7 neighbors for a very long time. He said that some cows got loose and they were on Route 130
8 and he and Dr. Jones went up in the helicopter to get the cows away from the highway to prevent
9 a collision. He said that it was a quick response occurrence and he was lucky enough to be able
10 to go with Dr. Jones. He said that he also accompanied Dr. Jones with the search for a missing
11 elderly person.

12
13 Ms. Capel asked if staff had any questions for Mr. Gire and there were none.

14
15 Ms. Capel asked the Board if there were any questions for Mr. Gire and there were none.

16
17 Ms. Capel asked the audience if anyone desired to cross examine Mr. Gire and there was no one.

18
19 Ms. Capel asked the Board if there were any comments, questions for concerns that they would
20 like to discuss with Mr. Hall.

21
22 Mr. Passalacqua stated that he requires time to review all of the information

23
24 Mr. Courson stated that with all of the new information the Board should continue the case to a
25 later date. He said that he would like to review any proposed special conditions and restrictions
26 regarding the number of aircraft allowed on the air strip.

27
28 Mr. Hall stated that the first available regularly scheduled meeting for a continuance is within the
29 100-day limit and the date is November 17, 2011.

30
31 Mr. Courson asked if the Board should ask the petitioner if the continuance date is acceptable.

32
33 Mr. Singleton stated that a continuance to November 17th is fine.

34
35 **Mr. Palmgren moved, seconded by Mr. Courson to continue Cases 687-AM-11 and 688-S-**
36 **11 to the November 17, 2011, meeting. The motion carried by voice vote.**

37
38 Ms. Capel stated that the Board will take a five minute break.

8/11/11

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The Board recessed at 9:31 p.m.

The resumed at 9:37 p.m.

Case 689-AM-11 Petitioner: Charles T. and Shelly Sollers Request to amend the Zoning Map to allow for the establishment and use of 1 single family residential lot in the CR Conservation-Recreation District by adding the Rural Residential Overlay (RRO) Zoning District. Location: An approximately 6 acre tract of land that is located in the West Half of the North Half of the Northeast Quarter of Section 27 of Crittenden township and that is located approximately one-half mile west of the intersection of County Highway 16 and Illinois Route 130 and located on the South side of County Highway 16 (CR 200N)

Case 690-AM-11 Petitioner: Benjamin Shadwick and Jennifer Shadwick Request to amend the zoning Map to allow for the establishment and use of 1 single family residential lot in the CR Conservation-Recreation Zoning District by adding the Rural Residential Overlay (RRO) Zoning District. Location: An approximately 5.3 acre tract of land that is located in the West Half of the North Half of the Northeast Quarter of Section 27 of Crittenden Township and that is located approximately 2,000 feet west of the intersection of County Highway 16 and Illinois Route 130 and located on the south side of County Highway 16 (CR200N).

Ms. Capel asked the petitioners if they would be willing to allow the Board to hear the two cases simultaneously.

Mr. Courson moved, seconded by Mr. Passalacqua to hear Cases 689-AM-11 and 690-AM-11 simultaneously. The motion carried by voice vote.

Mr. Sollers and Mr. Shadwick agreed.

Mr. Hall stated that information for Case 690-AM-11 was distributed at the last meeting although it was very late and the Board ultimately did not discuss the new information. He said that there is a revised Preliminary Memorandum dated August 4, 2011, and the attachments which were part of the previous memorandum are still valid. He said that the Preliminary Memorandum dated August 5, 2011, is the first memorandum for Case 689-AM-11. He said that the RRO is an overlay rezoning and it does not change the CR but merely amends it. He said that there are 12 factors that the Board must consider and 10 factors relate to suitability.

Mr. Hall stated that for Case 689-AM-11, one of the attachments to the memorandum are the RRO, Table 2, which summarizes the comparison against typical Champaign County conditions and this

8/11/11

1 summary is even made more simple in Table 3. He said that the same table was attached to the
2 Supplemental Memorandum dated August 4, 2011. He said that the sites are similar. He said that in
3 terms of roads there is an almost ideal road situation because the lots front on a County Highway
4 which does carry a lot of traffic but it is the best pavement which is located in the rural area. He said
5 that standard assumption is that every home counts for at least ten vehicle trips per day therefore
6 each of the lots counts for 10 vehicle trips. He said that both of the lots came from the same parent
7 tract and ideally they would have been rezoned originally but they were not therefore it is fair to refer
8 to them as related cases because they came from the same parent tract and it is fair to consider their
9 cumulative impact rather than individual. He said that even the cumulative impact of twenty more
10 vehicle trips on County Highway 16 is largely irrelevant and hardly noticeable. He said that the lots
11 are a few thousand feet from Illinois Route 130 so in terms of the standard concern regarding traffic
12 on rural roads and the impact on agriculture he would imagine that there is no impact on agriculture
13 in this instance. He said that there are no other man-made hazards near the properties. He said that
14 being close to a State Highway means that if there is a bad snow storm these properties are the ones
15 that are most likely to get out therefore it is ideal in that sense.

16
17 Mr. Hall stated that in regards to septic suitability the Board needs to go back to Table 2 for review.
18 He said that for both of the sites more than 50% of the soils are better than typical therefore they
19 have a much better than typical condition for septic suitability. He said that it doesn't mean that the
20 soils are perfect but they are very good for Champaign County and it should be very easy to have a
21 long lasting septic system on both of these properties and no septic system lasts forever. He said that
22 the effects on drainage are much better than typical because they drain directly to the East Branch of
23 the Embarrass River although some part of the property in Case 689-AM-11 probably drains over the
24 property in Case 690-AM-11 because there is a drainage swale on the east side of the Shadwick
25 property. He said again that in terms of drainage it is much better than typical. He said that
26 emergency services access is much better than typical because it is between two and two and one-
27 half miles from the fire protection district that serves the properties and that road distance is
28 completely over state and county highways therefore good quick access is available if ever needed.

29
30 Mr. Hall stated that there are farms across County Highway 16 and that is the only farmland that is
31 very close to the property for Case 690-AM-11. He said that in regards to Case 689-AM-11 the
32 southern half of the property is bordered by farmland to the west and most of that area is closer to the
33 river and deeper into the floodplain therefore in both instances the effects of nearby farms is much
34 better than typical. He said that typically the lot would be surrounded on three sides directly and still
35 have farm land across the road.

36
37 Mr. Hall stated that the LESA score is 208 for Case 689-AM-11 and 206 for Case 690-AM-11 and
38 there is a reason for the two point difference. He said that this is still a high rating in the LESA

8/11/11

1 system but if the Board reviews the Table of Common Conditions the typical condition in
2 Champaign County is anywhere from 254 to 238 and the lots are at 208 and 206 which puts them
3 much better than typical. He said that a LESA score doesn't trigger any specific requirement in the
4 Zoning Ordinance although it is something that a lot of people pay attention to and these are low
5 scores.

6
7 Mr. Hall stated that regarding the availability of water this is in the part of the County where water
8 availability is not as good as the rest of the County but in each instance the Board has a letter from
9 the Illinois State Water Survey supported by well records indicating that for these two homes water
10 should be available. He said that he does not believe that the hydrologist commented on likely
11 impacts on neighbors because that is very difficult to evaluate. He said that if neighbors are
12 concerned about impacts on their wells then they will be here testifying.

13
14 Mr. Hall stated that in regards to environmental concerns the condition is more or less typical. He
15 said that he believes that the properties are more or less typical which means that the historic
16 preservation officer recommended a Phase I archaeological survey but that is up to the Board to
17 decide whether or not it is made a specific requirement.

18
19 Mr. Hall stated that in this instance the lots do not require any IDOT approvals and there is no state
20 agency that he knows of that has to approve anything once the RRO is approved therefore to that
21 extent it is not clear to him that the historic agencies recommendation for a Phase I survey needs to
22 be required. He said that if the survey was completed the results would presumably be to identify if
23 there was any part of the property likely to have archaeological resources. He said that in past RRO
24 cases when there were Phase I surveys completed those parts of the property were left unimproved.
25 He said that those areas were larger areas and it wasn't dealing with an individual lot basis. He said
26 that he does not know what may show up with a Phase I survey and he does not know that legally
27 that it should be required. He said that the petitioners have met the condition because they consulted
28 with the state agency and they provided the results.

29
30 Mr. Hall stated that in regards to flood hazard status it would be fair to say that this is the worst or
31 nearly worst condition. He said that the flood depth is not great and there has been a mounded pad
32 of earth built upon each lot. He said that that the Flood Hazard Ordinance allows someone to build
33 regardless of flood depth as long as the structure is built to minimize flood damage and people build
34 under these conditions all of the time. He said that the Board understands that there is a text
35 amendment that they are currently working on that would establish standard conditions related to
36 RROs being proposed where the land is under the base flood elevation. He said that these cases were
37 applied for before those rules have been changed therefore these cases fall under the old rules
38 therefore there is no standard condition about that but none the less it is one of the factors. He said

8/11/11

1 that he believes that all previous RROs even though they did not have the minimum lot area outside
2 of the floodplain they had buildable areas outside of the floodplain before there was any earth work
3 completed. He said that the mounds or pads that exist on these lots were man-made and he believes
4 that this will be the first RRO to come before the Board where the entire building area is below the
5 base flood elevation. He said that the County authorizes building in conditions like this almost every
6 week when it is by-right but not when people have to seek RRO rezoning.

7
8 He said that Table 4 summarizes the factors relevant to compatibility with agriculture and at the most
9 it is two homes that are accessing a County Highway and it is located a few thousand feet from a
10 State Highway. He said that in terms of road impacts compared to not having the RRO, twenty more
11 road trips in total would probably not affect agricultural traffic. He said that there is more land
12 conversion but it is not best prime farmland. He said that it is fair to say that there will not be any
13 change to drainage particularly as it relates to surrounding farmland. He said that in terms of the
14 affects on agriculture and the compatibility with agriculture frankly he believes that this is one of the
15 less problematic RROs to come before the Board.

16
17 Mr. Hall stated that anytime the Board has a rezoning or special use permit on land that accesses a
18 County Highway he normally recommends special condition #13.A regarding obtaining permits from
19 the County Engineer. He said that a driveway on a County Highway always has to obtain a permit
20 but a condition for such should be required rather than trusting that everything will work out on its
21 own. He said that special condition 13.A does not establish any standard that does not already exist
22 because a permit is required to have a driveway the Board is only indicating that they want proof of
23 such when the owner applies for a zoning use permit. He said that the County Engineer does not
24 want mud tracked onto the roadway at all and that is included in the special condition. He said that
25 the Board wants to know that the County Engineer approves the actual as-built driveway before a
26 compliance certificate is issued.

27
28 Mr. Hall stated that special condition #13.B is simply related to one of the new policies of the LRMP
29 and we want to formally document that the owners hereby provide for the right of agricultural
30 activities to continue on adjacent land consistent with the right to farm resolution. He said that this
31 special condition does not set any new standard and the right to farm resolution exists even if the
32 special condition is not included. He said that the special conditions are formalities and are not new
33 standards.

34
35 Mr. Hall stated that the property for Case 689-AM-11 has other issues which need to be addressed
36 even if the RRO is approved but the RRO is the first step. He said that Dr. Jones was somehow able
37 to get these two RRO cases here at the Board and it is appreciated because staff has been dealing
38 with these two properties for a few years now. Mr. Hall stated that regarding the property for Case

8/11/11

1 690-AM-11, once the RRO is approved staff would be able to write a permit for a dwelling on the
2 property. He said that there are a few more issues for the property on Case 689-AM-11 but he has
3 hopes that those issues can be resolved.

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

6
7 Ms. Capel requested a motion to extend the meeting to 10:15 p.m.

8
9 **Mr. Courson moved, seconded by Mr. Miller to extend the meeting to 10:15 p.m. The motion**
10 **carried by voice vote.**

11
12 Ms. Capel stated that she only has one signature on the witness register for the two cases. She asked
13 the audience if anyone desired to sign the witness register to present testimony regarding Case 689-
14 AM-11 or 690-AM-11.

15
16 Ms. Capel called Mr. Alan Singleton to testify.

17
18 Mr. Alan Singleton, legal counsel for Dr. Jones, stated that when he got started working with Dr.
19 Jones staff indicated that the issues with the two subject properties needed to be cleared up. He said
20 that the two properties are to the north of Dr. Jones' property and the two lots are surrounded by
21 other properties which have been subdivided and there are homes on those lots. He said that the area
22 had been built up so that the building pad was out of the floodplain and the lots appear to be
23 desirable lots for a residence in a rural area. He said that the two property owners have sat through a
24 lot of stuff therefore if the present Board is considering approval he is sure that the property owners
25 would appreciate a vote tonight. He said that if there are any concerns then the property owners may
26 desire to wait until a full Board is present for a final vote.

27
28 Ms. Capel asked if staff had any questions for Mr. Singleton.

29
30 Mr. Hall asked Mr. Singleton if it would be a problem if the Board spent a few minutes reviewing
31 the information and then continue the cases. He asked Mr. Singleton if there was a particular
32 deadline that the Board needs to be aware of.

33
34 Mr. Singleton stated that he is not aware of any deadline therefore the Board should take all of the
35 time it needs to consider the cases. He said that if the Board requires additional information then he
36 would be glad to provide it.

37
38 Mr. Hall stated that it isn't that he believes that the Board may need more information but the finding

8/11/11

1 for an RRO case is the most complicated finding that the Board makes. He said that an RRO is an
2 unusual rezoning and page 22 of the Summary of Evidence indicates the two required specific
3 findings and given the factors that the Board must consider they must be diligent about addressing
4 the bad affects and mentioning the positive effects. He said that an RRO finding is one of the most
5 laborious finding that the Board has to make and there are several new Board members who have
6 never done one of these findings therefore trying to complete these cases in an overtime situation
7 might be pretty painful but it is up to the Board.

8
9 Mr. Singleton stated that whatever the Board decides if fine with the petitioners.

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

12
13 Ms. Capel asked the audience if anyone else desired to sign the witness register to present testimony
14 regarding this case and there was no one.

15
16 Mr. Miller stated that it would be in the better interest of everyone to continue these cases to a later
17 date.

18
19 Ms. Capel agreed with Mr. Miller.

20
21 Mr. Hall asked the Board if they agree with staff's recommendation regarding the comparisons. He
22 asked if the properties appear to be this good of a location.

23
24 Mr. Courson stated that he has noticed a recent trend by the EPA in stepping up enforcement with
25 the *Clean Water Act*. He said that the *Clean Water Act* was passed in 2004 and it covers building
26 houses, erosion, water run-off, and a lot of regulations that general property owners are not aware of.
27 He said that just placing a note in the finding about the *Clean Water Act* would make the property
28 owner aware of it.

29
30 Mr. Hall stated that such a note in the finding is a good idea. He said that he is painfully aware of
31 that because it is something that we are not actually fulfilling our requirements for but it is very
32 seldom that there is a development that disturbs more than one acre at any one time. He said that a
33 subdivision of connected lots with a new street is fair game for that program but these lots, if they are
34 not disturbing more than one acre, wouldn't have any problem therefore he could add a new item of
35 evidence that would at least make the property owners aware of that.

36
37 Mr. Courson stated that another big issue is the tracking of dirt on the road.

8/11/11

1 Mr. Hall stated the tracking of dirt on the road has always been a problem for the County Engineer.

2
3 Mr. Courson stated that concrete wash-out is another thing that the EPA is stepping up on and are
4 really watching.

5
6 Mr. Hall stated that he hopes that the County Board will allow us to get our program in order next
7 year.

8
9 Mr. Courson stated that he does not believe that an archaeological survey is needed because it has
10 been established that other homes are located in the area and it hasn't been reported that any findings
11 have been discovered around the subject properties.

12
13 Mr. Hall stated that he will add an item to the Summary of Evidence indicating that an
14 archaeological survey is not required and he will not work on a condition in the mean time.

15
16 Ms. Capel requested a continuance date.

17
18 Mr. Hall stated that the next possible date that these two cases could be heard is November 17, 2011,
19 although the Board may be able to slip these two cases in on the October 13, 2011, meeting. He said
20 that the October 13th meeting could be a full meeting but if all the Board intends to do is construct
21 the findings then October 13th may be a possible a date. He said that if the Board does continue the
22 cases to October 13th Mr. Singleton will have to come to that meeting and then the November 17th
23 meeting.

24
25 Mr. Singleton stated that he spoke with the petitioners and they indicated that they do not have any
26 immediate plans to build therefore the continuing the cases to November 17th is not an issue.

27
28 Ms. Capel requested a motion to continue Cases 689-AM-11 and 690-AM-11 to the November 17,
29 2011, meeting.

30
31 **Mr. Courson moved, seconded by Mr. Schroeder to continue Cases 689-AM-11 and 690-AM-
32 11 to the November 17, 2011, meeting. The motion carried by voice vote.**

33
34 **6. New Public Hearings**

35
36 **Case 694-V-11 Petitioner: Damon Reifsteck Request to authorize the construction and use
37 of an addition to an existing dwelling and authorize the reconstruction of the existing
38 dwelling with a setback of 44 feet and 7 inches from CR900E, a minor street, in lieu of the**

8/11/11

1 **minimum required setback of 55 feet and a front yard of 14 feet and 7 inches from the**
2 **front property line in lieu of the minimum required front yard of 25 feet in the AG-1**
3 **District. Location: An approximately one acre lot in the Southwest Quarter of the**
4 **Southwest Quarter of the Southwest Quarter of Section 27 of Tolono Township and**
5 **commonly known as the house at 702 CR 900E, Tolono.**
6

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

17 Mr. Hall distributed a new Supplemental Memorandum dated August 11, 2011, to the Board for
18 review. He said that the last page of the new memorandum is a black and white photograph of
19 the subject property looking south along CR 900E. Mr. Hall distributed a color copy of the
20 photograph which was included in the Supplemental Memorandum to the Board. He said that
21 the Board was recently faced with a similar variance in which the Board included some
22 conditions. He said that the new Supplemental Memorandum includes similar conditions from
23 that previous variance case. He said that the petitioner did not have the chance to review the
24 conditions prior to tonight's meeting but a few moments ago staff did review the proposed
25 conditions with Mr. Reifsteck and he had no concerns. He said that presenting the petitioner with
26 proposed conditions on the same night as the public hearing is not ideal and is certainly grounds
27 for a continuance if the petitioner is so inclined.
28

29 Mr. Hall stated that the Draft Summary of Evidence indicated in several locations where
30 evidence was to be added and that evidence is included in the Supplemental Memorandum dated
31 August 11, 2011. He said that the following new evidence should be added to item #7 which is
32 regarding the criteria having to do with special circumstances: B. Regarding the existing home:
33 (1) according to the Champaign County Supervisor of Assessments Property Information Card
34 the home dates from 1896; and (2) the lot was created by a deed on June 16, 1972, which was
35 before the adoption of the Zoning Ordinance on October 10, 1973. The lot is nonconforming
36 with respect to area; and (3) the home appears in the 1972 Champaign County Supervisor of
37 Assessments aerial photograph but does not appear to have the current footprint. The existing
38 garage does appear in the 1988 Champaign County Supervisor of Assessments aerial photograph.

8/11/11

1 Mr. Hall said that there had been an addition towards the road although staff could not find a
2 permit for the addition. He said that if the lot was created in 1972 there is a very good chance
3 that at the time or shortly after the lot was created there could have been an addition to the home.
4 He said that it is an old situation and he does not consider it as a violation because sometimes
5 staff cannot find old permits and when there were changes to property around the time that
6 zoning was adopted it is very difficult to document what exactly existed. He read new item
7 #7.B(4) the petitioner acquired the property in 2003 as evidenced by a deed with Champaign
8 County Recorder's Document Number 2003R02985.

9
10 Mr. Hall stated that the following new evidence should be added to item #8.B, which is the
11 criteria regarding practical difficulties and hardships, as follows: the site plan received on June
12 15, 2011, indicates a septic field east of the existing garage. He said that new evidence proposed
13 to be added to item #9.B is as follows: the petitioner acquired the property in 2003 as evidenced
14 by a deed with the Champaign County Recorder's Document Number 2003R02985. Mr. Hall
15 stated that long before 2003 the home was already situated too close to the road therefore during
16 this variance the Board would not just be authorizing the new construction which is proposed but
17 also providing for the reconstruction of the home as it currently sits because currently there is
18 some question about whether the home is truly nonconforming and even if it is it could not be
19 rebuilt without a variance.

20
21 Mr. Hall stated that new evidence item #10.B(2) is in regards to the criteria whether the granting
22 of variance is in harmony with the general purpose and intent of the Ordinance. He said that new
23 item #10.B(2) is as follows: Off-street parking: the subject property provides the required
24 amount of off-street parking outside of the setback but the proposed front yard of 14 feet 7 inches
25 is less than the minimum 20 feet length for a required parking space. There is no reason to
26 believe that automobiles or light trucks parked in front of the proposed garage would pose any
27 safety problem with traffic on CR 900E but a special condition has been proposed to ensure that
28 no safety problem does occur. He said that the special condition is proposed as new item #13.
29 He said that the condition sets up three limits on how much a vehicle in front of the garage can
30 encroach into the right of the way. He said that the item #13.A. reads as follows:

31 **The proposed front yard will result in encroachment into the right of way for CR**
32 **900E when vehicles are parked in front of the garage but minor encroachment does**
33 **not appear to necessarily create any problems for traffic safety provided that**
34 **encroachment is minimized. Encroachment of parked vehicles into the right of way**
35 **shall be limited as follows:**

- 36 (1) **At no time shall a parked or standing vehicle (ie, parked while attended)**
37 **located on the subject property extend onto the street pavement and past the**
38 **line of the gravel base of the pavement on either side of the driveway.**

8/11/11

1 **(2) Unless otherwise authorized by the Tolono Township Highway**
 2 **Commissioner, no parked or standing vehicle (ie, parked while attended)**
 3 **located on the subject property shall extend past the line of the right of way**
 4 **during times of anticipated street maintenance (and it shall be the**
 5 **petitioner’s responsibility to anticipate street maintenance) or at other times**
 6 **as requested by the Township Highway Commissioner.**

7 **(3) Unless otherwise authorized by the Township Highway Commissioner, at no**
 8 **time from dusk to dawn shall a parked vehicle located on the subject**
 9 **property extend past the centerline of the roadside ditch in front of the**
 10 **subject property.**

11 Mr. Hall stated that the photograph indicates a pickup that roughly aligns with the power line
 12 poles and appears to be five or six feet from the centerline of the ditch and so at night time this
 13 vehicle could be parked just as it is in the photograph if the variance is approved. He said that he
 14 assumes that the vehicle is normally parked at this location and he is not aware of any problems
 15 being created. He said that the Board could decide to not include a condition but his
 16 recommendation to the Board is that any time the Board is approving a front yard that does not
 17 accommodate parking the Board should deal with that parking in some way and these conditions
 18 are only one way to deal with it. He continued to read the condition as follows:

19 **(4) Three documented violations of the special conditions of approval regarding**
 20 **encroachment of parked vehicles into the street right of way between the**
 21 **garage and the street that support three complaints from the Tolono**
 22 **Township Highway Commissioner shall void this approval and a new**
 23 **variance shall be required.**

24 Mr. Hall stated that “documented” means that staff receives a photograph indicating the date and
 25 time of the violation and related complaints from the highway commissioner. He said that there
 26 could be complaints received but if no complaint is received from the highway commissioner
 27 then this condition is not triggered. He said that when staff does receive three documented
 28 complaints from the highway commissioner then the variance will be voided and at that point the
 29 garage would be in violation until a new variance is granted. He informed the Board again that
 30 the petitioner did not see the proposed conditions until tonight therefore the Board could continue
 31 this case to a later date or ask the petitioner if he is comfortable with the continuing to final
 32 action.

33
 34 Ms. Capel asked the Board if there were any questions for Mr. Hall and there were none.

35
 36 Ms. Capel informed the audience that anyone who desires to present testimony must sign the
 37 witness register. She reminded the audience that when they sign the witness register they are
 38 signing an oath.

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Ms. Capel stated that there are only two signatures on the witness register and asked the audience if anyone desired to sign the witness register to present testimony regarding this case.

Ms. Capel called Damon Reifsteck to testify.

Mr. Damon Reifsteck, who resides at 702 CR 900E, Tolono, stated that after reviewing the information he agrees to the special condition.

Mr. Passalacqua asked Mr. Reifsteck to indicate the location of the driveway and if the new garage will be at the same distance from the centerline of the road as the existing garage.

Mr. Reifsteck stated that the driveway is in front of the existing garage. He said that the new garage will be the 44 feet 7-inches from the centerline of the road which is the same distance as the existing garage.

Mr. Passalacqua asked Mr. Reifsteck if he had a measurement from the new garage to the septic system. He asked Mr. Reifsteck if the foundation had already been constructed.

Mr. Reifsteck stated that he did not have an exact measurement but he would estimate that the septic system is 24 feet from the west wall of the garage. He said that the foundation of the new garage has been constructed and is right up to the septic.

Mr. Hall asked Mr. Reifsteck if he had a chance to speak with the township highway commissioner.

Mr. Reifsteck stated yes. Mr. Reifsteck said that he indicated to the township highway commissioner what he had done already and they discussed the new culvert placement and the township highway commissioner indicated that he was comfortable with the project.

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

Ms. Capel asked the audience if there were any questions for Mr. Reifsteck and there were none.

Ms. Capel called Rachel Schroeder to testify.

Ms. Rachel Schroeder, who resides at 252B Windward Blvd, Champaign, stated that she and her brother, Roger Woodworth, Tolono Township Highway Commissioner, own the property

8/11/11

1 adjacent to the subject property. She said that her brother is unable to be at the meeting tonight
2 but he has indicated that he has no issue with the variance request. She said that she and her
3 brother grew up in the subject property's area and the house that is the subject of this variance
4 was an old schoolhouse. She said that she actually drove down to the site to see what was being
5 proposed and found that the property has been kept up very well.

6
7 Ms. Capel asked the Board if there were any questions for Ms. Schroeder and there were none.

8
9 Ms. Capel asked if staff had any questions for Ms. Schroeder and there were none.

10
11 Ms. Capel asked the audience if anyone desired to cross examine Ms. Schroeder and there was no
12 one.

13
14 Ms. Capel asked the audience if anyone else desired to sign the witness register at this time to
15 present testimony regarding this case and there was no one.

16
17 Ms. Capel closed the witness register.

18
19 Ms. Capel asked the Board if there were any questions or comments for staff and there were
20 none.

21
22 Mr. Hall stated that there is a pending Zoning Use Permit on this property. He said that the
23 foundation has been constructed and is consistent with all of the rules therefore it is not a
24 problem. He said that the petitioner did discuss the construction of the foundation with staff
25 when he submitted his permit application and fees. He said that once the variance is approved
26 Mr. Reifsteck can continue with the construction of his garage.

27
28 Mr. Courson stated that he would support the proposed special condition.

29
30 Ms. Capel requested a motion to approve the following proposed special condition:

31
32 **The proposed front yard will result in encroachment into the right of way for CR**
33 **900E when vehicles are parked in front of the garage but minor encroachment does**
34 **not appear to necessarily create any problems for traffic safety provided that**
35 **encroachment is minimized. Encroachment of parked vehicles into the right of way**
36 **shall be limited as follows:**

37 (1) **At no time shall a parked or standing vehicle (ie, parked while attended)**
38 **located on the subject property extend onto the street pavement and past the**

8/11/11

1 line of the gravel base of the pavement on either side of the driveway.

2 (2) Unless otherwise authorized by the Tolono Township Highway
3 Commissioner, no parked or standing vehicle (ie, parked while attended)
4 located on the subject property shall extend past the line of the right of way
5 during times of anticipated street maintenance (and it shall be the
6 petitioner’s responsibility to anticipate street maintenance) or at other times
7 as requested by the Township Highway Commissioner.

8 (3) Unless otherwise authorized by the Township Highway Commissioner, at no
9 time from dusk to dawn shall a parked vehicle located on the subject
10 property extend past the centerline of the roadside ditch in front of the
11 subject property.

12 (4) Three documented violations of the special conditions of approval regarding
13 encroachment of parked vehicles into the street right of way between the
14 garage and the street that support three complaints from the Tolono
15 Township Highway Commissioner shall void this approval and a new
16 variance shall be required.
17

18 Mr. Courson moved, seconded by Mr. Schroeder to approve the proposed special
19 condition. The motion carried by voice vote.

20
21 Ms. Capel asked if there was any additional information required to be added to the Summary of
22 Evidence and there was none.

23
24 Ms. Capel stated that the Board will move to the Finding of Fact.

25
26 **Finding of Fact for Case 694-V-11:**

27
28 From the documents of record and the testimony and exhibits received at the public hearing for
29 zoning case 694-V-11 held on August 11, 2011, the Zoning Board of Appeals of Champaign
30 County finds that:

- 31
32 1. **Special conditions and circumstances DO exist which are peculiar to the land**
33 **or structure involved, which are not applicable to other similarly land and**
34 **structures elsewhere in the same district.**
35

36 Mr. Passalacqua stated that special conditions and circumstances DO exist which are peculiar to
37 the land or structure involved, which are not applicable to other similarly land and structures
38 elsewhere in the same district because of the location of the existing house.

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2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or construction.

Ms. Capel stated that practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or construction because the septic system prevents the placement of the garage in conformance with the Zoning Ordinance and the existing house already has the established setback and there are considerations in terms of the roof line and aesthetics.

3. The special conditions, circumstances, hardships or practical difficulties DO NOT result from actions of the applicant.

Mr. Courson stated that the special conditions, circumstances, hardships or practical difficulties DO NOT result from actions of the applicant because the house was in its current location when the petitioner purchased the property in 2003.

4. The requested variance, subject to the proposed condition, IS in harmony with the general purpose and intent of the Ordinance.

Mr. Miller stated that the requested variance, subject to the proposed condition, IS in harmony with the general intent of the Ordinance because the encroachment is no greater than what currently exists.

5. The requested variance, subject to the proposed condition, WILL NOT be injurious to the neighborhood or otherwise detrimental to the public health, safety or welfare.

Mr. Courson stated that the requested variance, subject to the proposed condition, WILL NOT be injurious to the neighborhood or otherwise detrimental to the public health, safety or welfare because the township road commissioner has met with the petitioner and has indicated that he has no concerns with the proposed addition.

6. The requested variance, subject to the proposed condition, IS the minimum variation that will make possible the reasonable use of the land/structure.

Mr. Passalacqua stated that the requested variance, subject to the proposed condition, IS the

8/11/11

1 minimum variation that will make possible the reasonable use of the land/structure because the
2 petitioner is limited by the existing septic tank and the front line of the existing house.

- 3
4 **7. The special conditions imposed herein are required to ensure compliance**
5 **with the criteria for special use permits and for the particular purposes**
6 **described below:**

7 **The proposed front yard will result in encroachment into the right of way for**
8 **en vehicles are parked in front of the garage but minor encroachment does**
9 **not appear to necessarily create any problems for traffic safety provided that**
10 **encroachment is minimized. Encroachment of parked vehicles into the right**
11 **of way shall be limited as follows:**

- 12 (1) **At no time shall a parked or standing vehicle (ie, parked while**
13 **attended) located on the subject property extend onto the street**
14 **pavement and past the line of the gravel base of the pavement on**
15 **either side of the driveway.**
- 16 (2) **Unless otherwise authorized by the Tolono Township Highway**
17 **Commissioner, no parked or standing vehicle (ie, parked while**
18 **attended) located on the subject property shall extend past the line of**
19 **the right of way during times of anticipated street maintenance (and it**
20 **shall be the petitioner's responsibility to anticipate street**
21 **maintenance) or at other times as requested by the Township**
22 **Highway Commissioner.**
- 23 (3) **Unless otherwise authorized by the Township Highway**
24 **Commissioner, at no time from dusk to dawn shall a parked vehicle**
25 **located on the subject property extend past the centerline of the**
26 **roadside ditch in front of the subject property.**
- 27 (4) **Three documented violations of the special conditions of approval**
28 **regarding encroachment of parked vehicles into the street right of**
29 **way between the garage and the street that support three complaints**
30 **from the Tolono Township Highway Commissioner shall void this**
31 **approval and a new variance shall be required.**

32 The special conditions are required to ensure the following: To help ensure public
33 safety by minimizing highway safety concerns associated with the reduced
34 parking space in front of the proposed garage and any resulting encroachment of
35 parked vehicles into the right of way.

36
37 Ms. Capel stated that the following items should be added to the Documents of Record: 1.
38 Photograph of the subject property to the north; and Supplemental Memorandum dated August

8/11/11

1 11, 2011.

2
3 Ms. Capel requested a motion to adopt the Summary of Evidence, Documents of Record and
4 Finding of Fact as amended.

5
6 **Mr. Schroeder moved, seconded by Mr. Miller to adopt the Summary of Evidence,**
7 **Documents of Record and Finding of Fact as amended. The motion carried by voice vote.**

8
9 Ms. Capel requested a motion to close the public hearing for Case 694-V-11.

10
11 **Mr. Miller moved, seconded by Mr. Courson to close the public hearing for Case 694-V-11.**
12 **The motion carried by voice vote.**

13
14 Ms. Capel informed the petitioner that one Board member was absent from tonight's meeting
15 therefore it is at his discretion to either continue Case 694-V-11 until a full Board is present or
16 request that the present Board move forward to the Final Determination. She informed the
17 petitioner that four affirmative votes are required for approval.

18
19 Mr. Reifsteck requested that the present Board move to the final determination.

20
21 **Final Determination for Case 694-V-11:**

22
23 **Mr. Courson moved, seconded by Mr. Miller that the Champaign County Zoning Board of**
24 **Appeals finds that, based upon the application, testimony, and other evidence received in**
25 **this case, that the requirements for approval of Section 9.1.9.C HAVE been met, and**
26 **pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning**
27 **Ordinance, the Zoning Board of Appeals of Champaign County determines that the**
28 **variance requested in Case 694-V-11 is hereby GRANTED WITH CONDITIONS to the**
29 **petitioner, Damon Reifsteck, to authorize the construction and use of an addition to an**
30 **existing dwelling and authorize the reconstruction of the existing dwelling with a setback of**
31 **44 feet and 7 inches from CR900E, a minor street, in lieu of the minimum required setback**
32 **of 55 feet, and a front yard of 14 feet and 7 inches from the front property line in lieu of the**
33 **minimum required front yard of 25 feet, in the AG-1 District, subject to the following**
34 **conditions:**

35
36 **The special conditions imposed herein are required to ensure compliance**
37 **with the criteria for special use permits and for the particular purposes**
38 **described below:**

8/11/11

The proposed front yard will result in encroachment into the right of way for en vehicles are parked in front of the garage but minor encroachment does not appear to necessarily create any problems for traffic safety provided that encroachment is minimized. Encroachment of parked vehicles into the right of way shall be limited as follows:

- (1) At no time shall a parked or standing vehicle (ie, parked while attended) located on the subject property extend onto the street pavement and past the line of the gravel base of the pavement on either side of the driveway.
- (2) Unless otherwise authorized by the Tolono Township Highway Commissioner, no parked or standing vehicle (ie, parked while attended) located on the subject property shall extend past the line of the right of way during times of anticipated street maintenance (and it shall be the petitioner’s responsibility to anticipate street maintenance) or at other times as requested by the Township Highway Commissioner.
- (3) Unless otherwise authorized by the Township Highway Commissioner, at no time from dusk to dawn shall a parked vehicle located on the subject property extend past the centerline of the roadside ditch in front of the subject property.
- (4) Three documented violations of the special conditions of approval regarding encroachment of parked vehicles into the street right of way between the garage and the street that support three complaints from the Tolono Township Highway Commissioner shall void this approval and a new variance shall be required.

The special conditions are required to ensure the following: To help ensure public safety by minimizing highway safety concerns associated with the reduced parking space in front of the proposed garage and any resulting encroachment of parked vehicles into the right of way.

The roll was called:

Courson-yes	Miller-yes	Palmgren-yes
Schroeder-yes	Thorsland-absent	Passalacqua-yes
Capel-yes		

Mr. Hall informed Mr. Reifsteck that the variance request has been granted and staff will send

8/11/11

1 out the final paper work within a few days.

2

3 **7. Staff Report**

4

5 Mr. Hall reminded the Board that staff has a special packet of information for them before they
6 leave tonight.

7

8 **8. Other Business**

9 **A. June and July, 2011 Monthly Report**

10

11 Mr. Hall stated that this year is the department's third lowest year in history which is
12 not something that he is not complaining about but he does wish that the economy was a little
13 better.

14

15 Mr. Courson asked Mr. Hall if staff felt like they were busy.

16

17 Mr. Hall stated that staff has been very busy.

18

19 **B. Adoption of ZBA Bylaws Amendment**

20

21 Mr. Hall stated that the ZBA Bylaws Amendment is ready for adoption by the Board.

22

23 **Mr. Courson moved, seconded by Mr. Passalacqua to adopt the ZBA Bylaws Amendment.**

24 **The motion carried by voice vote.**

25

26 **C. Review of ZBA Docket**

27

28 Mr. Hall stated that beginning on August 25, 2011, the Board will begin reviewing the Wind
29 Farm Special Use Permit. He said that special meetings have been reserved for September 1st,
30 September 8th and September 29th. He said that it is hoped that the Board can take final action at
31 the September 29th meeting and at this point the meetings will be held in the Lyle Shields
32 Meeting Room. He said that if too many people show up for the August 25th meeting we may
33 have to make other arrangements. He said that the meeting room accommodated the amendment
34 therefore he would hope that it will also accommodate the wind farm meeting itself.

35

36 Mr. Passalacqua asked if the parking lot would be policed.

37

38 Mr. Hall stated that one Sheriff's deputy can be requested to be present.

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Mr. Miller stated that he is an employee of the Gifford State Bank who is serving as an agent to two or three landowners that will have wind turbine on their properties. He asked if his relationship with the Gifford State Bank would create a conflict of interest.

Mr. Hall stated that he will pass this information on to the State's Attorney and if they require additional information he will have them get in touch with Mr. Miller.

Mr. Miller stated that the landowners are his customers therefore he may be in a difficult position. He said that due to a conflict of interest Mr. Doug Bluhm, previous ZBA Chair, sat through the hearings but abstained from the vote for the wind farm amendments.

Mr. Hall stated that Mr. Bluhm did abstain although it was a much different situation. He said that he will attempt to get an answer for Mr. Miller as soon as possible.

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

None

10. Adjournment

The meeting adjourned at 10:16 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals

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