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3 **MINUTES OF REGULAR MEETING**

5 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

6 1776 E. Washington Street
7 Urbana, IL 61802

8
9 **DATE:** December 13, 2012 **PLACE:** Lyle Shields Meeting Room
10 1776 East Washington Street
11 **TIME:** 6:30 p.m. **Urbana, IL 61802**

13 **MEMBERS PRESENT:** Catherine Capel, Thomas Courson, Eric Thorsland, Paul Palmgren, Brad
14 Passalacqua, Roger Miller

16 **MEMBERS ABSENT :** None

18 **STAFF PRESENT :** Lori Busboom, John Hall, Andrew Kass

20 **OTHERS PRESENT :** Wayne Ward, William J. Jones, Keith Padgett, Alan Singleton, Julia K Hall,
21 Larry Hall, Sara Jones, Phillip Jones, Ben Shadwick, Carl Brown, Dixie
22 Christian, Jerry Christian, Martha Gast, Rhys Baker, Angela Weddle, Rob
23 Weddle, Ruth Mitchell, Jean Fisher, Linda Schumm, Mark Fisher, Elista
24 Dimitrova, John Belleville, Patricia Belleville, Earl Williams, Stephen Gast,
25 Letha Gast, Deborah Romine, Garry Ohlsson, Daniel Williams, Susan
26 Kovacs, Richard Barker, Denny Anderson

29 **1. Call to Order**

30
31 The meeting was called to order at 6:37 p.m.

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

35 The roll was called and a quorum declared present with one member absent and one Board seat vacant.

36
37 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
38 sign the witness register for that public hearing. He reminded the audience that when they sign the
39 witness register they are signing an oath.

41 **3. Correspondence**

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43 None

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45 **4. Approval of Minutes (August 16, 2012, August 30, 2012, September 13, 2012, October 11, 2012)**

12/13/2012

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Mr. Thorsland entertained a motion to approve the August 16, 2012, August 30, 2012, September 13, 2012, and October 11, 2012, minutes as submitted.

Mr. Passalacqua moved, seconded by Mr. Courson to approve the August 16, 2012, August 30, 2012, September 13, 2012, October 11, 2012, minutes as submitted.

Mr. Thorsland asked the Board if there were any additions, deletions or corrections required to the minutes and there were none.

The motion carried by voice vote.

Mr. Thorsland entertained a motion to re-arrange the docket and hear Cases 687-AM-11 and 688-S-11 first, as indicated, and hear Case 715-V-12 prior to Cases 707-S-12 and 725-S-12.

Ms. Capel moved, seconded by Mr. Passalacqua to re-arrange the docket and hear Cases 687-AM-11 and 688-S-11 first, as indicated, and hear Case 715-V-12 prior to Cases 707-S-12 and 725-S-12. The motion carried by voice vote.

Mr. Roger Miller, ZBA Board member, arrived at 6:40 p.m.

5. Continued Public Hearing

Case 687-AM-11 Petitioner: Phillip W. and Sarabeth F. Jones Request to amend the Zoning Map to change the zoning district designation from CR Conservation Recreation to AG-1 Agriculture. Location: An approximately 14 acre tract of land that is located in the North Half of the South Half of the Northeast Quarter of Section 27 of Crittenden Township and located on the west side of Illinois Route 130 (CR1600E) and 1,328 feet south of the intersection of Illinois Route 130 and CR 200N and County Highway 16 and commonly known as the property at 175N CR 1600E, Villa Grove.

Case 688-S-11 Petitioner: Phillip W. and Sarabeth F. Jones Request to authorize the construction and use of a "Restricted Landing Area" for use by airplanes consistent with Illinois Department of Transportation regulations and helicopter use for public safety assistance as needed and with limited helicopter use for personal use, as a Special Use on land that is proposed to be rezoned to the AG-1 Agriculture Zoning District from the current CR Conservation Recreation Zoning District in related zoning case 687-AM-11; and with a waiver of a Special Use standard condition required by Section 6.1 that requires compliance with Footnote 11 of Section 5.3. Location: An approximately 14 acre tract of

12/13/2012

1 **land that is located in the North Half of the South Half of the Northeast Quarter of Section 27 of**
2 **Crittenden Township and located on the west side of Illinois Route 130 (CR1600E) and 1,328 feet**
3 **south of the intersection of Illinois Route 130 and CR 200N and County Highway 16 and commonly**
4 **known as the property at 175N CR 1600E, Villa Grove.**

5
6 Mr. Thorsland called Cases 687-AM-11 and 688-S-11 concurrently.

7
8 Mr. Thorsland informed the audience that Case 688-S-11 is an Administrative Case and as such the County
9 allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a
10 show of hands for those who would like to cross examine and each person will be called upon. He requested
11 that anyone called to cross examine go to the cross examination microphone to ask any questions. He said
12 that those who desire to cross examine are not required to sign the witness register but are requested to
13 clearly state their name before asking any questions. He noted that no new testimony is to be given during
14 the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
15 exempt from cross examination.

16
17 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
18 sign the witness register for that public hearing. He reminded the audience that when they sign the
19 witness register they are signing an oath.

20
21 Mr. Thorsland asked the petitioner if they would like to make a statement outlining the nature of their
22 request prior to introducing evidence.

23
24 Mr. Alan Singleton, attorney for the petitioners, thanked the Board for the opportunity to present evidence
25 at this public hearing. He distributed a packet for the Board's review regarding Cases 687-AM-11 and
26 688-S-11. He said that his office received the Planning and Zoning staff's Supplemental Memorandum
27 on December 10th and he provided a response to some of the issues that were raised in that memorandum.
28 He called the Board's attention to a letter dated December 13, 2012, from himself to the Board
29 which highlights the points that he would like to make tonight.

30
31 Mr. Singleton stated that there are materials that, for whatever reason, were not included as Documents of
32 Record and those documents are as follows: 1. (Tab 1 of the distributed packet) Letter from JC Crawford
33 dated November 11, 2011, withdrawing his support from the petition in opposition of the proposed RLA and
34 questioning the petition's validity. Mr. Singleton stated that Mr. Crawford indicated in his letter that Mr.
35 Larry Hall's statements during his visit were grossly untrue and exaggerated and that Mr. Larry Hall's
36 approach was very intimidating and forceful. Mr. Singleton stated that Mr. Crawford is requesting that his
37 name be removed from the petition.

12/13/2012

1 Mr. Singleton stated that the second document that has not been included as a Document of Record is as
2 follows: 2. (Tab 2 of the distributed packet) Letter from Jongin Kim Craggs of Craggs' Appraisal Services,
3 Ltd. Dated November 15, 2011, expressing her professional opinion that, given the current nature of the
4 neighborhood, allowing an RLA would not cause the value of the properties in the area to decrease and
5 might actually cause them to increase, given the greater community safety provided in the form of assistance
6 to law enforcement officials. He said that Tab 3 includes a letter dated February 24, 2012, from IDOT,
7 Division of Aeronautics.

8
9 Mr. Singleton stated that staff has mentioned the possibility of imposing some additional setback from the
10 runway safety area which is over and above what IDOT requires. He said that his office completed some
11 research on similar previous cases and it appears that adding additional safety precautions, such as an
12 additional setback which is not contained within the IDOT standards, is not permissible by Illinois law. He
13 said that the previous cases that he is referring to in his testimony are included in the packet under Tabs 4, 5,
14 and 6.

15
16 Mr. Singleton stated that Dr. Jones and his family recognize that they have neighbors and they intend to be
17 good neighbors and are sensitive to the concerns that the neighbors may have therefore they are proposing
18 some special conditions to the RLA that would mitigate any negative effects that may occur due to an RLA
19 being located at this site. Mr. Singleton stated that Tab 7 includes the proposed special conditions by Dr.
20 Jones and at this time he would like to review those special conditions with the Board.

21
22 Mr. Singleton stated that proposed special condition 1. is in regard to traffic patterns and reads as follows:
23 (a) All landing traffic patterns will be flown exclusively south of the RLA, thus maximizing the distance
24 between the aircraft and neighboring residential properties to the north. Mr. Singleton stated that special
25 condition 1(a) will assure that no aircraft would be flown over Larry Hall's house therefore mitigating the
26 effect of the RLA on the Hall's home. He said that a tight northbound departure from the RLA could
27 possibly take it closer to Mr. Hall's home therefore special condition 1(b) indicates there will be no tight
28 northbound departures below 1000 feet.

29
30 Mr. Singleton stated that proposed special condition 2 reads as follows: There will be an increased traffic
31 pattern altitude of 1500 ft AGL (above ground level) as opposed to the standard 1000 feet AGL altitude. He
32 said that any minimal traffic pattern that would occur would occur at a higher level and would be 500
33 additional feet away from the home than what is standard.

34
35 Mr. Singleton stated that special condition 3 reads as follows: All pre-operation run-up procedures will be
36 conducted at the furthest practicable location away from neighboring properties, provided that any pre-
37 operation run-up procedure that is conducted at least as far west as the location of the proposed hanger will
38 be deemed to meet this restriction. He said that this special condition suggests that any pre-operation

12/13/2012

1 procedures will be conducted as far away as practical from the Hall home and as far away as the proposed
2 hanger.

3
4 Mr. Singleton stated that special conditions 5 and 6 are limitations on helicopter and fixed wing aircraft use.
5 He said that staff proposed two helicopter take-offs and landings every twenty-eight days. He said that he
6 and Dr. Jones annualized staff's proposed limitation and he and Dr. Jones propose the limited use of any
7 helicopter to no more than twenty-five take-offs and twenty-five landings in any twelve-month period which
8 is one less take-off and landing from what staff proposed. Mr. Singleton said that in regards to limitations of
9 fixed-wing aircraft, he and Dr. Jones are proposing that, except in cases of assistance for public safety, the
10 owners will limit the use of any fixed-wing aircraft to no more than thirty-eight take-offs and thirty-eight
11 landings in any 12-month period.

12
13 Mr. Singleton stated that in regards to insurance, he and Dr. Jones proposed a special condition 7 which
14 indicates that at any time when take-offs or landings occur, a minimum of five million dollars of liability
15 insurance coverage shall be maintained. He said that one never knows what life might bring to us and as we
16 all hope to stay active in the hobbies that we are involved in but sometimes financial situations change due to
17 health issues, etc. therefore there might be a time when liability insurance might be a financial burden. He
18 said that even with the financial burden there is always hope that there might be a time when life will return
19 to normal and the RLA can be used again. He said that Mr. and Mrs. Jones desire to mitigate any effects on
20 the neighbors and the seven special conditions are their way in doing so.

21
22 Mr. Singleton stated that Tab 8 of the distributed packet includes the names of 16 existing RLAs in
23 Champaign County and surrounding counties, as well as, Sectional Aeronautical maps and Google Aerial
24 maps. He said that the aerial maps indicate that there are buildings next to the RLAs and no information has
25 been discovered indicating any conflicts. He said that one of the main problems currently is the fear of what
26 we do not understand or are not familiar with yet there are existing RLAs which have had no problems.

27
28 Mr. Singleton stated that Tab 9 of the distributed packet includes an article dated August 31, 2011, from *The*
29 *News Gazette* which discusses Hurricane Irene and how the residents of the afflicted towns received
30 assistance by the service of helicopters and how satisfied the residents were by this needed service. He said
31 that Tab 10 of the distributed packet includes an article dated October 26, 2011, from *The News Gazette*
32 which discusses a land based motor vehicle crash into a school. He said that the vehicle drove through the
33 glass doors and passed through the cafeteria and hit the gymnasium wall. He said that luckily no students
34 were injured. He said that motor vehicles are a very familiar part of everyone's daily life yet there are risks
35 associated with these familiar land based vehicles.

36
37 Mr. Singleton stated that the traffic pattern for Route 130 has to be considered when the Board considers the
38 nature of the neighborhood. He said that the Illinois Secretary of State website provides information

12/13/2012

1 indicating that a fully loaded 5-axle semi-truck can carry up to 80,000 pounds. He said that Route 130 is
2 approximately 170 feet from Larry Hall's home. Mr. Singleton said that if you compare a fully loaded semi-
3 truck at 80,000 pounds to the petitioner's flying equipment, which the heaviest aircraft weighs less than
4 5,000 pounds when fully loaded. He said that for comparison, Ford Motor Company reports the gross
5 vehicle weight of its Ford F150 ranges from 6,450 pounds to 8,200 pounds, depending on the model
6 therefore the petitioner's flying equipment weighs less than the Ford F150 pick-up truck.

7
8 Mr. Singleton stated that the nature of the neighborhood involves dog training on the Fisher property and
9 previously submitted photographs indicated the dog training equipment on that property. He said that dog
10 training is a great sport that he has personally been involved in although it is a noisy sport and the use of ear
11 plugs were in order.

12
13 Mr. Singleton stated that there has been previous testimony, even by Mr. Larry Hall, regarding the discharge
14 of firearms in the neighborhood. Mr. Singleton stated that part of living in a rural area is the discharge of
15 firearms, but if they are discharged on a regular basis for targets or shooting of clay birds then the activity
16 becomes noisy and ear protection is required. He said that the nature of the neighborhood is the proposed
17 RLA. He said that if the frequency of traffic for the RLA is compared to the frequency of traffic for Route
18 130 it would be found that there will be less than 50 take-offs and landings in one year for the RLA in
19 comparison to the possibility of 50 vehicles per hour traveling Route 130. He requested that the Board to
20 keep things in perspective.

21
22 Mr. Singleton stated that it is the petitioner's position that adding on some sort of setback arbitrarily to how
23 far the runway would need to be from Larry Hall's home is not in compliance with Illinois law and what the
24 petitioners are proposing to do, including the proposed special conditions, is fitting with the overall
25 neighborhood. He thanked the Board for their time and apologized for the depth of the distributed packet.

26
27 Mr. Thorsland called John Hall.

28
29 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum for Case 688-S-11 to
30 the Board for review. He said that the memorandum includes the format for the requested waiver of standard
31 condition. He said that staff did not have time to include the waiver in the Draft Finding of Fact therefore if
32 and when the Board gets to the Draft Finding of Fact tonight this is the format that staff would recommend.

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

35
36 Mr. Thorsland called Wayne Ward to testify.

37
38 Mr. Wayne Ward, who resides at 977 North County Road 1500E, Camargo, stated that he is a Registered

12/13/2012

1 Professional Engineer and was hired by the petitioners to create the submitted site plan for the proposed
2 RLA. He said that the site plan has been updated and the Board has received a copy for review. He said that
3 to the best of his knowledge and his understanding of the requirements of the Illinois Department of
4 Transportation Division of Aeronautics and the Federal Aviation Administration, the proposed RLA meets
5 those requirements. He said that the revised site plan includes additional requirements by the ZBA and staff
6 regarding the side yards that he was not aware of when creating the previous site plan. He said that the
7 runway safety areas are in compliance as well as the side transition areas are in compliance with the
8 exception, as shown on the plans, of an additional 13.35 feet side yard area on the Bragg property that is
9 strictly farmland and is used for row crop farming. He said that he prepared the site plan with everything
10 being from the right-of-way line because he was not sure if the measurements were to be taken from the
11 right-of-way line or the centerline of Route 130. He said that if the measurements could be taken from the
12 centerline of Route 130 an additional 40 feet of runway would be provided. He said that the way that the site
13 plan is drawn from the right-of-way line the proposed RLA meets all of the requirements. He said that the
14 only thing that he is aware of not meeting the requirements at this time and could be eliminated in five
15 minutes is the sign over Dr. Jones' driveway. He said that the sign does not comply with the height
16 requirement and is too close to the runway although there is no issue with its proximity to the existing home.

17
18 Mr. Thorsland asked the Board if there were any questions for Mr. Ward and there were none.

19
20 Mr. Thorsland asked if staff had any questions for Mr. Ward and there were none.

21
22 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Ward. He reminded the audience
23 that they may only ask questions which are based on the Mr. Ward's testimony.

24
25 Mr. Mark Fisher stated that Mr. Ward has indicated that the measurement from Route 130 to the trees is
26 2590 feet. He asked Mr. Ward to indicate what part or area of the trees he used for this measurement.

27
28 Mr. Ward stated that he measured to the face of the trees where the brush starts.

29
30 Mr. Fisher asked Mr. Ward if the face of the trees where the brush starts is located at the south or north side
31 of the property.

32
33 Mr. Ward stated that he measured to the center of the runway.

34
35 Mr. Thorsland asked the audience if anyone else would like to cross examine Mr. Ward and there was no
36 one.

37
38 Mr. Thorsland called William J. Jones to testify.

12/13/2012

1
2 Mr. William J. Jones declined to testify at this time.

3
4 Mr. Thorsland called Larry Hall to testify.

5
6 Mr. Larry Hall, who resides at 177 County Road 1600E, Villa Grove, stated that over the course of the
7 hearings there have been multiple maps submitted and some of the maps have been hand drawn or have not
8 been to scale. He presented a drawing of the proposed runway to be displayed for the Board's review during
9 his testimony.

10
11 Mr. Larry Hall stated that when he and his wife discovered that there would be new maps of the proposed
12 runway submitted they had anticipated, because of all of their safety concerns, a further setback from their
13 property although to their surprise the new plans indicate that the runway is actually closer to their property.
14 He said that due to the newly submitted map he cannot imagine that anyone would expect that he and his
15 wife would be less concerned than they were before. He said that his display map indicates the previous
16 plans for the runway, indicated in blue, and the new plans, indicated in red. He said that the red lines for the
17 new plans demonstrate that the runway will actually be closer to his home.

18
19 Mr. Larry Hall stated that he and his wife did not receive their mailing packet until Monday, December 10th
20 therefore they have not had sufficient time to address any concerns that they may have with the new plans.
21 He said that they received the informational packet from Mr. Singleton, attorney for the petitioners, at
22 tonight's meeting and would like to have the opportunity to fully review that information as well.

23
24 Mr. Larry Hall stated that in being so close to the runway they are naturally concerned about any accidental
25 circumstance that would cause any aircraft to veer towards their house as opposed to having a perfect
26 landing. He said that he has completed some research about crosswind landings. He said that on many
27 occasions southern Champaign County experiences high winds and he would assume that the lighter the
28 plane the higher the impact of the winds. He said that the *Boeing Flight School Training Manual* and
29 information from the CEO/Pilot Trainer of the Best in Flight in Edgar County indicates the following:
30 Aircraft in flight are subject to the direction of the wind in which the aircraft is operating. An aircraft in
31 flight that is pointed directly north along its axis will generally fly in that northerly direction, however, if
32 there is a west wind or side wind in which the aircraft is flying then the actual trajectory of the aircraft will
33 be slightly to the east or north. Mr. Larry Hall stated that in his case he is talking of winds from the south
34 tending to cause a trajectory to the north which is the location of the house which is close to the runway. He
35 said that it appears that there is no room for error. He said that he has discussed the issue of crosswinds with
36 other pilots and they indicated that there are methods that they use such as crabbing, de-crabbing and side
37 slipping to deal with crosswinds. He said that crosswinds could be a circumstance which increases his
38 property and his family's exposure to risk.

12/13/2012

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Mr. Larry Hall stated that the manual indicates the following: If a crosswind landing is not executed properly the aircraft may experience wing strike in which the wing hits the runway. Mr. Larry Hall stated that he is concerned about any wing strike hitting the runway near his home.

Mr. Larry Hall stated he assumes that Item 8.J. on Page 8 Draft Summary of Evidence for Case 688-A-11 are to illustrate that the runway property will be used for agricultural production. Mr. Larry Hall said that Item 8.J states that the runway is currently planted in bluegrass and fescue which will be used for Dr. Jones' cattle and horses, there will be no tillage of the ground but the hay will be baled, and the grass on the runway will be kept at about 6 to 8 inches. Mr. Larry Hall stated that since he is not a pilot he completed research and found an article from *Sport Aviation Magazine* which quotes the *Civil Aviation Authority (CAA) Safety Brochure* as follows: "If the grass height is more than 30% of the wheel, which is outside diameter top to bottom of the tire, then it is a NO GO." He said that the photograph at the top of the page of the brochure indicates the following: "Do not land if the grass is 30% of wheel height." Mr. Larry Hall stated that the Cessna aircrafts that were identified during a previous meeting requires a 600 x 6 tire with a 17 inch height and 30% of that height is 5.1 inches. He stated that if the grass runway is going to be maintained at 6 to 8 inches and the intention is to operate the runway in a safe manner he would assume that Dr. Jones would adhere to the recommendations of the safety manuals and maintain the grass runway at 5 inches. Mr. Larry Hall asked if the runway is maintained at 5 inches, which is equal to a mowed residential yard, where will the hay come from for Dr. Jones' livestock. He said that if the grass hay cannot be harvested from the runway area, which is the subject of the rezoning, removing the runway area will take a substantial amount of land out of agricultural use therefore how can it be claimed agricultural use when we already know what the end use of the property will be.

Mr. Larry Hall stated that Item 8.K(1) stated the following: (a) the trees in the adjacent CR District were measured and the highest tree is 50 feet above the ground at that elevation and the elevation at that location is eight feet below the runway; and (b) there is a lot of room for the trees to continue to grow but to his best guess the trees are fully mature and are probably at their maximum height; and (c) if the trees grew to 66 feet tall they might be a problem; and (d) the trees will not be damaged, touched, or violated in any way during the use of the proposed RLA. Mr. Larry Hall stated that according to Sandy Mason, Extension Educator for Horticulture at the University of Illinois Extension Office, the five most common trees in Champaign County along river banks are Sycamore, Silver Maple, Red Oak, Green Ash and Basswood with the average mature height being 60 to 175 feet for the Sycamore, 70 feet for the Silver Maple, 70 to 90 feet for the Red Oak, 70 feet for the Green Ash and 60 to 125 feet for the Basswood. He said that he highly doubts that the trees have peaked at their mature height and they may be there today and he believes that there could be future problems and it isn't practical to believe that someone is going to maintain the tops of the trees on a regular basis. He said that item 8.K(1)(d) indicates that the trees will not be damaged, touched, or violated in any way during the use of the proposed RLA. He said that he believes that item 8.K(1)(d) should mean that not

12/13/2012

1 only from the use during the flying in and out but during the construction of the RLA. He said that item
2 10.C(10)(b) indicates that the proposed hangar, if constructed, would require some of the wooded area on the
3 subject property to be cut down. He said that by use of the map which indicates the tree line that abuts the
4 transition area and applying Mr. Ward's measurements of the hangar, the approach to the hanger and what he
5 has designated as the approach to the hangar (205 x 150) approximately a 30,750 square foot area of trees
6 would be removed from the property. Mr. Larry Hall stated that the removal of the trees would destroy a
7 substantial habitat and conservation environment. He said that previous testimony had indicated concern
8 about the removal of trees and the disturbance of the natural wildlife habitat. He said that such a disturbance
9 is a valid concern because the natural areas for the wildlife are part of the aesthetics of the neighborhood. He
10 said that the combination of the runway, which comprises approximately two acres, and the 30,750 square
11 feet for the hangar and hangar approach would take almost three acres out of agricultural and conservation
12 use.

13
14 Mr. Larry Hall presented the Board with a photograph of the subject property indicating a visual of where the
15 transition area for the proposed runway abuts his property line. He said that the photograph indicates the
16 Hall house, Dr. Jones' driveway, the proposed runway, transition area and the additional transition area to
17 the south of the runway.

18
19 Mr. Larry Hall read Item 9.B.5(a) on page 13 of 29 as follows: No part of a building or structure intended
20 for regular human occupancy located within a R or B District nor any public assembly or institutional use
21 may be located within a primary surface area, an area 250 feet wide centered on the runway centerline and
22 extending 200 feet beyond each end of the runway. Mr. Larry Hall acknowledged that his house is not
23 located in a R or B District but his home and the neighbor's homes are located in a subdivision and in nature
24 the area is strictly residential. He asked the Board why he and his neighbor's homes should be allotted less
25 safety precautions than someone located in a residentially zoned district. Mr. Larry Hall stated that the map
26 indicates that the distance from his house to the proposed RLA at 34 feet which is substantially less than the
27 250 feet separation distance awarded by the Zoning Ordinance to other residential citizens of the County.
28 Mr. Larry Hall stated that Item 21.I on page 21 of 29 indicates that there shall be a minimum separation
29 distance of at least 230 feet between the nearest point of the RLA and the nearest dwelling. He said that
30 there is a substantial difference between the 230 feet, recommended in the special condition, and the 34 feet
31 indicated on the revised map. He asked the Board why he and his neighbors should receive fewer safety
32 considerations than someone who lives in the city or is zoned residential. He requested equal safety
33 considerations for his family and his neighbors.

34
35 Mr. Thorsland asked the Board if there were any questions for Mr. Larry Hall and there were none.

36
37 Mr. Thorsland asked if staff had any questions for Mr. Larry Hall.

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12/13/2012

1 Mr. John Hall stated that Mr. Larry Hall is misreading the description of the primary surface area. Mr. John
2 Hall stated that the property that is proposed for rezoning is 256 feet wide and is somewhat wider than the
3 primary surface area therefore no part of the primary surface area crosses over onto Mr. Larry Hall's
4 property.

5
6 Mr. Larry Hall stated that he agrees that the primary surface area does not cross over onto his property but it
7 does abut it.

8
9 Mr. John Hall stated that Mr. Larry Hall's property is receiving as much protection as if the property was
10 located in a residential district. He said that the Item 9.B.5(a) states that no building shall be located in the
11 primary surface area and Mr. Larry Hall's house is not located in that area. He said that Item 9.B.5(a) does
12 not mention that no part of the lot may be located within the primary surface area and even if it did Mr. Larry
13 Hall's lot is not located in that area either.

14
15 Mr. Larry Hall asked Mr. John Hall if the primary surface area refers to the landing strip.

16
17 Mr. John Hall stated that the primary surface area is the area which is 250 feet wide centered on the runway.

18
19 Mr. Larry Hall asked if that extends out to the edge of the transition area.

20
21 Mr. John Hall stated that on the north side it includes all of the transition area.

22
23 Mr. Larry Hall asked Mr. John Hall to indicate the distance of the transition area to his property line.

24
25 Mr. John Hall stated that the transition area abuts Mr. Larry Hall's property line.

26
27 Mr. Larry Hall stated that he agrees. He said that the edge of the transition area is 34 feet from his home.

28
29 Mr. John Hall stated that Mr. Larry Hall testified that his property is receiving less protection than what this
30 part of the Ordinance would provide for someone in the R District. He said that Mr. Larry Hall's property is
31 not receiving any more or less protection than anyone in the R District and he is not suggesting that this
32 point should make it all right. He noted that the primary surface area is 250 feet wide centered on the
33 runway so the north edge of the primary surface is 125 feet from the centerline of the runway. He said that
34 these dimensions point out that Mr. Larry Hall's property is 135 feet from the center of the runway so the
35 primary surface area is 10 feet south of Mr. Larry Hall's lot line.

36
37 Mr. Larry Hall stated that the primary surface area is 47 feet from his house and he appreciates Mr. John
38 Hall's clarification although he is not less concerned. He said that all of the information and dimensions are

12/13/2012

1 very difficult to follow when you are a layman and you have concerns. He said that he is extremely
2 concerned about the statement that was included in Mr. Singleton's distributed packet indicating that he had
3 pressured someone to sign the opposing petition. He assured that Board that in no way did he pressure
4 anyone to sign the opposing petition and the person who made the claim offered his signature without
5 coming to his home.

6
7 Mr. John Hall asked Mr. Larry Hall if he intended to submit the presented map and photographs as
8 Documents of Record.

9
10 Mr. Larry Hall stated that he will submit the presented information as Documents of Record although he
11 would like to keep the photograph because it is a nice picture and it was expensive. He said that if the
12 photograph must be kept he would like to have the opportunity to receive it back once it is no longer
13 required for the case.

14
15 Mr. John Hall asked Mr. Larry Hall if he had a written document from Sandy Mason that could be submitted
16 at tonight's public hearing.

17
18 Mr. Larry Hall stated no. He said that he spoke to Ms. Mason on the telephone.

19
20 Mr. John Hall stated that he did not realize that Basswood trees matured at 125 feet although the other tree
21 heights seemed reasonable.

22
23 Mr. Larry Hall stated that the information regarding the tree heights were from Google but the other
24 information was from his personal conversation with Ms. Mason.

25
26 Mr. John Hall stated that at this point, Mr. Larry Hall's personal conversation with Ms. Mason should be
27 considered hearsay. He said that Mr. Larry Hall's testimony included information from an article from *Sport*
28 *Aviation Magazine*. He asked Mr. Larry Hall if he could submit a copy of that article to the Board as a
29 Document of Record tonight.

30
31 Mr. Larry Hall stated yes and submitted the article as a Document of Record.

32
33 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Larry Hall and there was no one.

34
35 Mr. Thorsland called Julia Hall to testify.

36
37 Ms. Julia K. Wright-Hall, who resides at 177 County Road 1600E, Villa Grove, stated that she lives next to
38 the proposed RLA and has presented testimony at previous hearings regarding the proposed RLA. She said

12/13/2012

1 that she has no personal vendetta against Phillip and Sara Beth Jones and would rather be anywhere than
2 where she is right now. She said that the only reason why she is before the Board tonight is to protect her
3 home, property value, serenity and safety of her family. She said that she has submitted numerous facts,
4 documents, photographs, and objections to the Board regarding the proposed RLA. She said that the
5 proposed RLA will be located less than 40 feet from the yard where she and her granddaughter play
6 badminton and she does not believe that it is a safe situation to have a plane land so near to her home. She
7 begged the Board to not allow the proposed RLA to be placed this close to her bedroom window and thanked
8 the Board for their service.

9
10 Mr. Thorsland asked the Board if there were any questions for Ms. Hall and there were none.

11
12 Mr. Thorsland asked if staff had any questions for Ms. Hall and there were none.

13
14 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Hall and there was no one.

15
16 Mr. Thorsland called Sarabeth Jones to testify.

17
18 Ms. Sarabeth Jones declined to testify at this time.

19
20 Mr. Thorsland called Phillip Jones to testify.

21
22 Dr. Phillip Jones, who resides at 175 County Road 1600E, Villa Grove, stated that all of the evidence has
23 been presented and it should be easy to address what evidence is reasonable and what is not. He said that he
24 has planted over 2,500 native hardwood trees on his property therefore to indicate that he is creating a
25 conservation problem is unfounded. He said that Larry Hall's photograph indicates the beautiful stand of
26 native grasses, the new trees that have been planted, and the wildlife habitat that has been created. He said
27 that he has been flying for over 20 years and has never had a close incident of any kind and the argument
28 regarding crosswinds is not an issue. He said that Larry Hall's house is further away than almost all airport
29 hangers to a landing strip and it is impossible to drive a plane through the five foot of grass that is near Mr.
30 Hall's property. He said that an airplane's engine is on idle when it lands therefore his aircraft will be
31 quieter than his diesel truck is when he drives down his lane. He said that there may be a little noise noticed
32 when the aircraft takes off but he will be 1,000 feet in the air when he passes Mr. Hall's house.

33
34 Dr. Jones stated that he appreciates the Board's time and he would appreciate getting these cases resolved so
35 that everyone can move forward with other important issues.

36
37 Mr. Thorsland asked the Board if there were any questions for Dr. Jones.

12/13/2012

1 Mr. Courson asked Dr. Jones if he had pursued purchasing additional land to the south for the landing strip.

2
3 Dr. Jones stated that the land that the land that is next to his property is zoned CR therefore he would need to
4 purchase 60 and an additional 80 acres which would require a substantial amount of money.

5
6 Mr. Courson asked Dr. Jones if no is his answer.

7
8 Dr. Jones stated that he has spoken with the owner of the adjacent property although that property is also
9 zoned CR. He said that he has not made any movement in purchasing any other property.

10
11 Mr. Thorsland asked if staff had any questions for Dr. Jones.

12
13 Mr. John Hall asked Dr. Jones how his helicopter and the noise that it creates compares to the noise that is
14 created by a typical helicopter that would land on top of Carle Hospital. He said that he understands that
15 acoustics in the city are much different than the acoustics in the CR district.

16
17 Dr. Jones stated that the helicopter that lands at Carle Hospital has two 650 horse power engines but his has
18 one 315 horse power engine. He said that the helicopter for Carle has four times the horsepower that his
19 helicopter therefore it is like comparing a Nissan car to a semi-truck and the noise is much less.

20
21 Mr. Thorsland asked the audience if anyone desired to cross examine Dr. Jones and there was no one.

22
23 Mr. Thorsland called Ben Shadwick to testify.

24
25 Mr. Ben Shadwick declined to testify at this time.

26
27 Mr. Thorsland asked Mr. Singleton if he would like to add any new information at this time.

28
29 Mr. Singleton stated no.

30
31 Mr. Thorsland called Jean Fisher to testify.

32
33 Ms. Jean Fisher, who resides at 195 County Road 1600E, Villa Grove, stated that she lives in the subdivision
34 that Mr. Larry Hall spoke about. She thanked the Board for allowing the neighbors to express their concerns
35 about the proposed RLA. She said that some of the biggest issues that the Board has to address and examine
36 are, private and public safety, environmental effects and the impact on local homeowners and the
37 homeowner's right to live safely and peacefully within a rural setting. She asked the Board which of the two
38 safety issues, private or public, is of the utmost importance. She asked if it is the risk factor of any potential

12/13/2012

1 aircraft accidents to neighboring households where the owners would indicate that they did not consider the
2 possibility of such a risk when they purchased their property or is it the Board's priority to allow someone
3 with a hobby to offer their services to an unknown variable, such as, emergency services. She said that by
4 indicating unknown she means when, if ever, the services may be required. She said that it is not a proven
5 need when those who are trained, certified and held financially liable should any accident occur are
6 employed to perform those demands on a needed basis. She said that it appears more than reasonable that
7 those closest in proximity have everything to risk and 37 people have indicated that they do not accept the
8 risk of any accidents to them due to the proposed rezoning and RLA. She said that by definition risk is as
9 follows: 1. Noun: a situation involving exposure to danger; and 2. Verb: expose someone or something
10 valued to harm or loss and 3. Synonyms: hazard, peril, jeopardy, danger, venture and chance. She said that
11 the homeowners do not want that risk or hazard and they do not see the need for it.
12

13 Ms. Fisher stated that after discussing RLAs extensively with IDOT personnel it was discovered that any
14 aircraft that experiences an in-flight emergency could be directed to land at the proposed RLA. She said that
15 these instances do and could occur therefore why would any residence, especially the residence owned by
16 Mr. and Mrs. Hall, be forced to endure this hazard.
17

18 Ms. Fisher stated that the environmental effects, sound, water and air quality, would or could be forever
19 damaged. She said that the Morton Arboretum website, [http://www.mortonarb.org/tree-plant-](http://www.mortonarb.org/tree-plant-advice/article/859/native-trees-of-the-midwest.html)
20 [advice/article/859/native-trees-of-the-midwest.html](http://www.mortonarb.org/tree-plant-advice/article/859/native-trees-of-the-midwest.html) references Native Trees of the Midwest. She said that
21 the reference describes the uses of trees such as food, shelter for wildlife and advantages of trees in the
22 landscape. She said that the website chart shows a graph of common name, botanical name, height, spread,
23 form, growth rate, zone and cultural comments. She said that many of the common trees, such as,
24 Sycamore, Oak, Maple, Basswood, Hickory, Pines and River Birch, grow to heights of 40 to 100 feet and are
25 characterized as either fast or slow growing. She said that the fast growing trees may average up to 25+
26 inches per year, the medium growing trees may average 13 to 22 inches per year and the slow growing trees
27 may average less than 12 inches per year. Ms. Fisher submitted the Morton Arboretum article as a
28 Document of Record.
29

30 Ms. Fisher stated some of the trees that were referenced during Mr. Larry Hall's conversation with Sandy
31 Mason are referenced in the submitted article. Ms. Fisher stated that Ms. Mason confirmed that these
32 species of trees and their growth in running river basins in Champaign County are important. She said that
33 trees located along the river basin provide habitat for wildlife, stabilize ground, filter watershed, and improve
34 water quality and air quality. She said that Dr. Jones has indicated that no trees would be harmed in any way
35 regarding the RLA request. She asked how such can be accomplished when trees have grown in the flight
36 path, safety zone, or RLA and aircraft hanger construction. She said that Illinois is a home rule state and the
37 Illinois Municipal League website mentions that Champaign is in home rule therefore she wonders if that
38 would apply to Mr. Singleton's statements that the safety areas or special considerations that staff

12/13/2012

- 1 recommended wasn't allowed by state law. She said that she wonders if the home rule may apply to this
2 situation since Champaign is a home rule municipality.
3
- 4 Ms. Fisher stated that if the area homeowners, especially Larry Hall, decided to sell their property they
5 would have to fully disclose that the property abuts an RLA and she would imagine that this disclosure
6 would affect the property's value. She said that the proximity of an RLA near a home that is for sale could
7 be a deal breaker to a potential buyer which would be detrimental to the seller.
8
- 9 Ms. Fisher stated that Dr. Jones is fighting for what he wants and the neighboring homeowners are fighting
10 for what they already have and deserve to maintain. She said that the Board has the decision placed upon
11 them to determine if the risk or hazard is being placed as a burden to the Hall family as well as the adjacent
12 property owners and 37 people in opposition. She respectfully requested that Dr. Jones' requests be denied.
13
- 14 Ms. Fisher stated that she is not sure how the Board should perceive this information but the 2010 article
15 from *The News Gazette*, which references Dr. Jones' assistance for emergency services, indicated that Dr.
16 Jones had been flying for ten years although tonight Dr. Jones indicated that he has been flying for 20 years.
17
- 18 Ms. Fisher thanked the Board for their time and requested that they consider the effects of the proposed RLA
19 on the existing neighboring homeowners.
20
- 21 Mr. Thorsland asked the Board if there were any questions for Ms. Fisher and there were none.
22
- 23 Mr. Thorsland asked if staff had any questions for Ms. Fisher and there were none.
24
- 25 Mr. Thorsland asked the audience if they desired to cross examine Ms. Fisher.
26
- 27 Mr. Mark Fisher asked Ms. Fisher if she intended to provide the tree height information to the Board as
28 Documents of Record.
29
- 30 Ms. Fisher stated yes.
31
- 32 Mr. Thorsland informed Ms. Fisher and Mr. Larry Hall that if they intend to reference the conversation with
33 Ms. Sandy Mason then they should obtain a written document from Ms. Mason documenting the information
34 disclosed during that conversation and submit that documentation to the Board as a Document of Record.
35 He said that Ms. Mason can present the information to the Board directly. He said that until one of those
36 two things occur any references to the conversation with Ms. Mason will be considered hearsay.
37
- 38 Mr. Thorsland called Mark Fisher to testify.

12/13/2012

1

2 Mr. Mark Fisher, who resides at 195 County Road 1600E, Villa Grove, stated that he is still confused and
3 may disagree with Mr. John Hall. He requested that the Board review Item 3 on page 2 of the letter dated
4 February 24, 2012, from IDOT to John Hall, included as Tab 3 of Mr. Singleton's distributed packet. Mr.
5 Fisher read Mr. Hall's question to IDOT in item 3 as follows: Is this proximity to an adjacent dwelling
6 under different ownership considered good practice? Would this comply with the recommendations or
7 guidelines for residential airports or would it have been allowed under the old IDOT residential airport
8 guidelines. Mr. Fisher read IDOT's response to Mr. Hall's question as follows: The Illinois Aviation Safety
9 Rules require a 4:1 side transition for RLAs starting at the edge of the runway and extending for 85 feet.
10 Beyond this distance there is no obstruction clearance requirement. You noted that the neighbor's house is
11 128 feet from the edge of the runway. This meets our requirement for a side transition. We currently do not
12 have a separate set of requirements for a residential airport. They currently fall under the requirements for a
13 private-use airport. A private-use airport has a 7:1 side transition which starts 50 feet beyond the edge of the
14 runway and extends for 5,000 feet from the runway centerline. In addition, no obstacles over 150 feet above
15 the height of the runway are allowed in the side transition area. Using these requirements, the neighbor's
16 house could be no more than 12 feet above the height of the runway.

17

18 Mr. Fisher stated that he does disagree with Mr. John Hall's statement that there are no separate safety rules
19 for residential in an RLA IDOT airport. He said that the only way that he can see why there would be stricter
20 requirements for a residential or private use airport is for safety concerns for people in houses. He asked Mr.
21 Hall if he is reading this information incorrectly.

22

23 Mr. John Hall stated that there are different requirements and this is not a private-use airport and that is not
24 what has been requested. He said that the RLA restrictions do not impose any height limit on the neighbor's
25 house. He said that if the request was for a private use airport then there would be a height limit.

26

27 Mr. Fisher asked Mr. John Hall why IDOT has two standards.

28

29 Mr. John Hall stated that Mr. Fisher would need to ask IDOT that question.

30

31 Mr. Fisher stated that it appears that if this is for a residential area then IDOT is probably considering people
32 in houses. He said that this is the reason, that he can think of, why IDOT would have stricter requirements.

33

34 Mr. John Hall stated that he believes that it is just the opposite. He said that a private use airport is
35 presumably a greater investment than an RLA and one would only seek approval for an airport if they really
36 needed to have an airport. He said that once you have an approval for an airport you expect the investment
37 to be protected. He said that an RLA has very low costs, very low and smaller traffic, and has different
38 requirements and expectations therefore the reason for two different sets of rules. He said that one set

12/13/2012

1 applies to this case and the other does not for a whole range of reasons.

2
3 Mr. Fisher stated that if it is classified as a private-use airport, which IDOT determined that the RLA would
4 be placed under because it does not have requirements for a residential airport, the Larry Hall house would
5 be an issue but under the 4:1 requirement it would not be a problem. He said that he does not see how this
6 would have anything to do with the investment in the airport especially if it doesn't protect the airport
7 owner/operator but protects the residents. He said that the reason why there would be a greater side
8 transition for one and not for the other would be to protect the people who live near the airport.

9
10 Mr. Thorsland stated that Mr. Fisher's question is a good question for IDOT.

11
12 Mr. Fisher agreed.

13
14 Mr. Thorsland asked the Board if there were any questions for Mr. Fisher and there were none.

15
16 Mr. Thorsland asked if staff had any questions for Mr. Fisher and there were none.

17
18 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Fisher and there was no one.

19
20 Mr. Thorsland asked the audience if anyone desired to sign the witness register to present testimony at this
21 time.

22
23 Mr. Thorsland called Sara Beth Jones to testify.

24
25 Ms. Sarabeth Jones, who resides at 175 N County Road 1600E, Villa Grove, stated that she would like to
26 address a few items that have been brought up during tonight's public hearing. She said that she rides her
27 horse on the entirety of their property and to her knowledge there are no Sycamore trees or the type of Oak
28 trees mentioned although they do have White Oak trees on the property. She said that in terms of the
29 environmental impact that the cutting of any trees would create, she cannot believe that the cutting of the
30 trees would cause more damage than what they have added to the property. She said that she and her
31 husband have enhanced the area by adding prairie and habitat areas for the different wildlife. She said that
32 she brings her students to the property to experience and learn about the environment.

33
34 Ms. Jones stated that she would like to clarify the confusion regarding how many years Dr. Jones has been a
35 pilot. She said that he has indeed been flying an airplane for 20 years but has only been flying a helicopter
36 for 10 years. She said that through all of these hearings her husband has been somewhat attacked and
37 deemed as an unsafe pilot and she does not agree because she and her children fly with him. She said that
38 her two most precious possessions are her two boys and Mr. and Mrs. Fisher allowed their two boys to ride

12/13/2012

1 with Phillip in his helicopter. She said that Mr. and Mrs. Fisher have expressed their concerns about
2 accidents that may occur although they allowed their boys to fly with Phillip. She said that at times it is very
3 difficult to sit and listen to the negative comments from the neighbors therefore she thought that it should be
4 noted that they trusted Phillip with their children's lives.

5
6 Mr. Thorsland asked the Board if there were any questions for Ms. Jones and there were none.

7
8 Mr. Thorsland asked if staff had any questions for Ms. Jones.

9
10 Mr. John Hall stated that the purpose of the public hearing is to obtain the best evidence for the public record
11 so that when the rezoning is forwarded to the County Board there is a clear record supporting the ZBA's
12 recommendation and the petitioner's request. He said that Dr. Jones indicated tonight that he has planted
13 over 2,500 trees on the property although he did not specify what type of trees were planted or their location.

14 Mr. Hall said that he had previously asked Dr. Jones if there was a management plan for the property and
15 Dr. Jones indicated that there was not. Mr. Hall stated that he cannot stress enough how important it is to
16 place that type of information on the record and if there is no management plan then the petitioner can only
17 claim so far that they are actually trying to improve the land.

18
19 Ms. Jones asked Mr. Hall to explain what a management plan contains.

20
21 Mr. John Hall stated that a management plan is a document that explains how the petitioner will achieve a
22 good stand of native vegetation versus a stand of thistle and anything else that wants to grow. He said that if
23 the petitioner has been trying to make the property better for conservation purposes the Board must obtain
24 that documentation because such evidence is very relevant to the case.

25
26 Ms. Jones asked Mr. Hall if photos should be submitted or is a site visit necessary with an expert to prove
27 that the photo is not thistle but actual native grasses.

28
29 Mr. Hall stated that the purpose is to get evidence that will be available to the County Board for review when
30 this case is forwarded to them. He said that the evidence should be in writing identifying what species were
31 planted and a map that indicates where the 2,500 trees were planted. He asked Ms. Jones if she knows how
32 tall a White Oak tree will grow.

33
34 Ms. Jones stated no, but she knows that a lot of the White Oak trees are dying faster than they are growing at
35 this point.

36
37 Mr. Hall stated that White Oak trees are magnificent trees and they grow much higher than 66 feet. He said
38 that to say that they will not be a problem for the approach area and to say that they will not grow more than

12/13/2012

1 66 feet is not consistent. He said that he suspects that the White Oak trees may be a problem although he is
2 not sure that the ZBA needs to deal with it but the idea is to get evidence for the County Board to review.
3 He suggested that the petitioner provide better evidence.

4
5 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Jones.

6
7 Ms. Jean Fisher asked Ms. Jones if at the time that her children rode with Phillip in the helicopter was the
8 helicopter zoned to land on the property.

9
10 Ms. Jones stated yes. She said that a helicopter may land on the property of which the pilot owns.

11
12 Ms. Fisher stated that the helicopter landing was legal for Champaign County.

13
14 Ms. Jones stated that it is her understanding that it is completely legal. She said that when she mentioned
15 that Ms. Fisher's children rode with Phillip in the helicopter she was not indicating that the helicopter
16 landing on the property was legal but was indicating that at the time Ms. Fisher trusted Phillip with her two
17 children for a ride in the helicopter.

18
19 Mr. Thorsland asked the audience if anyone else desired to cross examine Ms. Jones.

20
21 Mr. Larry Hall stated that Ms. Jones referenced to the planting of 2,500 trees. He asked Ms. Jones if
22 approximately 500 trees, 20% of the 2,500 reportedly planted, were planted on top of the berm which was
23 constructed behind the existing adjacent homes and if so were those trees planted to improve conservation.

24
25 Ms. Jones stated that any tree planted will provide a habitat for wildlife.

26
27 Mr. Thorsland asked the audience if anyone else desired to cross examine Ms. Jones at this time and there
28 was no one.

29
30 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present
31 testimony regarding these two cases.

32
33 Mr. Thorsland called Linda Schumm to testify.

34
35 Linda Schumm, Bureau Chief, for IDOT Division of Aeronautics Safety Aviation, stated that there was a
36 question regarding a restricted landing area versus an airport. She submitted a copy of the *Illinois Aviation*
37 *Safety Rules* as a Document of Record and read the definition of an airport, public or private, as follows:
38 "Airport" means any area of land, water or both, except a restricted landing area, that is designated for the

12/13/2012

1 landing and takeoff of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of
2 aircraft, or for receiving or discharging passengers or cargo; and, all appurtenant areas used or suitable for
3 airport buildings or other airport facilities, and all appurtenant rights-of-way, whether established before or
4 after the effective date of this Part. (Various airport classifications may be found in Subpart E, Subpart F and
5 Subpart H of this Part.) (See Section 6 of the Act.) She read the definition of a restricted landing area as
6 follows: "Restricted Landing Area RLA" means any area of land, water, or both that is used or is made
7 available for the landing and takeoff of aircraft that is intended for private use. (See Section 8 of the Act.)
8

9 Ms. Schumm stated that it is kind of a misnomer that in Illinois we define public use airports, private use
10 airports and restricted landing areas and the Federal Aviation Administration looks at it somewhat
11 differently. She said that typically a restricted landing area is for the use of the certificate holder which is
12 why it is referred to as private. She said that a private use airport is typically for a greater number of aircraft
13 but is not open to the public generally for liability purposes because they don't want everyone from the entire
14 world coming in to land as they please which is why IDOT characterizes residential landing areas as private
15 use airports. She said that some of this information was included in her letter dated February 24, 2012, to
16 John Hall indicating restrictions for the two types of landing areas such as the number of based aircraft and
17 type of operations and whether or not one can do commercial maintenance, fly instruction, etc. She said that
18 most of those, other than the limit of 6 based aircraft in a restricted landing area, no commercial operations,
19 no flying instructions, no aircraft maintenance where as in a private use airport you would be allowed those
20 things with a greater number of aircraft. She said that she wanted to clarify some of the information that was
21 asked earlier.
22

23 Mr. Thorsland asked Ms. Schumm that regardless of the designation as an RLA, private or public airport are
24 they a landing site for an aircraft in emergency.
25

26 Ms. Schumm stated that a cornfield is a landing site for an aircraft in emergency. She said that earlier it was
27 stated that air traffic control would direct someone to land in a restricted landing area. She said that she is a
28 flight instructor and pilot and air traffic control is not going to tell a pilot to land in a restricted landing area
29 but will tell the pilot that there is a runway in the area if you can make it because it is always safer to land on
30 a runway than on a cornfield or road. She said that air traffic control will give the pilot advice but they
31 cannot direct someone to land anywhere and can only give advice as to what is available in the area.
32

33 Mr. Thorsland asked Ms. Schumm if air traffic control would be aware of the restricted landing area at this
34 location.
35

36 Ms. Schumm stated yes. She said that all restricted landing areas are charted in the FAA data base although
37 they may not show up on the FAA navigation chart because sometimes the landowners do not want them
38 published because of liability purposes. She said that everything is in the National Airspace Data Base.

12/13/2012

1
2 Mr. Thorsland asked the Board if there were any questions for Ms. Schumm.
3
4 Mr. Courson stated that Ms. Schumm indicated that the RLA could only be used by the certificate holder.
5 He asked Ms. Schumm who would be included on the certificate, friends, family members, etc.
6
7 Ms. Schumm stated that the RLA is to be used by the certificate holder or anyone that they give permission
8 to land. She said that if someone owned an RLA they could give permission to land on the landing strip.
9 She said that the RLA is not for use of the public which is uninvited and are typically only for the use of the
10 owner.
11
12 Mr. Passalacqua asked Ms. Schumm if she aware whether an RLA will affect the neighboring property's
13 insurance rates.
14
15 Ms. Schumm stated that she has no idea and cannot voice any opinions.
16
17 Mr. Thorsland asked if staff had any questions for Ms. Schumm and there were none.
18
19 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Schumm.
20
21 Mr. Larry Hall asked Ms. Schumm if there was an aircraft in the area that was in a distressed situation, they
22 could be made aware of the fact that there was a landing strip available for landing.
23
24 Ms. Schumm stated that this is not an IDOT question. She said that as an experienced pilot, if there is an
25 airliner coming in the air traffic control operator will not direct them to this landing strip because it will not
26 do them any good. She said that if it is something that could help the pilot have a safe uneventful landing
27 then air traffic control will inform the pilot that within a certain distance there is an adequate landing strip at
28 an airport.
29
30 Mr. Larry Hall asked Ms. Schumm if the aircraft was in a distress situation might that slightly increase the
31 chance that an eventful landing could take place at the landing strip.
32
33 Ms. Schumm stated that she cannot comment on such because Mr. Larry Hall is asking her for her opinion.
34
35 Mr. Thorsland asked the audience if anyone else desired to cross examine Ms. Schumm.
36
37 Mr. Mark Fisher asked Ms. Schumm to explain why there are two types of side transitions for an RLA and a
38 private use airport.

12/13/2012

1
2 Ms. Schumm stated that generally that applies to the uses allowed for those airports. She said that for a
3 private use airport the aircraft can carry passengers therefore people can be in the area of the airplanes,
4 commercial maintenance, and parachute operations can occur. She said that there are a number of uses for a
5 private use airport that would not be allowed for an RLA and that comes down to a safety issue for the
6 people and the buildings. She said that if she is going to put a hanger right where there will be a greater
7 number of operations, because it is private use, then there will be higher restrictions.

8
9 Mr. Fisher asked Ms. Schumm if the 7:1 side yard transition would provide a greater protection for the
10 surrounding properties.

11
12 Mr. Thorsland informed Mr. Fisher that Ms. Schumm did not discuss the 7:1 side transition during her
13 testimony. He informed Ms. Schumm that even though everyone is curious about her answer she is not
14 obligated to answer Mr. Fisher's question.

15
16 Ms. Schumm stated that it really does have to do with the greater types of operations and safety.

17
18 Mr. Thorsland asked the audience if anyone else desired to cross examine Ms. Schumm. He reminded the
19 audience that they can only ask Ms. Schumm about information that was included in her testimony and
20 cannot give new testimony.

21
22 Ms. Jean Fisher asked Ms. Schumm what types of aircraft or aeronautical things could land on the RLA.

23
24 Ms. Schumm stated that there are different types of RLAs, such as, an RLA for a hospital, an RLA for a
25 heliport or an RLA for a landing strip. She said that in this case we are referring to a landing strip and there
26 are no restrictions for a landing strip therefore an airplane, helicopter, hot air balloon, a skydiver, ultra-light.
27 She said that if the request was for a heliport then obviously an airplane could not land there and that is not a
28 state rule.

29
30 Ms. Fisher asked Ms. Schumm if someone had permission from the RLA owner then multiple types of
31 aircraft could land at this location.

32
33 Ms. Schumm stated yes.

34
35 Ms. Fisher asked if the hot air balloons, ultra-lights, etc. have the potential to cause harm.

36
37 Mr. Thorsland informed Ms. Schumm that she was not required to answer Ms. Fisher's question.

38

12/13/2012

1 Ms. Schumm stated that such a question would only receive a subjective answer.

2

3 Mr. Thorsland asked the audience if anyone else desired to cross examine Ms. Schumm and there was no
4 one.

5

6 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present
7 testimony regarding these cases.

8

9 Mr. Alan Singleton requested the opportunity to present testimony.

10

11 Mr. Thorsland called Alan Singleton to testify.

12

13 Mr. Alan Singleton, attorney for the petitioner, stated that he has planted more than 1,000 trees on his own
14 property. He said that if you look at a cornfield you will notice that the corn on the outer edge of the field is
15 shorter than the rest of the corn and that is the same situation that happens with trees. He said that in the
16 wooded area where his parents reside the trees in the middle of the forest are tall but the trees on the outside
17 of the forest are shorter because they do not have to reach up as far for light. He said that as we think about
18 the trees that might infringe upon the proposed RLA, those are on the edge and have no reason to grow taller
19 because they have all of the light that they want.

20

21 Mr. Thorsland asked the Board if there were any questions for Mr. Singleton and there were none.

22

23 Mr. Thorsland asked if staff had any questions for Mr. Singleton and there were none.

24

25 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Singleton and there was no one.

26

27 Mr. Thorsland stated that the Board has heard hearsay evidence from Sandy Mason about the trees. He said
28 that he would like to have testimony from an expert to personally present information to the Board about the
29 trees which exist on the west end of the landing strip. He said there has been testimony regarding the intent
30 of the trees that have been planted and he encourages the intent to replace trees that may be removed for the
31 RLA and Mr. Hall requested a maintenance plan from the petitioners.

32

33 Mr. Thorsland stated that at tonight's meeting the Board received a packet of evidence from Mr. Singleton
34 and he would like the opportunity to read through the evidence. He asked the Board if there was any
35 additional information that they would like to review for these cases.

36

37 Mr. Passalacqua stated that he would be curious to know if Larry Hall's homeowner's insurance agent would
38 have new insurance premium information for his property if it becomes adjacent to an RLA. He said that he

12/13/2012

1 is sure that Dr. Jones knows what the insurance rates are for owning and flying aircraft but he is not sure if
2 Dr. Jones' neighbors know what they might be in for regarding their insurance rates.

3
4 Mr. Thorsland stated that such information would be requiring personal information therefore the Board can
5 only suggest investigating such with his insurance agent.

6
7 Mr. Palmgren stated that, from personal experience, the insurance premium for a home that is located
8 adjacent to an RLA is not any more expensive than anyone else's homeowner's insurance premium although
9 they do carry an optional extra umbrella policy.

10
11 Mr. Thorsland informed the audience that Mr. Palmgren does reside adjacent to a residential airport.

12
13 Mr. Palmgren stated that he does reside adjacent to the only residential airport in the County. He said that
14 during the 25 years of the residential airport's existence there has only been one aircraft incident. He said
15 that the airplane went on its back because the pilot applied the brakes and the aircraft flipped over on the
16 runway and no injuries were incurred. He said that no one is allowed to use the airstrip unless they are
17 invited because it is a private use airstrip. He said that five of the homeowners, half of the residents, do not
18 have any interest in aviation at all other than they enjoy watching the airplanes and two of those residents
19 live within 100 feet of the runway. He said that it is his view that as long as the use of the landing strip is
20 restricted for other pilots the safety issue may not be as big a problem as once thought.

21
22 Mr. Courson stated that before the Board requests more information about the RLA he would like to poll the
23 Board on the map amendment because if the map amendment does not pass the RLA is moot.

24
25 Mr. Thorsland stated that part of his question regarding the trees and requesting additional information is in
26 relation to the map amendment as well. He said that he understands Mr. Courson's point in that the Board
27 should proceed with the map amendment case prior to dealing with the RLA but he would like to hear
28 testimony regarding the trees on the west end and view the petitioner's management plan.

29
30 Mr. Courson stated that he has reservations about taking a piece of property and rezoning it so that the
31 petitioner can do something on it that wasn't allowed in its current zoning. He said that such a request is
32 "spot zoning" because the petitioner has requested to take the center out of the CR zoning district so that an
33 RLA would be allowed. He said that he knows that the petitioners have asked to have the property rezoned
34 to AG-1 for agricultural purposes but agricultural purposes are allowed in the CR District and the production
35 of hay can continue in that district. He said that there is very little CR in the County and this particular
36 portion of the CR District has been developed and if the Board allows people to request continuous
37 rezonings then why does the County have zoning classifications in the first place.

12/13/2012

1 Mr. Hall stated that he does not understand why Mr. Courson feels that this would be “spot zoning.” He said
2 that if the property is rezoned it will abut AG-1 at the east end and normally if someone refers to “spot
3 zoning” it means that there will be a spot of new zoning surrounded by the old zoning which is not the case
4 here.

5
6 Mr. Courson stated that the AG-1 land to the east is separated from the subject property by the highway
7 therefore it is not contiguous.

8
9 Mr. Hall stated that Mr. Courson is correct that the two properties are separated by the highway but in terms
10 of AG-1 zoning the two zoning districts meet at the centerline of the highway therefore if the subject
11 property is rezoned there will be AG-1 on one side.

12
13 Mr. Thorsland asked if staff has any questions for the petitioner.

14
15 Mr. Hall stated no. He said that he is interested to know if the Board has any concerns regarding the legality
16 of requiring a minimum separation between the proposed RLA and the adjacent property. He said that the
17 Board has received a lot of documentation tonight indicating that such a separation is completely illegal. He
18 said that he hopes that the Board finds that claim as funny as he does but if not then he must provide new
19 evidence.

20
21 Ms. Capel stated that she would like staff to provide such evidence.

22
23 Mr. Passalacqua stated that he agrees with Mr. Courson’s point regarding the rezoning. He said that he
24 understands that staff is not calling the request “spot zoning” but it could be called “reverse spot zoning”
25 because a limited amount of CR is being proposed to be changed to AG-1 to allow an RLA. He said that the
26 Board needs to concentrate on the rezoning first and then move to the special use if necessary.

27
28 Mr. Thorsland informed the petitioner and the witnesses that additional information is required for the trees
29 and the Board would like to have an expert submit testimony, either personally or in written form, to the
30 Board. He said that the petitioner needs to submit a maintenance plan for the subject property. He suggested
31 that someone may like to submit the cost of homeowner’s insurance for a property adjacent to or near a
32 landing strip. He said that Mr. Palmgren testified that, personally, his homeowner’s insurance did not
33 change but there is an additional umbrella policy that can be purchased for additional coverage. He said that
34 staff has been asked to prepare a response or rebuttal to the information distributed by Mr. Singleton
35 regarding the legality of requiring a greater setback.

36
37 Mr. Thorsland asked the petitioners if a continuance to March 14, 2013, is acceptable.

38

12/13/2012

1 Mr. Singleton stated yes, a continuance date of March 14, 2013, appears acceptable at this time.

2
3 Mr. Thorsland entertained a motion to continue Cases 687-AM-11 and 688-S-11 to March 14, 2013.

4
5 **Ms. Capel moved, seconded by Mr. Miller to continue Cases 687-AM-11 and 688-S-11 to March 14,**
6 **2013. The motion carried by voice vote.**

7
8 Mr. Thorsland stated that the Board will take a five minute recess.

9
10 **The Board recessed at 8:30 p.m.**

The Board resumed at 8:37 p.m.

11
12 **Case 715-V-12 Petitioner: John Behrens Estate and Anne and Denny Anderson Request to authorize**
13 **the following in the R-1 Single Family Residence Zoning District: Part A. Variance for a side yard**
14 **and rear yard of an existing shed of 1 foot in lieu of the minimum side yard and rear yard of 5 feet;**
15 **and Part B. Variance for a rear yard of an existing shed of 1 foot in lieu of the minimum required rear**
16 **yard of 5 feet; and Part C. Variance from Section 4.2.D. requirement that no construction shall take**
17 **place in a recorded utility easement; and Part D. Variance from a minimum separation from a rear**
18 **property line for parking spaces of 1 foot in lieu of the minimum required 5 feet. Location: Lot 1 of**
19 **Windsor Park Subdivision in the Northwest Quarter of Section 25 of Champaign Township and**
20 **commonly known as the home at 1 Willowbrook Court, Champaign.**

21
22 Mr. Thorsland informed the audience that Case 715-V-12 is an Administrative Case and as such the County
23 allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a
24 show of hands for those who would like to cross examine and each person will be called upon. He requested
25 that anyone called to cross examine go to the cross examination microphone to ask any questions. He said
26 that those who desire to cross examine are not required to sign the witness register but are requested to
27 clearly state their name before asking any questions. He noted that no new testimony is to be given during
28 the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
29 exempt from cross examination.

30
31 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
32 sign the witness register for that public hearing. He reminded the audience that when they sign the
33 witness register they are signing an oath.

34
35 Mr. Thorsland asked the petitioner if they would like to make a statement outlining the nature of their

12/13/2012

1 request prior to introducing evidence.

2

3 Mr. Denny Anderson stated that the current description of his request is for a variance for a rear yard of 1
4 foot in lieu of the minimum required 5 feet. He said that he has no information to add at this time.

5

6 Mr. Thorsland asked the Board if there were any questions for Mr. Anderson and there were none.

7

8 Mr. John Hall, Zoning Administrator, distributed a Supplemental Memorandum dated December 13, 2012,
9 to the Board for review. He said that the memorandum indicates that there are no longer two parts to the
10 variance but only one. He said that to be clear there is only one shed that is proposed to remain 1 foot from
11 the rear yard, which is the larger shed, and it is going to have a part removed that is located in the utility
12 easement and an addition will be constructed on the other side of the shed to make up for the lost room. He
13 said that overall the dimensions will remain the same but it is literally going to be removed from the utility
14 easement therefore leaving only one part to the requested variance.

15

16 Mr. Hall stated that staff received an e-mail from Howard and Terri Carr, who reside at 702 Park Lane Drive,
17 Champaign, indicating that they are unable to attend tonight's meeting but are very concerned about Mr.
18 Anderson's request. Mr. Hall said that Mr. and Mrs. Carr requested that the case be tabled to a later date but
19 the petitioner has been working with staff so that the case can be completed.

20

21 Mr. Thorsland asked Mr. Anderson if he would like to present any new testimony at this time regarding his
22 request.

23

24 Mr. Anderson stated no.

25

26 Mr. Thorsland called Patricia Belleville to testify.

27

28 Ms. Patricia Belleville, stated that she serves as Chair of the Windsor Park Homeowner's Association. She
29 said that she would like to submit a letter from William and Clarice Behrens who were unable to attend
30 tonight's meeting.

31

32 Ms. Belleville stated that two years ago neighbors started complaining to the Champaign County Planning
33 Department of Planning and Zoning and the Windsor Park Board about the property located at #1
34 Willowbrook Court. She said that there was a frustration that the property was deteriorating, the number of
35 buildings being placed on the property and what was perceived as zoning violations. She said that we are all
36 in attendance tonight because of those complaints. She said that Mr. Anderson's request is not to build a
37 shed in the backyard but is a request to build a barn in the backyard which will be 14-1/2 feet in height and is
38 not subordinate to the main building. She said that the Board has seen photographs of the building that is in

12/13/2012

1 the backyard that is going to be moved over five feet. She said that Mr. Anderson has been in violation of a
2 number of Zoning Ordinance requirements, one of which is the operation of a home business out of his truck
3 that is parked in the driveway. She said that she spoke to the Champaign County Department of Planning
4 and Zoning office on Thursday and was informed that if Mr. Anderson is conducting a business out of his
5 truck that is parked in the driveway then he is operating a home business that is not registered with the
6 County at this time. She said that Mr. Anderson has trailers that are being used for the business parked on
7 the lawn and the trailers have concrete mixers on them. She said that in addition to the trailers Mr. Anderson
8 has a Boy Scout trailer, and a minimum of two vans that hang over the sidewalk, and at times a camper and a
9 school bus appears in the cul-de-sac as well. She said that the Windsor Park Homeowner's Association
10 requests that off-street parking for all vehicles be provided and in order to accommodate this Mr. Anderson
11 has constructed another driveway. She said that Mr. Anderson has building materials stored on the property
12 and he has testified that he has collected building materials with the intention of recycling those materials for
13 other building projects. She said that the accessory building is not subordinate to the main structure and is a
14 dominate feature on the property. She said that activities around the residence indicate that the residence is
15 being used for something other than a residential dwelling.

16
17 Ms. Belleville stated that the neighbors are requesting that no variances whatsoever be granted and requests
18 that Mr. Anderson's variance request be denied. She said that the neighbors request that the Board agree to
19 only allowing regular 6' x 8' garden sheds, which is standard in the neighborhood, to be built on the
20 property.

21
22 Ms. Belleville stated that she has provided letters, e-mails and at every meeting there have been people
23 present from the neighborhood and most of those have been quiet observers and as their representative she is
24 requesting that the Board deny Mr. Anderson's variance request.

25
26 Mr. Thorsland asked the Board if there were any questions for Ms. Belleville.

27
28 Mr. Courson asked Ms. Belleville if the Windsor Park Homeowner's Association has any recorded
29 covenants regarding shed sizes.

30
31 Ms. Belleville stated no.

32
33 Mr. Courson stated that any shed that is proposed on the property needs to comply with the Champaign
34 County Zoning Ordinance. He said that the Board cannot restrict the size of any proposed shed in the
35 neighborhood to the size that the Windsor Park Homeowner's Association is requesting.

36
37 Ms. Belleville stated that when someone moves in to a suburban community they are buying in to the look or
38 aesthetics of that community. She said that if someone lives in a suburban community and their new

12/13/2012

1 neighbor constructs a 14 foot structure next to their yard they are not going to be excited about it and she
2 can't imagine that anyone on the Board would be excited about it either.

3
4 Mr. Courson stated that the Board cannot make an exception just because someone lives in town and they
5 don't like the shed.

6
7 Ms. Belleville stated that she does not see how the Board can approve a variance on a building that the
8 neighborhood does not want to be built. She said that complaints have been filed by the neighbors indicating
9 that the existing shed violates the Zoning Ordinance.

10
11 Mr. Courson stated that he did comment on the variance but did not comment on the size of the shed.

12
13 Mr. Thorsland noted that this case is before the Champaign County Zoning Board of Appeals and not the
14 City of Champaign Zoning Board. He said that there may be an expectation if you live in the City of
15 Champaign but the subject property is located in the unincorporated portion of the County which is why this
16 case is before this Board tonight.

17
18 Ms. Belleville asked Mr. Thorsland if it is the ZBA's job to prevent the suburban dwellings that exist in the
19 unincorporated areas from having random buildings upon the property.

20
21 Mr. Thorsland stated that is the reason why Mr. Anderson is before the Board tonight. He said that the
22 County has rules that apply to lots like Mr. Anderson's and the reason why the case is before the Board
23 tonight is because the Board is enforcing those rules. He said that guidelines of the County must be followed
24 unless the Windsor Park Homeowner's Association has a document that restricts the size of a shed on the
25 property.

26
27 Ms. Belleville stated that she was told that the Windsor Park Homeowner's Association rules do not factor
28 into this case.

29
30 Mr. Thorsland stated that the Windsor Park Homeowner's Association rules do not factor into this case and
31 the Association has no legal way to prevent anything that is occurring on the property.

32
33 Ms. Belleville asked if the Windsor Park Homeowner's Association had a legal document restricting the size
34 of a shed would the County enforce that document.

35
36 Mr. Thorsland stated no and such enforcement would be up to the Windsor Park Homeowner's Association.
37 He said that the ZBA is enforcing the County's regulations on the property. He said that Mr. Anderson has
38 requested a variance from the County's requirements.

12/13/2012

- 1
2 Ms. Belleville stated that the neighborhood is requesting that the variance not be granted by the ZBA.
3
4 Mr. Thorsland stated that the neighborhood's request has been understood by the ZBA from the beginning
5 but the neighbors cannot request the County to limit the size of the shed beyond the scope of the Zoning
6 Ordinance.
7
8 Mr. Thorsland asked the Board if there were any questions for Ms. Belleville and there were none.
9
10 Mr. Thorsland asked if staff had any questions for Ms. Belleville and there were none.
11
12 Ms. Thorsland asked the audience if anyone desired to cross examine Ms. Belleville.
13
14 Mr. Thorsland reminded the audience that they may only ask questions which are based on testimony and
15 that no new testimony may be presented.
16
17 Ms. Deborah Romine asked Ms. Belleville if it was her understanding that the Zoning Ordinance included a
18 limit as to how many buildings could be on a property that was associated with a home business.
19
20 Ms. Belleville stated that, after reviewing the materials that were sent to her from the Champaign County
21 Department of Planning and Zoning, it was her understanding that there can be one accessory building. She
22 said that the Zoning Ordinance's definition of an accessory building indicates that it is subordinate to the
23 main building but the building cannot store building supplies.
24
25 Ms. Romine asked Ms. Belleville if it was her understanding that this Board has control over a home
26 business.
27
28 Ms. Belleville stated yes.
29
30 Ms. Romine asked Ms. Belleville if she mentioned information about a permit.
31
32 Ms. Belleville stated that she may not have although it is her understanding that, as of last Thursday, Mr.
33 Anderson still does not have a permit.
34
35 Ms. Romine asked Ms. Belleville if Mr. Anderson did not have a permit for the home business or the
36 accessory structures.
37
38 Ms. Belleville stated that she is not sure if there is a permit for the accessory structures.

12/13/2012

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Mr. Thorsland asked the audience if anyone else desired to sign the witness register to present testimony regarding this case.

Mr. Thorsland called Deborah Romine to testify.

Ms. Deborah Romine, who resides at 2505 Stanford Drive, Champaign, stated that for the past couple of years she has observed that there are several structures that have been constructed. She said that she has an addition built upon her property and she was told at that time that she could not begin construction until she obtained a permit from the County. She said that in addition to obtaining a permit she had aerial photographs taken to assure the location of the property line and these photographs were taken prior to any construction.

Ms. Romine stated that she is concerned that currently the property has more than one structure and is currently the subject of a variance request. She said that prior to the variance request there had been no permit obtained which she finds unusual and what prevents someone else in Windsor Park from building a structure or addition without a permit and then requesting a variance later. She said that the property has undergone a big transformation not only on the main property but also onto the boulevard. She said that it is hard to not see the large logs that have been stripped in the front yard. She said that she did not know that an additional driveway could just be built without a permit and she does not know if a permit is required.

Mr. Thorsland asked the Board if there were any questions for Ms. Romine and there were none.

Mr. Thorsland asked if staff had any questions for Ms. Romine and there were none.

Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Romine and there was no one.

Mr. Thorsland asked the audience if anyone else desired to sign the witness register to present testimony regarding this case.

Mr. Thorsland called Richard Barker to testify.

Mr. Richard Barker, who resides at 2501 Bedford Drive, Champaign, stated that at one time he resided at #3 Willowbrook Court which is two houses down from the subject property. He said that his biggest concern with the property is the operation of the home business and all of the vehicles and building materials that exist because it is a real detriment to the community. He said that if denying the variance would assist in the cleaning up of the property it would be appreciated because the condition of the property in its current state is causing a drastic decline in property values in the neighborhood. He said that he is a realtor/broker and

12/13/2012

1 has been for 26 years and this property can be a real problem for adjacent property owners because their
2 property values can be lowered to the extent of \$20,000 due to its condition. He said that the property to the
3 east went through foreclosure, although it is unknown if it was due to the subject property, and has been
4 purchased and remodeled and has been listed on the market for over six months. He said that the accessory
5 structure is an ugly building that was built around a utility post and is a detriment although running a
6 business from the property is a detriment as well.

7
8 Mr. Thorsland asked the Board if there were any questions for Mr. Barker.

9
10 Mr. Courson asked Mr. Barker if, other than any safety issues and visual impact, he sees any other impacts
11 with the accessory building being one foot off of the property line.

12
13 Mr. Barker stated that only if there was an emergency and the utility company needed to get in that area.

14
15 Mr. Courson noted that Mr. Anderson is removing the building from the utility easement.

16
17 Mr. Barker stated that if Mr. Anderson removes the building from the utility easement then he sees no other
18 impacts.

19
20 Mr. Thorsland asked the Board if there were any further questions for Mr. Barker and there were none.

21
22 Mr. Thorsland asked if staff had any questions for Mr. Barker and there were none.

23
24 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Barker.

25
26 Mr. Denny Anderson asked Mr. Barker if he can see how having a shed on the property to store the materials
27 and trailers in might be an advantage for all parties.

28
29 Mr. Barker stated that the building will not be large enough to store all of the materials and the trailer. He
30 said that there is always a flat-bed trailer parked on the property that is loaded with building materials and
31 there are a lot of additional vehicles. He said that the condition of the property is a detriment to the
32 neighborhood and Mr. Anderson needs to find another location that would be better suited for his use than in
33 a neighborhood like Windsor Park.

34
35 Mr. Anderson asked Mr. Barker if he understands that it would be an advantage to both parties if the shed
36 was large enough to store all of those things that he mentioned.

37
38 Mr. Barker stated yes, it would be an advantage if the shed was large enough.

12/13/2012

1
2 Mr. Thorsland asked the audience if anyone else desired to cross examine Mr. Barker and there was no one.
3
4 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present
5 testimony regarding this case.
6
7 Mr. Keith Padgett, who resides at #1 Lyndhurst Place, Champaign, stated that the Boy Scouts organization
8 has been involved in this case and that pulls at people's heart strings and when there is a hard case it makes
9 bad law to be sympathetic to that. He said that Mr. Anderson discussed building a larger shed which means
10 having the school bus and trailers still on the property. He said that even though the Windsor Park
11 Homeowner's Association does not have an ordinance, there is no way the school bus is allowed to be
12 parked on the road or in the yard with trailer attached ready to go where ever the Boy Scout activity will be
13 held. He said that this is the wrong location to run a business out of a house and have all of these building
14 materials.
15
16 Mr. Thorsland asked the Board if there were any questions for Mr. Padgett and there were none.
17
18 Mr. Thorsland asked if staff had any questions for Mr. Padgett and there were none.
19
20 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Padgett and there was no one.
21
22 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present
23 testimony regarding this case and there was no one.
24
25 Mr. Thorsland closed the witness register.
26
27 Mr. Passalacqua asked Mr. Hall if staff has a height measurement for the shed.
28
29 Mr. Hall stated that staff has reviewed the height of the shed in the office although he cannot find this
30 information in the Summary of Evidence.
31
32 Mr. Andy Kass stated that he measured the height of the shed and found that the height was 15 feet to the
33 peak which is within the height limits in the R-1 Zoning District.
34
35 Mr. Hall stated that the shed is well within the limit because the average height of the building is what is
36 considered and not the overall height of the building.
37
38 Mr. Courson stated that Mr. Anderson testified that the building materials would be relocated to Camp

12/13/2012

1 Drake. He asked Mr. Anderson if the building materials have been moved to Camp Drake.

2
3 Mr. Anderson stated that the process has been started. He said that he would like to take the opportunity to
4 clarify some false testimony that was given during a previous testimony. He said that the testimony
5 indicated that Tim Menard, Boy Scout Executive, indicated that the building materials could not be moved
6 to Camp Drake because additional tree houses would not be built there although it is not Mr. Menard's
7 purview to make either of those decisions.

8
9 Mr. Courson asked Mr. Anderson to indicate what percentage of the building materials have been moved to
10 Camp Drake.

11
12 Mr. Anderson stated that approximately 10% of the building materials have been moved to Camp Drake.

13
14 Mr. Courson stated that the Board has been working on this case for six months and only 10% of the
15 building materials have been moved.

16
17 Mr. Anderson stated that he was told to not move anything.

18
19 Mr. Courson asked Mr. Anderson if he has registered his home occupation with the County.

20
21 Mr. Anderson stated that he does not have a home occupation at his home because he does not build things
22 at his home.

23
24 Mr. Courson stated that he runs the business out of his truck.

25
26 Mr. Anderson stated that he did have a tent set up in the front driveway for an Eagle Scout project but he
27 does not do business at his home.

28
29 Mr. Passalacqua asked Mr. Anderson if the trailer and concrete mixer, indicated in the photograph dated
30 October 11, 2012, is not related to his business.

31
32 Mr. Anderson stated that he does use the trailer and the concrete mixer for his business and it is his
33 understanding that he is allowed to do so.

34
35 Mr. Hall stated that if there are photographs of a trailer and a concrete mixer that is used for a business and it
36 is kept at the home then, by definition, it is part of a home occupation that needs to be registered with the
37 County. He said a home occupation does not allow any outdoor storage.

38

12/13/2012

- 1 Mr. Anderson stated that the intent of the building is so that he will not have any outdoor storage.
- 2
- 3 Mr. Hall stated that he hopes that is the intent and that is what is achieved. He said that staff has not
- 4 instructed Mr. Anderson to not store materials inside and has not instructed Mr. Anderson to not remove
- 5 building materials from the property and has only encouraged it.
- 6
- 7 Mr. Anderson stated that he has moved some things.
- 8
- 9 Mr. Thorsland asked the Board if there were any additional questions for Mr. Anderson and there were none.
- 10
- 11 Mr. Thorsland asked if staff had any additional questions for Mr. Anderson and there were none.
- 12
- 13 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Anderson.
- 14
- 15 Mr. Keith Padgett asked Mr. Anderson to indicate the size of the trailer with the concrete mixer.
- 16
- 17 Mr. Anderson stated that it is a 16 foot trailer.
- 18
- 19 Mr. Padgett asked Mr. Anderson to indicate the size of the other trailer.
- 20
- 21 Mr. Anderson stated that he also has a 14 foot enclosed Scout Trailer.
- 22
- 23 Mr. Padgett asked Mr. Anderson if intends to store the trailers inside of the shed as well.
- 24
- 25 Mr. Thorsland informed Mr. Padgett that Mr. Anderson did not testify as to where he intends to place the
- 26 trailers.
- 27
- 28 Mr. Padgett stated that he would like to know how large the shed will need to be to enclose everything so
- 29 that his business is not exposed in his yard.
- 30
- 31 Mr. Anderson stated that the shed that he has planned and is included in the variance is what is required.
- 32
- 33 Mr. Padgett asked Mr. Anderson if he can store both trailers in the shed so that no one has to view them.
- 34
- 35 Mr. Anderson stated that he did not indicate that he would store both trailers inside the shed.
- 36
- 37 Mr. Padgett asked Mr. Anderson if he was still going to leave things out so that people have to look at them
- 38 all of the time.

12/13/2012

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Mr. Anderson stated that he didn't say that either.

Mr. Padgett stated that it has to be one way or another because the trailers will either be stored inside or outside.

Mr. Anderson stated that he will store one of the trailers inside the shed.

Mr. Thorsland asked the Board if they would like to move forward with this case.

Mr. Courson stated yes.

Mr. Thorsland read the special conditions as follows:

- A. Within 30 days of a Final Determination for Case 715-V-12 the petitioner shall complete Zoning Use Permit Application No. 74-12-03 in conformation with the Final Determination.**

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

- That the existing structures receive proper approvals.**

Mr. Thorsland asked Mr. Anderson if he agreed to special condition A.

Mr. Anderson stated yes.

- B. Regarding the shed that is the subject of Part A of the Variance, all of the larger shed that is currently within the 5 feet wide utility easement along the east property line shall be removed from the utility easement (including concrete flooring), and the shed may be expanded 4 feet to the west under the remaining portion of part A of the variance within one year from the date of approval of the Variance.**

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

- That the shed wall is removed within a timely manner and that any existing concrete within the utility easement does not hinder access to the utility easement.**

Mr. Thorsland asked Mr. Anderson if he agreed to special condition B.

12/13/2012

1 Mr. Anderson stated yes.

2

3 **C. The shed that was originally the subject of part B of Variance shall be removed from**
4 **the property by April 12, 2013.**

5

6 The special condition stated above is required to ensure the following:

7

8 **That the shed is removed from the property in a timely manner.**

9

10 Mr. Thorsland asked Mr. Anderson if he agreed to special condition C.

11

12 Mr. Anderson stated yes.

13

14 **D. No parking is authorized within 5 feet of the south lot line.**

15

16 The special condition stated above is required to ensure the following:

17

18 **That no parking occurs within the minimum required separation of a parking space**
19 **and a property line.**

20

21 Mr. Thorsland asked Mr. Anderson if he agreed to special condition D.

22

23 Mr. Anderson stated yes.

24

25 Ms. Capel asked if it is appropriate to add a condition about the petitioner registering as a home occupation.

26

27 Mr. Thorsland stated that the Board has received testimony that the parking of the trailers is part of his
28 business and staff has indicated that a permit would be required to do so.

29

30 Mr. Hall stated that it has always seemed to staff that there was a home occupation although each time Mr.
31 Anderson was asked staff was informed that no home occupation existed on the property. He said that the
32 evidence bears that there is activity which appears as a home occupation and the Board could require this as
33 a condition and it would be helpful.

34

35 Ms. Capel stated that if the variances are granted for Mr. Anderson to place all of his materials for the home
36 occupation inside then perhaps he should have a home occupation permit registered with the County.

37

38 Mr. Hall stated that the home occupation application should be completed at the same time that he completes

12/13/2012

1 the Zoning Use Permit Application. He said that special condition A. should be revised to include the
2 completion of the home occupation application.

3
4 Mr. Passalacqua asked if it were a home occupation which part of the vehicles and trailers would be required
5 to be stored inside.

6
7 Mr. Hall stated that a trailer and vehicle, when it's outside, in his view is that it is parked but storing a
8 concrete mixer on a trailer outside is definitely storage and is not parking. He said that no more than one
9 commercial vehicle is allowed for a home occupation and it can be no more than 25 feet in length and no
10 more than 36,000 pounds. He said that if Mr. Anderson has a trailer connected to a vehicle and the
11 combination of the two is no more than 25 feet long then it is considered one vehicle. He said that if the
12 vehicle and the trailer are parked separately then it is arguably two vehicles. He said that he has lost track of
13 the number of vehicles that have been mentioned. He said that the Boy Scout activities constitutes a home
14 occupation even though he is not doing it for income because it is an activity and it is different than just
15 living there and it brings things to the property that should be thought of as a home occupation. He said that
16 he needs more time to consider the number of vehicles. He said that my impression is that recently the bus
17 has not been kept at the property permanently therefore it is incidental and infrequent.

18
19 Mr. Passalacqua asked if we have basically started a second case.

20
21 Mr. Hall stated that he is not ready to state that at this time.

22
23 Mr. Thorsland asked if staff needs time to work on special condition A.

24
25 Mr. Hall stated that he believes that the home occupation condition is fine but what remains to be seen is if
26 the number of vehicles can be kept within those limits. He said that there could be a need for a variance in
27 the future for the number of vehicles but the petitioner has not requested such at this time and staff has not
28 received enough hard evidence to prove that a variance is absolutely necessary and what he is most
29 concerned about is going forward rather than worrying about what has happened in the past.

30
31 Mr. Thorsland read revised special condition A.

- 32
33 **A. Within 30 days of a Final Determination for Case 715-V-12 the petitioner shall**
34 **complete Zoning Use Permit Application No. 74-12-03 and complete a Neighborhood**
35 **Home Occupation Application in conformation with the Final Determination.**

36
37 The special condition stated above is required to ensure the following:
38

12/13/2012

1 **That the existing structures received proper approvals.**

2
3 Mr. Thorsland asked Mr. Anderson if he agreed to revised special condition A.

4
5 Mr. Anderson stated yes.

6
7 Mr. Thorsland stated that the details of that and the vehicles that Mr. Hall discussed is not relevant to this
8 condition but is relevant to the enforcement of the home occupation permit.

9
10 Mr. Courson asked if it is determined that Mr. Anderson is operating a Neighborhood Home Occupation and
11 he is not registered would he be non-compliant at that point and if he is non-compliant can the Board issue a
12 variance on a property that is non-compliant.

13
14 Mr. Hall stated that the Board can issue a variance if part of the variance is correcting that non-compliance,
15 which it will.

16
17 Mr. Thorsland entertained a motion to approve the special conditions as amended.

18
19 **Mr. Courson moved, seconded by Mr. Palmgren to approve the special conditions as amended. The**
20 **motion carried by voice vote.**

21
22 Mr. Hall stated that the following items should be added to the Documents of Record: 19. Supplemental
23 Memorandum dated December 13, 2012; and 20. Email from Teri and Howard Carr received December 13,
24 2012; and 21. Letter from William and Clarice Behrens submitted by Patricia Belleville at the December 13,
25 2012, public hearing.

26
27 Mr. Thorsland entertained a motion to extend the meeting to 10:00 p.m.

28
29 **Finding of Fact for Case 715-V-12:**

30
31 From the documents of record and the testimony and exhibits received at the public hearing for Zoning Case
32 715-V-12 held on June 18, 2012, August 30, 2012, October 11, 2012, and December 13, 2012, the Zoning
33 Board of Appeals of Champaign County finds that:

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

12/13/2012

1 Mr. Palmgren stated that special conditions and circumstances DO exist which are peculiar to the land or
2 structure involved, which are not applicable to other similarly situated land and structures elsewhere in the
3 same district because the subject property is a small corner lot with sloped ground on the east side of the
4 property. He said that corner lot setback requirements are additional requirements.

- 5
6 **2. Practical difficulties or hardships created by carrying out the strict letter of the**
7 **regulations sought to be varied WILL prevent reasonable or otherwise permitted use of**
8 **the land or structure or construction.**
9

10 Ms. Capel stated that practical difficulties or hardships created by carrying out the strict letter of the
11 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure
12 or construction because without the variance the petitioner cannot construct a shed large enough to store the
13 materials that need to be stored inside of it.

- 14
15 **3. The special conditions, circumstances, hardships, or practical difficulties DO NOT**
16 **result from actions of the applicant.**
17

18 Ms. Capel stated that special conditions, circumstances, hardships, or practical difficulties DO NOT result
19 from actions of the applicant because the topography and the fact that it is a corner lot are what affect the
20 buildable area.

21
22 Mr. Courson stated that there is a utility easement along the east property line which prohibits construction
23 within it reducing the buildable area.

- 24
25 **4. The requested variance, subject to the proposed special condition, IS in harmony with**
26 **the general purpose and intent of the Ordinance.**
27

28 Ms. Capel stated that the requested variance, subject to the proposed special condition, IS in harmony with
29 the general purpose and intent of the Ordinance because it allows for permitted use of the property.

30
31 **Ms. Capel moved, seconded by Mr. Miller to extend the meeting to 10:00 p.m. The motion carried by**
32 **voice vote.**
33

- 34 **5. The requested variance, subject to the proposed special condition, WILL NOT be**
35 **injurious to the neighborhood or otherwise detrimental to the public health, safety, or**
36 **welfare.**
37

38 Mr. Miller stated that the requested variance, subject to the proposed special condition, WILL be injurious to

12/13/2012

1 the neighborhood or otherwise detrimental to the public health, safety, or welfare because based on
2 testimony from neighbors and from a realtor, existing property values may be reduced.

3
4 Mr. Hall noted that if one of the findings is not supportive of granting the variance the variance cannot be
5 approved.

6
7 Ms. Capel stated that the requested variance, subject to the proposed special condition, WILL NOT be
8 injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because the
9 intent of granting the variance with the condition imposed requiring the Neighborhood Home Occupation
10 will improve the character of the property, especially in regard to the storage of vehicles and construction
11 materials.

12
13 Mr. Miller stated that even though that may be the intent there has been nothing suggesting that such will
14 happen because he has seen nothing but neglect. He said that dating back to June 28, 2012, the Board has
15 seen little progress in improving the property and relocating vehicles, trailers and construction materials.

16
17 Mr. Passalacqua stated that he agreed with Mr. Miller.

18
19 Mr. Thorsland stated that the variance does not relate to the vehicles, except for the parking which is
20 addressed in the condition. He said that the Board needs to think more about the variance and how it applies
21 to the shed. He said that he understands Mr. Miller's point but the Board needs to make sure that it is
22 consistent with the case. He said that the Board addressed the requirement for a home occupation and a
23 Zoning Use Permit Application in special condition A. and addressed the parking of the vehicles.

24
25 Mr. Hall reminded the Board that it is well documented that there are at least nine other instances in the
26 neighborhood where there are sheds located in the utility easement therefore by no means is Mr. Anderson's
27 shed the only one.

28
29 Mr. Courson asked Mr. Hall if the conditions would give staff more power to enforce any violations. He
30 said that whether the Board grants the variance or not staff is going to receive calls and visits will be
31 required for enforcement.

32
33 Mr. Hall stated absolutely. He said that getting the home occupation is a big improvement and he thought
34 that Mr. Anderson needed a home occupation from day one. He said that, as the special condition that the
35 Board mentioned in the first finding, this is a corner lot and the petitioner does not need a variance for lot
36 coverage limit because it is well within the lot coverage limit it's just the fact that so much of the lot is not
37 buildable. He said that the Board is aware of the fact the variances for accessory buildings are granted often
38 and, yes, this is a bigger footprint than most but there is no limit on how large an accessory building can be

12/13/2012

1 in terms of building area because the Ordinance does not control that. He said that the building is well
2 within the limit for height. He said that if the Board is successful in controlling the outdoor storage, because
3 now there will be a home occupation which prohibits outdoor storage unless there is a variance, and if we are
4 successful it isn't that the petitioner can't park five feet from the lot line it is that they have to be five feet
5 from the lot line. He said that at one time the County Board tried to add a prohibition on parking in yards and
6 could not get it done therefore the County has no prohibition from someone parking in their yard provided
7 that they are five feet from the lot line. He said that the way the Board is headed towards these conditions
8 things are going to improve a lot but not everything is going to change. He said that the Board could deny
9 the variance and still could not do anything about vehicles being parked five feet from the lot line.

10
11 Ms. Capel stated that the Board isn't going to do anything about the shed either, other than Mr. Anderson
12 may move this wall four feet and that wall a few feet to meet the requirements. She said that the best effect
13 that the Board can have at this time is to grant the variance with special conditions.

14
15 Mr. Hall stated that it is a corner lot and the second setback takes away a lot of buildable area and there is
16 very little backyard to manage. He said that it is the Board's finding but with the one finding as it is the
17 variance cannot be approved.

18
19 Mr. Thorsland stated that Mr. Hall makes a good point and Mr. Miller makes a good point and he is sure that
20 Mr. Anderson has heard those points but this is a somewhat odd situation in that by granting the variance
21 would make the situation on the property better.

22
23 Mr. Miller stated that the problem is that the current condition of the property is already injurious to the
24 neighborhood. He said that hopefully granting the variance will improve the property.

25
26 Ms. Capel stated that in order to approve the variance the finding for #5 needs to indicate WILL NOT.

27
28 Mr. Thorsland stated that Ms. Capel is correct because in order to grant the variance all of the findings need
29 to be positive.

30
31 Mr. Miller stated that he does not believe WILL NOT is accurate but he does understand what needs to be
32 done.

33
34 Mr. Thorsland stated that one of the big tools for enforcement on the property is the home occupation.

35
36 Mr. Hall stated that the home occupation is a separate requirement so it can be enforced. He said that if the
37 Board wants to deny this variance, even though he does not believe that the Board would be in a strong legal
38 position due to all the other instances of the other buildings in the neighborhood like this even though some

12/13/2012

1 are smaller and shorter, the Board needs to do what the Board believes is right. He said that he does not
2 want the Board to believe that it has to approve the variance to get the home occupation into compliance.

3
4 Mr. Passalacqua asked Mr. Hall to explain to him why, since everyone is doing it, makes it okay.

5
6 Mr. Hall stated that the point is that since everyone else is doing it the only way to prove that the Board is
7 being fair is to make everybody else remove their shed from the easement as well. He said that the Board
8 must be aware that making everybody else remove their shed from the easement is going to take some time
9 but it will be done. He said that if the Board believes that the finding is accurate then the Board should deny
10 the variance and the case will be over.

11
12 Mr. Passalacqua stated that staff is complaint driven therefore what gives staff the best tool to make this a
13 better situation. He said that he agrees with Mr. Miller in that this is injurious to the district but the goal is to
14 make it better for everyone and with the variance and the home occupation, does the Zoning Administrator
15 have the tools to make this a better situation.

16
17 Mr. Hall stated that he believes that the main issue for this case is that everyone does not live with the same
18 values and there is no way that the Board can make that happen and shouldn't even try. He said that if the
19 Board believes that the variance is unreasonable, given all of the other variances that this Board has worked
20 on, then finding #5 is accurate.

21
22 Mr. Miller stated that his statement regarding the progress of relocating the trailers, vehicles and construction
23 materials can be deleted.

24
25 Mr. Hall stated that Mr. Miller is correct. He said that little progress to date is irrelevant because we are not
26 trying to penalize the petitioner for what he has or has not done but set the rules to guarantee that things will
27 get better.

28
29 Ms. Capel stated that granting the variance with the conditions will improve the conditions on the property.

30
31 Mr. Thorsland stated that everyone has a valid point but the intent of the variance is to make things better
32 and the intent of the condition is to give some teeth in making things better. He said that the home
33 occupation is only one of those teeth and Mr. Hall stated that the home occupation can be obtained anyway.
34 He said that the variance forces permits for the building and the petitioner has agreed to remove part of the
35 subject building and the other accessory building.

36
37 Mr. Kass read the finding for #5 as follows: Based on testimony from neighbors and from a realtor, existing
38 property values may be reduced. The intent of granting the variance with conditions is to improve the

12/13/2012

1 property.

- 2
- 3 **6. The requested variance, subject to the proposed special conditions, IS the minimum**
- 4 **variation that will make possible the reasonable use of the land/structure.**

5

6 Ms. Capel stated that the requested variance, subject to the proposed special conditions, IS the minimum

7 variation that will make possible the reasonable use of the land/structure because it allows for the shed to be

8 the size necessary to store the items that need to be stored inside it.

9

- 10 **7. The special conditions imposed herein are required for the particular purposes**
- 11 **described below:**

- 12
- 13 **A. Within 30 days of a Final Determination for Case 715-V-12 the petitioner shall**
- 14 **complete Zoning Use Permit Application No. 74-12-03 and complete a**
- 15 **Neighborhood Home Occupation Application in conformation with the Final**
- 16 **Determination.**

17

18 The special condition stated above is required to ensure the following:

19

20 **That the existing structures received proper approvals.**

- 21
- 22 **B. Regarding the shed that is the subject of Part A of the Variance, all of the larger**
- 23 **shed that is currently within the 5 feet wide utility easement along the east**
- 24 **property line shall be removed from the utility easement (including concrete**
- 25 **flooring), and the shed may be expanded 4 feet to the west under the remaining**
- 26 **portion of part A of the variance within one year from the date of approval of**
- 27 **the Variance.**

28

29 The special condition stated above is required to ensure the following:

30

31 **That the shed wall is removed within a timely manner and that any existing**

32 **concrete within the utility easement does not hinder access to the utility**

33 **easement.**

- 34
- 35 **C. The shed that was originally the subject of part B of Variance shall be removed**
- 36 **from the property by April 12, 2013.**

37

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

12/13/2012

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That the shed is removed from the property in a timely manner.

D. No parking is authorized within 5 feet of the south lot line.

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

That no parking occurs within the minimum required separation of a parking space and a property line.

Mr. Thorsland entertained a motion to approve the Findings of Fact as amended.

Ms. Capel moved, seconded by Mr. Courson to approve the Findings of Fact as amended. The motion carried by voice vote.

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

Mr. Courson moved, seconded by Mr. Palmgren to adopt the Summary of Evidence, Documents of Record and Findings of Fact as amended. The motion carried by voice vote.

Mr. Thorsland entertained a motion to move to the final determination for Case 715-V-12..

Mr. Courson moved, seconded by Ms. Capel to move to the final determination for Case 715-V-12. The motion carried by voice vote.

Final Determination for Case 715-V-12:

Ms. Capel moved, seconded by Mr. Palmgren that the Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that the Variance requested in Case 715-V-12 is hereby GRANTED WITH CONDITIONS to the petitioner John Behrens Estate & Anne and Denny Anderson to authorize a rear yard of 1 foot in lieu of the minimum required 5 feet in the R-1 Single Family Zoning District. Subject to the following special conditions:

12/13/2012

- 1 **A. Within 30 days of a Final Determination for Case 715-V-12 the petitioner shall**
- 2 **complete Zoning Use Permit Application No. 74-12-03 and complete a**
- 3 **Neighborhood Home Occupation Application in conformation with the Final**
- 4 **Determination.**
- 5
- 6 **B. Regarding the shed that is the subject of Part A of the Variance, all of the larger**
- 7 **shed that is currently within the 5 feet wide utility easement along the east**
- 8 **property line shall be removed from the utility easement (including concrete**
- 9 **flooring), and the shed may be expanded 4 feet to the west under the remaining**
- 10 **portion of part A of the variance within one year from the date of approval of**
- 11 **the Variance.**
- 12
- 13 **C. The shed that was originally the subject of part B of Variance shall be removed**
- 14 **from the property by April 12, 2013.**
- 15
- 16 **D. No parking is authorized within 5 feet of the south lot line.**
- 17

18 Mr. Thorsland requested a roll call vote.

19
20 The roll was called:

21			
22	Capel-yes	Courson-yes	Miller-yes
23	Palmgren-yes	Passalacqua-yes	Thorsland-yes
24			

25 Mr. Hall informed Mr. Anderson that he has received an approval for his request. He said that in order to
26 keep the project moving staff will be in contact with the appropriate paperwork for completion.

27
28 **Case 707-S-12 Petitioner: Daniel Williams and landowner Fran Williams Request to authorize the**
29 **use of an existing Paintball Facility as an “Outdoor Commercial Recreation Enterprise” as a Special**
30 **Use on 5.2 acres that is part of a 35 acre tract in the CR Conservation-Recreation Zoning District.**
31 **Location: A 35 acre tract in the Southeast Quarter of the Northeast Quarter of Section 36 of**
32 **Newcomb Township and commonly known as the home at 2453 CR 600E, Dewey.**

33
34 **Case 725-V-12 Petitioner: Daniel Williams Request to authorize the following in the CR Conservation-**
35 **Recreation Zoning District for a Special Use proposed in Case 707-S-12: Part A. Variance for a rear**
36 **yard of 0 feet in lieu of the minimum required 25 feet; and Part B. Variance for a side yard of 0 feet in**
37 **lieu of the minimum required 15 feet; and Part C. Variance from a minimum separation from a front**
38 **property line for parking spaces of 0 feet in lieu of the minimum required 10 feet. Location: The same**

12/13/2012

1 **5.2 acre tract identified in Case 707-S-12 that is part of a 35 acre tract in the Southeast Quarter of the**
 2 **Northeast Quarter of Section 36 of Newcomb Township and commonly known as the home at 2453**
 3 **CR 600E, Dewey.**

4
 5 Mr. Thorsland apologized to Mr. Williams and indicated that the Board only has approximately five minutes
 6 left until the end of the meeting. He said that the Board can continue the case to the January 17, 2013,
 7 meeting.

8
 9 Mr. Williams stated that a continuance to January 17, 2013, would be fine.

10
 11 Mr. Thorsland entertained a motion to continue Cases 707-S-12 and 725-V-12 to the January 17, 2013,
 12 meeting.

13
 14 **Mr. Courson moved, seconded by Mr. Miller to continue Cases 707-S-12 and 725-V-12 to the January**
 15 **17, 2013, meeting. The motion carried by voice vote.**

16
 17 **6. New Public Hearings**

18 None

19
 20 **7. Staff Report**

21
 22 Mr. Hall distributed the Draft 2013 Zoning Board of Appeals Calendar for the Board’s review. He said that
 23 April 11th would normally be a ZBA meeting date but staff is aware that the meeting room will not be
 24 available therefore no ZBA meeting is scheduled for that date. He said that there will only be one ZBA
 25 meeting held in April. He said that there is only one ZBA meeting scheduled in November due to the
 26 Thanksgiving holiday. He said that staff has included a ZBA on December 26th. He said that the Board
 27 may decide to keep the December 26th meeting on the calendar and end up cancelling it at a later date or just
 28 remove it because it is an unrealistic date.

29
 30 Mr. Hall stated that the calendar will be placed on the January 17, 2013, meeting agenda for approval.

31
 32 **8. Other Business**

33 **A. October and November 2012 Monthly Reports**

34 Mr. Hall distributed the October 2012 Monthly Report for the Board’s review.

35
 36 **B. Review of Docket**

37 **C. Zoning Case Closeout Progress Report**

38

12/13/2012

1 Mr. Kass stated that due to the time span between meetings he has made significant progress in completing
2 approved finding of facts. He said that the approved findings of fact require review and signature from the
3 Chair.

4
5 **9. Audience Participation with respect to matters other than cases pending before the Board**

6
7 None

8
9 **10. Adjournment**

10
11 Mr. Thorsland entertained a motion to adjourn the meeting.

12
13 **Mr. Passalacqua moved, seconded by Ms. Capel to adjourn the meeting. The motion carried by voice**
14 **vote.**

15
16 The meeting adjourned at 10:00 p.m.

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23 Respectfully submitted

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28 Secretary of Zoning Board of Appeals

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