

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street

Urbana, IL 61802

DATE: January 31, 2013

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

TIME: 6:30 p.m.

Urbana, IL 61802

MEMBERS PRESENT: Catherine Capel, Thomas Courson, Eric Thorsland, Paul Palmgren, Brad Passalacqua

MEMBERS ABSENT : Roger Miller

STAFF PRESENT : Connie Berry, John Hall, Andrew Kass

OTHERS PRESENT : Chris Doenitz, Eric Sebens, Kelly Dillard

1. Call to Order

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

2. Roll Call and Declaration of Quorum

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

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

3. Correspondence

None

4. Approval of Minutes

None

5. Continued Public Hearing

Case 728-AM-12 Petitioner: K & S Property Management Request to amend the zoning map to change the zoning district designation from the AG-1, Agriculture Zoning District to the R-4, Multiple Family Residence Zoning District to allow the re-establishment of a multi-family use in an existing building (variances will be required) for which the nonconforming rights have expired. Location: A 1.5 acre tract in the Southwest Quarter of the Southwest Quarter of Section 15 of Rantoul Township and commonly known as the Jones Building at 1518B CR 2700N, Rantoul.

1 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
2 sign the witness register for that public hearing. He reminded the audience that when they sign the
3 witness register they are signing an oath.
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5 Mr. Thorsland asked if staff would like to provide additional information to the Board regarding this case.
6
7 Mr. John Hall, Zoning Administrator, stated that the Supplemental Memorandum dated January 25, 2013, is
8 concise in indicating the situation with this case. He said that the last communication that staff had with the
9 petitioner was through a January 11, 2013, e-mail from Rick Stone, which is included as an attachment to the
10 memorandum. He said that staff made the petitioner aware that there is a very good chance that the Board
11 would dismiss this case tonight therefore the Board is free to either continue the case to a later date, which is
12 difficult to determine, or dismiss the case.
13
14 Mr. Thorsland asked the Board if there were any questions for Mr. Hall.
15
16 Mr. Palmgren stated that it appears that the petitioner has no support and according to the e-mail he has lost
17 interest in pursuing the proposed project therefore he does not know how the Board could continue the case
18 to a later date.
19
20 Mr. Thorsland asked Mr. Hall if the petitioner would forfeit any fees paid for the variance.
21
22 Mr. Hall stated yes.
23
24 Mr. Passalacqua asked Mr. Hall, if Mr. Stone or Mr. Ramos owned the property.
25
26 Mr. Hall stated that Mr. Stone has a contractual sale arrangement with the owner.
27
28 Mr. Passalacqua stated that the property appears to be ready for enforcement letters.
29
30 Mr. Hall stated the property has already been referred to the State's Attorney and it has been at their office
31 for a long time. He said that during his first discussions with the petitioner he made it clear that he will have
32 to explain why the County Board should have confidence that this property is worth rezoning. He said that
33 the petitioner has not provided any of the information that was requested which should immediately send up
34 red flags.
35
36 Mr. Passalacqua stated that he cannot see how the ZBA can give the petitioner a spot on the docket until he
37 contacts staff again.
38
39 Ms. Capel stated that the ZBA must either schedule the petitioner a spot on the docket or dismiss the case.
40 She said that the Board cannot just leave the case hanging in the wind.
41

1 Mr. Hall stated that leaving the case hang would not be consistent with the ZBA By-laws.

2
3 Mr. Thorsland stated that if the ZBA dismisses the case tonight the petitioner would be required to reapply if
4 he chooses to pursue this again.

5
6 **Mr. Passalacqua moved, seconded by Mr. Palmgren to dismiss Case 728-AM-12. The motion carried
7 by voice vote.**

8
9 Mr. Hall stated that staff will send a letter to the petitioner so that he has documentation for his files.

10
11 **6. New Public Hearings**

12
13 **Case 732-AT-12 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning
14 Ordinance as follows: Part A. Revise paragraph 7.1.2B. as follows: (1) Strike “non-family” and
15 replace with “non-resident”; and (2) Revise subparagraph 7.1.2B.i. to strike “five acres” and replace
16 with “two acres in area”; and renumber the subparagraph to 7.1.2B.(1); and (3) Revise
17 subparagraph 7.1.2B.ii to strike “five acres” and replace with “that are two acres in area”; add the
18 phrase “and provided that”; and renumber the subparagraph to 7.1.2B.(2); and (4) Add new
19 subparagraph 7.1.2B.(3) to authorized that all employees may be present and working on the
20 premises for no more than 5 days with any 30 day period due to inclement weather or as necessitated
21 by other business considerations; and (5) Add new subparagraph 7.1.sB.(4) to authorize that family
22 members who are residents of the property when the HOME OCCUPATION is operating but who
23 subsequently move from the premises may remain active in the HOME OCCUPATION and shall not
24 be counted as a non-resident employee as long as their participation in the HOME OCCUPATION
25 continues. Part B. Revise paragraph 7.1.2E. as follows: (1) Strike “Second Division vehicle as
26 defined by the Illinois Vehicle Code” and replace with “MOTOR VEHICLES”; and add the phrase
27 “and parked at”. (2) Add new subparagraph 7.1.2E(1) to require that the number of MOTOR
28 VEHICLES and licensed trailers displaying the name of the RURAL HOME OCCUPATION or used
29 in any way for the RURAL HOME OCCUPATION shall be within the limits established. (3)
30 Renumber subparagraph 7.1.2E.i.to be 7.1.2E.(2) and strike “vehicles over 8,000 gross weight” and
31 replace with “MOTOR VEHICLES that are either a truck tractor and/or a MOTOR VEHICLE with
32 tandem axles, both as defined by the Illinois Vehicle Code (625 ILCS 5/1 et seq)”; and add the phrase
33 “and all MOTOR VEHICLE loads and weights shall conform to the Illinois Vehicle Code (625 ILCS
34 5/15-111)”. (4) Renumber subparagraph 7.1.2E.ii. to be 7.1.2E.(3) and strike “vehicles” and replace
35 with “MOTOR VEHICLES”; and strike “vehicles under 8,000 lbs. gross vehicle weight”; and insert
36 “licensed”; and strike “and off-road vehicles”; and insert the phrase “or owner”. (5) Renumber
37 subparagraph 7.1.2E.(4)(a) to require that no more than 1 motor vehicle may be parked outdoors less
38 than five feet from a side or rear property line or less than 10 feet from a front property line; and (b)
39 Add subparagraph 7.1.2E(4)(b) to require that outdoor parking for more than one motor vehicle shall
40 be no less than 50 feet from any lot line and no less than 100 feet from any offsite dwelling; and (c)
41 Add subparagraph 7.1.2E.(4)(c) to require that outdoor parking for more than one motor vehicle that**

1 does not meet certain requirements shall be at least 10 feet from any lot line and be screened. (6) Add
2 subparagraph 7.1.2E.(5) to require that paragraphs 7.1.2E. and 7.1.2F. apply to all new RURAL
3 HOME OCCUPATION and to any expansion of a RURAL HOME OCCUPATION that is filed after
4 September 1, 2012. (7) Add subparagraph 7.1.2E.(6)(a) and (b) to require the following: (a) Any
5 MOTOR VEHICLE or licensed trailer or piece of equipment that was included on an application for
6 a RURAL HOME OCCUPATION that was received before September 1, 2012, may continue to be
7 used provided that the total number of vehicles are not more than 10 and no more than 3 may be
8 truck tractors or MOTOR VEHICLES with tandem axles as defined by the Illinois Vehicle Code; (b)
9 Any RURAL HOME OCCUPATION that complies with 7.1.2E.(6) shall be authorized to have the
10 same number of motor vehicles or licensed trailers or pieces of equipment as long as it continues in
11 business at that location and any MOTOR VEHICLE or licensed trailer or piece of equipment may
12 be replaced with a similar motor vehicle or licensed trailer or piece of equipment. Part C. Add new
13 paragraph 7.1.2F. as follows: (1) Limit the number of motorized or non-motorized complete pieces of
14 non-farm equipment in outdoor storage to 10 complete pieces, provided that the number of pieces of
15 equipment that may be in outdoor storage shall be reduced by the number of MOTOR VEHICLES
16 and licensed trailers that are also parked outdoors; and (2) Require that equipment in outdoor
17 storage meet the same separations required for MOTOR VEHICLES in 7.1.2E.(4)(b) and
18 7.1.2E.(4)(c). Part D. Revise paragraph 7.1.2H. to require that more than four vehicles for patrons
19 and onsite employees shall be screened; and also provide that loading berths are not required for
20 RURAL HOME OCCUPATIONS. Part E. Revise paragraph 7.1.2K. as follows: (1) Add the phrase
21 “for other than equipment used in any RURAL HOME OCCUPATION”; and strike the phrase
22 “screened as provided by Section 7.6, and replace with the phrase “shall be provided as follows:” (2)
23 Add subparagraph 7.1.2K.(1) to require that no outdoor storage be located in any required off street
24 parking spaces; and (3) Add subparagraph 7.1.2K.(2) to require screening if outdoor storage occurs
25 in any yard within 1,000 feet of certain specified uses of surrounding property.

26
27 Mr. Thorsland asked the petitioner if he would like to make a brief statement outlining the nature of this
28 case.

29
30 Mr. John Hall, Zoning Administrator, stated that Board members may recall Case 695-I-11 that the Board
31 dealt with in the summer of 2011 with final action in December 2012. He said that in February 2012, as
32 indicated by the attached memorandum dated February 1, 2012, distributed to the Champaign County Board
33 Committee of the Whole, a proposal was presented to the COW. He said that it would be an understatement
34 to say that the proposal did not receive much support therefore staff returned with a new memorandum in
35 March 2012 and it would be another understatement to indicate that the memorandum also did not receive
36 much support. He said that the February 29, 2012, memorandum presented to the COW in March has been
37 distributed to the ZBA for review because he was requested by the COW to provide the minutes from the
38 ZBA meetings and those minutes are part of the distributed memorandum. He said that the memorandum
39 proposed a complete grandfathering of any existing vehicle or piece of equipment at any existing Rural
40 Home Occupation (RHO), including the RHO that was the subject of the Interpretation Case. He said that
41 the case was deferred at the March COW meeting which began a series of informal meetings with three or

1 four County Board members, which was a useful experience to sit down and hear the County Board
2 member's questions and be able to answer them. He said that what went back to the County Board is what is
3 included in the January 25, 2013, Supplemental Memorandum.
4

5 Mr. Hall stated that when this case was approved, or blessed, by the COW to proceed to a public hearing
6 there was no discussion at the COW. He said that he would like to believe that since there was no discussion
7 that all members were perfectly happy with it but frankly he is not sure why there was no discussion and no
8 further comments were received. He said that the case was placed on the earliest ZBA docket date available
9 so that this issue can be clarified.
10

11 Mr. Hall distributed a Supplemental Memorandum dated January 31, 2013, which includes a Draft Finding
12 of Fact, to the Board for review. He said that of the three text amendments before the ZBA tonight this is the
13 only text amendment which deals with a use that is by-right and is not a discretionary approval for a Rural
14 Home Occupation. He said that the standards for a Rural Home Occupation (RHO) are included in the
15 Ordinance and if the standards are met the permit is issued. He said that a lot of the policies that apply to the
16 other text amendments are not relevant and, in fact, very few policies are relevant.
17

18 Mr. Hall stated that item #16 on page 7 of 16 of the Draft Finding of Fact dated January 31, 2013, reviews
19 the various purpose statements in the Zoning Ordinance and whether or not the text amendment is relevant to
20 any of those statements. He said that the text amendment is relevant to some but fewer than the other text
21 amendments. He said that item #17 on page 10 of 16 of the Draft Finding of Fact dated January 31, 2013,
22 reviews how the proposed text amendment WILL improve the text of the Zoning Ordinance. He noted that
23 the case is not ready for final action but most of the improvements or good things that will happen from this
24 amendment are included in item #17 indicating how it will improve the Zoning Ordinance.
25

26 Mr. Hall stated that there are things which were not discussed in 695-I-11, such as, the proposed text
27 amendment would allow children who resided on the property at one point and were active in the home
28 occupation to always be active in the home occupation as if they lived on the property currently. He said that
29 several years ago the ZBA had a deer processing case before them which had several children who lived at
30 home and were heavily involved in the home occupation. He said that the family's children were older
31 teenagers and it was presumed that they would be leaving the family home soon. He said that the proposed
32 text amendment would allow those children to continue to participate in the home occupation although it
33 may be difficult to document and would hopefully not become critical. He said that staff has encountered
34 other home occupations since where this situation would be an issue for them therefore staff decided to
35 propose item #17.B.
36

37 Mr. Hall stated that one other prominent thing that was not part of Case 695-I-11 is the proposal to let an
38 increased number of employees on site for a limited amount of time. He said that for a building contractor a
39 provision such as this may help during inclement weather and doesn't allow employees to be onsite for more
40 than 5 consecutive days in a 30 day period. He said that this will not solve all of the challenges that a
41 building contractor meets with keeping an active workforce during inclement weather but it was something

1 that some of the County Board members voiced concern about. He said that when it comes right down to it
2 5 days out of every 30 days is one week per month and he hopes that such would not be enough to cause
3 problems with neighbors but it is before the Board for their consideration.
4

5 Mr. Hall stated that the other thing that was not part of Case 695-I-11 was mentioned by several County
6 Board members. He said that County Board members asked him why there was a limit on the number of
7 employees for a rural home occupation. He said that he had enough County Board members who were there
8 to back up the need for some limit on the number of employees but the County Board was interested in
9 making sure that the County was not being too restrictive in terms in numbers of employees. He said that the
10 only thing that he could do and feel comfortable with was to slightly change the limit in Item# 17.F. as
11 follows: An increase of one additional employee that may be present on the premises and an increase of two
12 additional employees that may report to the site for work off premises on lots two acres or larger. He said
13 that paragraph 7.1.2B.4.i on page B-4 of Attachment B: Revised Proposed Amendment (Annotated) to
14 Section 7.1.2 Rural Home Occupations, attached to the Preliminary Memorandum dated January 25, 2013,
15 indicates the current standard which is: on lots smaller than five acres no more than one employee may be
16 present on the premises full-time and no more than one additional employee may report to the site for work
17 performed off the premises. He said that the proposed text would lower it from five to two acres and on lots
18 that are five acres or larger, which currently allows a larger number of employees, would be reduced as well
19 from five acres to two acres. He said that it doesn't actually increase the number of employees but makes a
20 larger number available to lots that are only two acres or larger.
21

22 Mr. Hall stated that in the old days when the County first adopted the Rural Home Occupation standards the
23 Board may recall that five acre lots were easy to create and were the most common lot in the rural area. He
24 said that someone could have created a five acre lot by-right and it didn't matter what the soil type was or a
25 plat of subdivision but that is not the situation anymore. He said that a new five acre lot in the rural area is
26 very rare today because most of the rural area is best prime farmland and a Zoning Use Permit is not
27 permitted on a five acre lot. He said that the current maximum lot size on best prime farmland is three acres.
28 He said that three acres is the new five acres but this does not stick with the three acres and goes down to
29 two acres to make some distinction between a small lot and large lot.
30

31 He said that there is a lot of material in the proposed amendment and it is most useful to review the strike-
32 out version that was included with the Supplemental Memorandum dated January 25, 2013, and the
33 comparison table which is attached to the same memorandum. He said that it is good to compare individual
34 parts of the amendment when necessary but in terms of the overall amendment he is not certain how useful
35 the comparison table will be. He said that it is better to review the strike-out version to see what it new and
36 what has been changed.
37

38 Mr. Thorsland asked the audience if anyone desired to sign the witness register regarding Case 732-AT-12.
39

40 Mr. Thorsland called Kelly Dillard to testify.
41

1 Mr. Kelly Dillard, who resides at 700 CR 2175N, Champaign, stated that there are several things that bother
2 him about the proposed Ordinance. He said that he does not believe that the current Ordinance needs to be
3 changed but does need to be clarified. He said that the proposed amendment is not a simple amendment and
4 is a re-write of the entire Ordinance that only regulates semi-trucks at this time. He said that with the re-
5 write it will regulate any size of motor vehicle, trailers, any type of equipment and signage and will be
6 greatly expanded than what it was before. He said that the proposed Ordinance is much more restrictive and
7 cumbersome than the current Ordinance. He said that it was his impression that an amendment was to
8 clarify the existing Ordinance not to re-write it. He said that the proposed amendment does not clarify but
9 makes the Ordinance tremendously more convoluted than it was before, which was the biggest problem with
10 the original Ordinance because it was difficult to understand.

11
12 Mr. Dillard stated that the previous Ordinance allowed 10 motor vehicles, three of those vehicles being over
13 36,000 pounds) although with the new Ordinance only a combination of 10 vehicles is allowed which
14 includes motor vehicles, trailers and equipment with only one of those being over 36,000 pounds. He said
15 that the new Ordinance is much more restrictive than the previous Ordinance. He said that the Zoning
16 Administrator is requesting that the new Ordinance be retroactive although how can that be when the new
17 Ordinance has not been approved yet. Mr. Dillard stated that the “grandfathering clause” which has been
18 inserted into the new Ordinance seems to give the impression that the Ordinance is trying to skirt the idea
19 that the County Board moved forward indicating that all RHO’s that are in existence should be
20 grandfathered. He said that the new Ordinance is side stepping the idea that his business is what it is today
21 and should be grandfathered. He said that the new Ordinance is trying to say that it should go back to when
22 he made his application for an RHO and that is all that he can ever have.

23
24 Mr. Dillard asked Mr. Hall if the proposed amendment has been presented to the Committee of the Whole.

25
26 Mr. Hall stated yes. He said that the proposed amendment was presented to the Committee of the Whole
27 from March to September 2012.

28
29 Mr. Dillard stated that Mr. Hall alluded that the proposed amendment would change the way that employees
30 are handled and it does not. Mr. Dillard stated that the previous Ordinance only applied to non-relatives that
31 worked on the property therefore family members would have been allowed to work for RHO business
32 anyway.

33
34 Mr. Hall stated that the existing Ordinance defines a Home Occupation as employing only family members
35 that reside on the property. He said that the limit is a part of the definition for the Rural and Neighborhood
36 Home Occupation. He said that he understands that the limit is easy to overlook but it is the way that it is
37 and he would be happy to walk through that definition with Mr. Dillard.

38
39 Mr. Dillard stated that revised paragraph 7.1.2.K. has to do with outdoor storage and indicates that the
40 outdoor storage cannot be visible for 1,000 feet. He said that he does not understand how you can make an
41 Ordinance indicating that you cannot see something for over one-quarter of a mile away and it seems to be

1 too restrictive. Mr. Dillard read paragraph 7.1.2K.(2) as follows: A Type D Screen shall be located so as to
2 obscure or conceal any part of any YARD used for outdoor storage which is visible within 1,000 feet from
3 any of the following circumstances: 9a) any point within the building restriction line of any lot located in any
4 R district or any lot occupied by a dwelling conforming as to use or occupied by a school; church or temple;
5 public park or recreational facility; public library, museum or gallery; public fairgrounds; nursing home or
6 hospital; recreational business use with outdoor facilities; or (b) any designated urban arterial street or major
7 street.

8
9 Mr. Hall stated that paragraph 7.1.2K. is not a change and is included in the existing Ordinance. He said that
10 the only change is to include it under the regulations for a Rural Home Occupation and explicitly the same
11 setbacks are in the existing requirements for outdoor storage and operations. He said that Board members
12 may verify this by going to Section 7.6 of the Zoning Ordinance which indicates the same standards. He said
13 that the 1,000 feet is already there and is not proposed with this amendment but has been included with this
14 amendment as part of the Rural Home Occupation so that it is clear up front and this was a specific request
15 from the County Board.

16
17 Mr. Dillard stated that this is why the text, “screened as provided by Section 7.6,” is stricken and added back
18 in to paragraph 7.1.2K.(2).

19
20 Mr. Hall stated yes.

21
22 Mr. Dillard asked Mr. Hall if he is correct in stating that the new Ordinance limits the trucks over 36,000
23 pounds to one vehicle outside.

24
25 Mr. Hall stated that he does not think so.

26
27 Mr. Dillard stated that paragraph 7.1.2E.(4)i. states the following: no more than one motor vehicle that
28 conforms to paragraph 7.1.1K. may be parked outdoors no less than five feet from a side or rear lot line nor
29 less than 10 feet from a front lot line.

30
31 Mr. Hall stated that sometimes things become too complicated when they are intended to be fair and
32 equitable and 7.1.2E.(4)i. is an example of such. He said that this is the requirement for a Neighborhood
33 Home Occupation allowing a vehicle up to 25 feet long and no more than 36,000 pounds to be that close to
34 the lot line. He said that the current Ordinance does not allow a Rural Home Occupation to do that which is
35 a little odd because it allows a more intense use to occur in the urbanized area which would affect more
36 people. He said that this is why he proposed it to be part of the Rural Home Occupation because it is the
37 same thing that can be done in a Neighborhood Home Occupation.

38
39 Mr. Dillard stated that currently for his Rural Home Occupation his heavy truck must be 50 feet from his
40 property line.

41

1 Mr. Hall stated yes, whether or not it is screened.

2
3 Mr. Dillard asked Mr. Hall if the proposed amendment is limiting him to one vehicle outside or can he have
4 all three of his heavy vehicles to be stored outside if they are screened.

5
6 Mr. Hall stated that all three of Mr. Dillard's heavy vehicles can be stored outside and if they are screened
7 they do not need to be stored 50 feet from the lot line and one can be no less than five feet.

8
9 Mr. Dillard stated that the one heavy vehicle can be no less than five feet from the lot line even if it is not
10 screened.

11
12 Mr. Hall stated that the screening does not apply in the Neighborhood Home Occupation where it talks about
13 this therefore in regard to a Rural Home Occupation, where you can have more vehicles, what would be
14 more important is when you go beyond the level of four vehicles less than 8,000 pounds or any number of
15 vehicles over 8,000 pounds. He said that he would like to take another look at this but he will stand by a
16 general goal of making the Rural Home Occupation no more onerous than a Neighborhood Home
17 Occupation at that level. He said that if this doesn't allow one to be no more than five feet with no
18 screening, which is what occurs in a Neighborhood Home Occupation, then this should allow that but the
19 trick will be that in a Rural Home Occupation there will probably always be more vehicles therefore at a
20 certain point those vehicles will have to be screened. He said that he would hope that if this is what occurs
21 in a Neighborhood Home Occupation the Rural Home Occupation should be written to allow the same for
22 the one vehicle.

23
24 Mr. Dillard stated that if the County Board wanted to include a grandfather clause, which in his mind means
25 that his Rural Home Occupation can stay as it is today from the point of whenever the amendment is
26 adopted, his Rural Home Occupation should be completely grandfathered without trying to look back at his
27 original application or require him to make a new application. He said that his home occupation is what it is
28 today and is in compliance today therefore it should be in compliance after the amendment is enacted.

29
30 Mr. Hall stated that the intent is to grandfather Mr. Dillard's home occupation as it is today.

31
32 Mr. Dillard stated that the amendment indicates that it would be grandfathered as it is on his application
33 although his home occupation is different today than it was when he first applied. He said that it indicates
34 that if his equipment is not listed on the application the equipment would not be grandfathered. He said that
35 his concern is that the original Ordinance did not cover the equipment to start with therefore will the new
36 Ordinance, that did not completely grandfather his home occupation, capture anything that has changed
37 between the time of application and the time that it is enacted.

38
39 Mr. Hall stated that there might be a better way to write the grandfathering but he is at a loss to grandfather
40 anything other than what was on the application. He said that perhaps everything that was part of the
41 approved compliance certificate could be grandfathered.

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Mr. Dillard stated that for any home occupation, when a new amendment is enacted, whatever existed prior to the amendment's adoption would naturally be grandfathered.

Mr. Hall stated that the task is to determine what was actually there prior to the new amendment's adoption. He said that in Mr. Dillard's case staff is well aware of what is involved in his home occupation therefore perhaps staff can propose the following for 7.1.2E.(5): The above requirements for paragraphs 7.1.1E. and F. shall apply to any Rural Home Occupation for which an application is received after September 1, 2012, and to the expansion of any Rural Home Occupation for which a compliance certificate had been received on or before September 1, 2012. He said that the only things that can be grandfathered is what can be proven was there prior to the amendment's adoption.

Mr. Dillard stated that the biggest thing that he sees that the proposal changes is that it really clamps down on the total number of vehicles. He said that it used to be that he could have a total of 10 motor vehicles but the proposal adds in trailers and equipment into that number which will severely limit a Rural Home Occupation. He said that he believes that the number should be higher since two more classes of vehicles are being added to the total.

Mr. Hall stated that perhaps the text is not very clear but the intent is to allow 10 vehicles and no limit on equipment with the only provision being that there can only be 10 things stored outside and anything more than 10 things must be stored inside and it is up to the Rural Home Occupation manager to decide what will be stored inside and outside. He said that the manager could place 10 pieces of equipment outside and then no more than 10 vehicles inside. He said that he does not find a need to count licensed trailers as vehicles although a licensed trailer is a vehicle but not counted as a motor vehicle in the Ordinance. He said that he is not concerned about trailers although he is concerned about the size of the motor vehicles, the number of motor vehicles and the big equipment and if everything is stored inside the home occupation could have an unlimited number of equipment but could only have 10 motor vehicles.

Mr. Dillard stated that it seems that by the time that someone would get to that point the home occupation would have to have screened area anyway therefore why would anyone care what is located inside of the screened area. He asked how what is located inside of a screened area would affect anyone surrounding that area. He said that if the area is screened then that area should be a little bit more forgiving and the number should be a little bit higher.

Mr. Hall stated that if there are any additional items or ideas that Mr. Dillard would like to review he would be happy to meet with him to consider those. He said that the general shape of the amendment came from the Committee of the Whole but the basic idea is to not make it more restrictive than it currently is with the exception that more than 10 things would need to be stored inside a building. He said that Mr. Dillard believes that screening would be adequate but his experience with working with neighbors tells him that there are only so many things that they want to see stored outside even if it is screened. He said that at this point this amendment is before this Board and the Board is free to modify it as the Board desires.

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Mr. Thorsland asked the Board if there were any questions for Mr. Dillard and there was no one.

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

Mr. Thorsland asked the audience if anyone desired to present testimony regarding this case and there was no one.

Mr. Thorsland closed the witness register at this time.

Mr. Thorsland asked Mr. Hall if the parking requirements need to be changed when the employees report to the base site, due to inclement weather, along with the returning children who are involved in the home occupation.

Mr. Hall stated that an exception needs to be included in the language of the Ordinance to make it clear that, on those five days in any thirty day period, the Board is not requiring additional parking other than what would otherwise be required. He said that it would be best to exempt the requirements for the vehicles of the returning children involved in the home occupation.

Mr. Passalacqua asked Mr. Hall if the employee's vehicles are included in the 10 count.

Mr. Hall stated no, and if it is not clear then it should be made clear.

Mr. Thorsland stated that he wants to make clear in paragraph 7.1.2B. that when the returning children who are involved in the home occupation and the other employees return to the base site due to inclement weather that additional parking is not required.

Mr. Hall stated that the Board should see a draft handout that staff proposes to distribute to the public explaining the home occupation requirements. He said that he would like the Board to hold this amendment at the ZBA until the Board has a handout that they agree with.

Mr. Passalacqua stated that the strike-out copies are useful for the Board but a new handout would explain what the new Ordinance would be for a home occupation.

Mr. Hall stated that the handout would explain what the Ordinance requirements are and if the amendment is adopted a handout will be required for distribution to the public. He said that he would like to run the handout as part of the amendment indicating the Board's approval.

Mr. Kass stated that paragraph 7.1.2E (3) on page B-1 of the January 25, 2013, indicates that no more than 10 motor vehicles in total, including licensed trailers shall be permitted excluding patron or employee or owner personal motor vehicles.

1
2 Mr. Thorsland stated that this may be a spot to insert that when the returning children who are involved in
3 the home occupation and the other employees return to the base site due to inclement weather that additional
4 parking is not required.

5
6 Mr. Hall asked the Board if they would be comfortable in exempting licensed trailers because under the
7 Zoning Ordinance definition of a motor vehicle a trailer is not included. He said that the idea was to through
8 in trailers into the 10 vehicle limit because he believed that is what the current Ordinance does but frankly he
9 does not see why the number of trailers needs to be limited. He said that County Board members do have a
10 concern about a proliferation of semi-trailers at a Rural Home Occupation therefore the ZBA may want to
11 exempt any trailer under a certain size from that limit.

12
13 Mr. Passalacqua asked if the motor vehicles are required to be licensed.

14
15 Mr. Hall stated yes.

16
17 Mr. Passalacqua stated that no loading berth is required.

18
19 Mr. Hall stated yes. He said that the loading berth could be shown anywhere in the yard if necessary. He
20 noted that every property in the County can have one inoperable vehicle.

21
22 Mr. Thorsland stated that the Board needs to consider whether or not licensed trailers should be included in
23 the total number or make a cut-off for semi-trailers. He said that the Board needs to consider language
24 clarifying the employee parking and choose a date and procedure to define what existed on the site prior to
25 the grandfathering of an existing home occupation.

26
27 Mr. Courson stated that, for accounting and depreciation, a business should have a listing of their equipment
28 and the dates purchased.

29
30 Mr. Thorsland asked Mr. Courson if the Board wants to require a business to provide their books for
31 verification.

32
33 Mr. Courson stated that the business should have a depreciation schedule to prove their claim.

34
35 Mr. Hall stated that he can imagine that at some point in the future there may be Rural Home Occupations
36 that are not represented here tonight and may not be represented at all during this text amendment because
37 not everyone follows the zoning cases that are before the ZBA very closely. He said that in talking with Mr.
38 Dillard we could expand the grandfathering to include any vehicle or equipment that was approved on the
39 Zoning Compliance Certificate which would grandfather Mr. Dillard's operation completely. Mr. Hall
40 stated that Mr. Dillard is one of the few individuals who had such a detailed inventory. Mr. Hall stated that
41 in the future if someone else wanted to prove that they had a piece of equipment then they could with

1 documentation but staff has not received many complaints about equipment at a home occupation therefore
2 the Board can consider it as a non-issue. He said that if someone proves that the equipment existed prior to
3 the adoption of the amendment then it should be grandfathered.

4
5 Mr. Courson asked how staff would address additional or replacement equipment.

6
7 Mr. Hall stated that the grandfathering clause makes it clear that it applies to replacement equipment but
8 only when it stays at that location. He said that if the location of the home occupation changes then the
9 grandfathering is voided.

10
11 Mr. Courson asked Mr. Hall to clarify his intent in striking vehicles over 8,000 lbs. gross weight in
12 paragraph 7.1.2E(2).

13
14 Mr. Hall stated that the intent was to allow up to three semi-trucks with trailers at any Rural Home
15 Occupation or three tandem axle dump trucks or some combination. He said that the weight limit does not
16 apply to those three vehicles but would apply to the other seven vehicles and for those three vehicles the
17 weight limits that apply are the weight limits that are in the Illinois Motor Vehicle Code.

18
19 Mr. Courson stated that with striking the weight limit only three of the vehicles can be over 8,000 pounds.
20 He said that he interprets the text as allowing ten vehicles over 8,000 pounds.

21
22 Mr. Hall stated that paragraph 7.1.2E(2) is where the limit is inserted indicating that no more than three that
23 are either a truck tractor and/or a motor vehicle with tandem axles.

24
25 Mr. Courson stated that someone could have a single axle truck up to 32,000 pounds.

26
27 Mr. Hall stated that someone could have ten of those vehicles.

28
29 Mr. Courson stated that there could be ten single axle dump trucks sitting next to one tandem dump truck
30 and they would look alike. He said that the way that the amendment is written someone could have ten
31 single axle dump trucks but could not have ten tandem dump trucks.

32
33 Mr. Hall asked Mr. Courson if a single axle dump truck could haul as much of a load as a tandem dump
34 truck.

35
36 Mr. Courson stated no, but a single axle dump truck could haul up to 32,000 pounds. He said that a single
37 axle dump truck and a tandem dump truck are very similar in size and length.

38
39 Mr. Thorsland stated that staff's intent with the 36,000 pounds is because it differentiates between the single
40 axle and tandem axle dump truck. He said that some of the goals in the LRMP refer to the damage to rural
41 roads and limiting the amount of equipment that travels those roads.

1
2 Mr. Courson stated that there would be more weight on a single axle dump truck than on a tandem axle
3 truck.
4
5 Mr. Hall stated that this amendment cannot be written to have a smooth graph indicating the combined
6 features of weight and overall size. He said that there may be another way to do this but it was not apparent
7 to staff and County Board members struggled with it although they had an idea that a two ton truck should
8 not be a problem. He said that maybe there is a way to describe a truck that does not carry more than a
9 certain amount of weight but someone could not tell the difference between the trucks by looking at them
10 therefore the weight limit must be very large, which is what he decided upon. He said that a Rural Home
11 Occupation can only have three tandem axle dump trucks.
12
13 Mr. Courson stated that he did not know if it was a visual determination.
14
15 Mr. Hall stated that mainly staff needs a threshold that is easy to apply and is not ambiguous. He said that if
16 the Board believes that there could be a lower threshold then he is willing to listen.
17
18 Mr. Passalacqua asked Mr. Hall if a licensed trailer is connected to a truck is the combination counted as
19 one.
20
21 Mr. Hall stated yes.
22
23 Mr. Passalacqua asked Mr. Hall if the licensed trailer is not connected to a truck it is still counted as one of
24 the items that is stored outside but is not considered a motor vehicle.
25
26 Mr. Hall stated that it is up to the Board whether a licensed trailer is counted as one of the pieces of
27 equipment.
28
29 Mr. Passalacqua stated that the licensed trailer has to be counted as something if it is not connected to a
30 vehicle.
31
32 Mr. Hall stated that the Board has to think about an empty trailer sitting on the lot and a trailer loaded with a
33 piece of equipment sitting on the lot and then ten trailers with the same situation.
34
35 Mr. Passalacqua stated that if a trailer with a piece of equipment is sitting on the lot then it should be
36 counted as one unit because a lot of space could be occupied with ten empty trailers, especially if we are
37 talking about semi-trailers.
38
39 Mr. Hall stated that perhaps the only thing that is important is that an empty trailer is screened.
40
41 Mr. Passalacqua stated that trailers are difficult because if it is not connected to a vehicle then it is not

1 counted but if it is connected to a vehicle or is loaded with equipment it is counted. He said that a truck with
2 a trailer loaded with a rock saw is considered as one but if the rock saw is removed from the trailer and the
3 trailer is disconnected from the truck there are three.

4
5 Mr. Hall stated that this is one of the problems with the current Neighborhood Home Occupation
6 requirements. He said that he would like to have more detail as to how the Zoning Administrator is
7 supposed to look at that situation but that is not part of this amendment.

8
9 Mr. Thorsland asked if a trailer loaded with a piece of equipment should be part of the count of 10 or if an
10 empty trailer, up to a certain size, should be part of the count. He said that this is probably one of the more
11 mathematically challenging changes that the Board has faced because there are so many variables. He said
12 that the Board had a particular case with Mr. Dillard in which the Board received details regarding what
13 existed as part of the business but there is a good argument that a truck hooked on to a loaded trailer with a
14 piece of equipment could be counted as one unit and not three. He said that he is sure that staff and the
15 Board are open to suggestions on how to clarify this matter. He said that there is a point to be made that a
16 licensed trailer is not considered a motor vehicle therefore should it be exempted from the outdoor storage
17 count or put into its own category. He said that there is a difference between a 16 foot landscape trailer and
18 a three axle trailer with a bulldozer loaded upon it and he does not know how the State of Illinois licenses
19 those vehicles.

20
21 Mr. Passalacqua stated that he does not have a problem with the weight limits and he does not have a
22 problem with counting a loaded trailer with a backhoe on it as one unit but he does have a problem with the
23 aesthetics of ten empty trailers sitting on a property and not being included in the count.

24
25 Mr. Hall asked Mr. Passalacqua if he would have a problem with the ten empty trailers if they were screened.

26
27 Mr. Passalacqua stated that perhaps not.

28
29 Mr. Hall stated that without any guidance from the Board this amendment will return to the ZBA allowing
30 any number of trailers outside provided that they are screened and provided that once a trailer has a piece of
31 equipment loaded it becomes part of the limit of 10.

32
33 Mr. Passalacqua stated that a lot of people arrive home with a piece of equipment loaded on a trailer and they
34 do not necessarily unload it because the entire unit is going back out on the job the next morning. He said
35 that he is trying to avoid a home occupation appearing as two acres of trailers.

36
37 Mr. Hall stated that the overnight parking could fall under the provision of parking no less than five feet
38 from a lot line. He said that currently it is based on what is allowed in the Neighborhood Home Occupation
39 which is 25 feet long and no more than 36,000 pounds but perhaps we can be more liberal. He said that the
40 25 foot limit could easily be violated if someone had a huge pickup truck with a 20 foot trailer.

41

- 1 Mr. Passalacqua stated that he uses a 30 foot trailer everyday and it would be a common sized trailer for a
2 home occupation.
3
- 4 Mr. Courson stated that a 30 foot trailer is small for a business like Mr. Dillard's.
5
- 6 Mr. Thorsland asked if the Board should consider the number of axles when determining whether or not a
7 trailer should be in the count. He said that the Board needs to decide whether or not to put a determining
8 factor on the trailers or not count them at all. He said that currently for a motor vehicle there is a line that
9 can't be crossed and that line is 36,000 pounds therefore perhaps the same should be for a trailer. He asked
10 the Board if a 25 foot limit on a truck and trailer is an unreasonable number.
11
- 12 Mr. Courson stated that 25 feet is an unreasonable number because it would eliminate someone from parking
13 a truck and loaded trailer on the property.
14
- 15 Mr. Hall stated that we would be eliminating someone from being able to pull the truck and loaded trailer
16 onto the property and parking it closer than five feet from a lot line.
17
- 18 Mr. Courson stated that the truck and trailer could be pulled on to the property and the trailer could be
19 unhooked making it illegal.
20
- 21 Mr. Hall stated that the Board may want to consider not allowing any piece of equipment less than five feet
22 from the lot line. He said that we are not going to have a perfect amendment and there will be problems but
23 we should probably error on the side of having fewer problems with equipment.
24
- 25 Mr. Thorsland called Mr. Dillard to the witness microphone.
26
- 27 Mr. Kelly Dillard stated that he agrees with Mr. Courson. He said that when he pulls onto his property with
28 his truck and loaded trailer with a backhoe because he is compliant when he pulls in but when he unhooks
29 the trailer he is not compliant. He said that it appears that the easiest measure would be to expand the count
30 from 10 to 15 and just count the trailers.
31
- 32 Mr. Thorsland asked Mr. Dillard to indicate the size of the trailers. He said that some people may have
33 small trailers or box trailers and he would not want to count them as a piece of equipment. He said that you
34 can go down any street in any town and find a small trailer in the driveway.
35
- 36 Mr. Dillard stated that this is why he suggested expanding the total number to 15 and count all of the trailers.
37
- 38 Mr. Thorsland stated that Mr. Dillard's suggestion would probably make staff very happy because it would
39 simplify matters although the direction from ELUC may have been the limit of 10.
40
- 41 Mr. Hall stated that it was his goal to make this amendment no more restrictive than the current Ordinance

1 and add as much clarity as possible and minimize the likelihood of neighbor complaints. He said that the
2 Ordinance clearly states a limit of 10 things and at a minimum it is 10 vehicles therefore it is 10 motor
3 vehicles. He said that the Ordinance, as he believes, includes trailers in the limit of 10 and for many trailers
4 this limit is not important so maybe adding a few more trailers into the mix is logical and going to a limit of
5 15 would mean that a home occupation could have five semi-trucks and two trailers for each. He said that
6 perhaps a limit of 15 would work.

7
8 Mr. Thorsland stated that the limit of 15 in whatever combination is determined is only for outside storage.
9 He requested comments from the Board.

10
11 Mr. Hall stated that staff could include a limit on semi-trailers.

12
13 Mr. Courson asked Mr. Hall if he is talking about an enclosed semi-trailer or a flatbed semi-trailer.

14
15 Mr. Hall stated both. He said that he would not want to say that the County Board wanted a limit of three
16 but he knows that they were very comfortable with three. He said that if the ZBA came back with as many
17 as six because that is what the ZBA agreed to then that would carry a lot of weight with the County Board.
18 He said that the County Board was concerned that they did not want a Rural Home Occupation to look like a
19 semi-truck lot and they were all in agreement that three semi-trucks and trailers were reasonable.

20
21 Mr. Courson stated that a limit of three semi-trucks and trailers does seem reasonable.

22
23 Mr. Hall asked if the Board is comfortable with a limit of three semi-trucks and trailers.

24
25 Mr. Passalacqua stated yes. He said that he does not want to see the limit on pick-up trucks and trailers to
26 get bumped up and bumped up because it has to stop somewhere although with this ambiguity about trailers
27 he believes that a limit of 15 including loaded or unloaded trailers would be reasonable. He said that he is
28 also comfortable with counting a trailer loaded with a backhoe as one unit but if a backhoe is parked next to
29 a trailer then there are two separate units.

30
31 Mr. Hall asked Mr. Passalacqua if a truck hooked to a loaded trailer with a backhoe is one unit.

32
33 Mr. Passalacqua stated yes.

34
35 Mr. Thorsland stated that if 15 is the upper limit we could easily end up with 45 things parked outside.

36
37 Mr. Passalacqua stated that he does not believe that these two acre home occupations are going to have that
38 many truck, trailer, equipment combinations.

39
40 Mr. Thorsland stated that Mr. Passalacqua makes a valid point because those home occupations would have
41 to have the capacity to store things inside once the combinations are separated. He said that the potential of

1 winding up with 45 things outside is greater with a home occupation located on five or six acres.

2
3 Mr. Passalacqua stated that perhaps he is being too liberal and the trailer loaded with equipment should be
4 counted as one unit and the truck should be counted as one unit. He said that the truck is a true motor
5 vehicle whether it is hooked to the trailer or not and the trailer fails to be a motor vehicle once it is
6 disconnected.

7
8 Mr. Thorsland stated that the truck would always be one unit and the trailer, loaded or unloaded, would be
9 one unit and when the equipment is removed from the trailer it also becomes one.

10
11 Mr. Passalacqua stated that if everything was in combination all of the time then a home occupation could
12 have a lot of stuff without taking up as much space.

13
14 Mr. Thorsland requested the Board's comments regarding the truck being counted as one unit and the trailer,
15 loaded or unloaded, counted as one unit and the total allowed being 15. He said that if 15 items of
16 equipment, licensed trailers and vehicles are located outside only three of those items can be over 36,000
17 pounds and only three can be a semi-trailer

18
19 Mr. Hall stated that only 10 can be motor vehicles.

20
21 Mr. Thorsland stated that once any of the combinations are taken apart from each other the home occupation
22 should have a building large enough to have indoor storage.

23
24 Mr. Hall stated that staff will work with the Board's recommendations.

25
26 Mr. Thorsland stated that the Board discussed that the employee parking requirements should be addressed
27 exempting the returning family members who are involved in the home occupation.

28
29 Mr. Hall stated that the current Ordinance does require a hard parking area for all employee vehicles so if the
30 returning children are exempted on those days when more employees than usual are reporting on site his
31 presumption would be that since a home occupation is not supposed to have that many employees reporting
32 on site they probably do not have enough parking. He said that staff is not going to write the amendment so
33 that a home occupation is required to install a hard parking area but if they want to provide for their
34 employees and meet the requirements of the Ordinance they will have to install more parking.

35
36 Mr. Thorsland asked Mr. Hall if the parking area required for an RHO is based on the number of employees.

37
38 Mr. Hall stated that currently for an RHO on five acres or larger no more than two employees may be present
39 on the premises full time and no more than three additional employees may report for work performed off
40 the premises. He said that if the three additional employees drive vehicles to the premises and then take a
41 company truck to the work site there must be parking provided for those employees' vehicles. He said that

1 paragraph 7.1.2H. currently reads as follows: Off-street parking spaces shall be provided, subject to the
2 provisions of Section 7.4 for all employees and patrons.
3
4 Mr. Thorsland stated that if we exempt the returning kids the other parking is already taken care of whether
5 the weather is good or bad.
6
7 Mr. Passalacqua asked if on-street or county road parking is prohibited in the Ordinance.
8
9 Mr. Hall stated no.
10
11 Mr. Passalacqua stated that it may be easier to prohibit on-street or county road parking than it would be to
12 write an Ordinance for parking spot accommodations.
13
14 Mr. Hall stated that staff considered including that in the original amendment and then found out that not
15 even the municipalities prohibit on-street parking. He said that in 1993 the idea that the County would
16 require something above and beyond what the municipalities required was laughable but the municipalities
17 don't allow anything like a RHO with that number of vehicles.
18
19 Mr. Passalacqua stated that the municipality's street setup is a lot different than the County's rural roads. He
20 said that the rural roads have hills and curves and no shoulders therefore causing public safety issues.
21
22 Mr. Hall asked the Board if they would like to prohibit parking in the right-of-way for the RHO.
23
24 Mr. Passalacqua stated that prohibiting parking in the right-of-way would be easier language than trying to
25 develop a scheme about what parking needs to be required.
26
27 Mr. Thorsland stated that parking scheme is already in the Ordinance.
28
29 Mr. Passalacqua stated that what is in the Ordinance would only apply to a normal day as opposed to writing
30 an Ordinance that covers where the home occupation is going to park five extra vehicles on a rainy day. He
31 said that we are assuming that an RHO setting will have gravel and adequate places on their lot for the
32 additional parking and if we prohibit on-street parking would make it easier.
33
34 Mr. Hall stated that it would be easy to justify given this allowance of a greater number of employees onsite
35 when there is inclement weather.
36
37 Mr. Thorsland stated that Mr. Hall read the current Ordinance which indicates whether the additional
38 employees are reporting to the base site and driving off-site the parking is already accommodated for
39 therefore the only parking issue is when the kids come home. He said that it would be simple to cover this
40 issue by indicating that any employee should not park in the right-of-way of the road.
41

1 Ms. Capel asked if that applies to patrons as well.

2
3 Mr. Hall stated that patrons are also not supposed to be parking in the road. He said that the way that the
4 Ordinance is currently written the vehicle of a resident family member who works in the home occupation is
5 not counted in the parking requirements. He said that if the Board requires the prohibition in the right-of-
6 way everything regarding parking will be covered.

7
8 Mr. Thorsland requested a continuance date.

9
10 Mr. Hall stated that staff will make changes per the Board's recommendations. He said that the case is
11 sufficiently complex and should not be allowed to stay away from the ZBA too long therefore he would be
12 very happy with a continuance to February 14th.

13
14 Mr. Thorsland requested a motion to continue Case 732-AT-12 to the February 14, 2013, meeting.

15
16 **Ms. Capel moved, seconded by Mr. Palmgren to continue Case 732-AT-12 to the February 14, 2013,**
17 **meeting. The motion carried by voice vote.**

18
19 Mr. Thorsland requested a five minute recess.

20
21 **The Board recessed at 7:48 p.m.**

22 **The Board resumed at 7:53 p.m.**

23
24 **Case 733-AT-12 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**
25 **Ordinance as follows: Part A. Add defined term "AGRICULTURE DRAINAGE CONTRACTOR"**
26 **to Section 3 to be defined as "a contractor whose principal business is installing and/or selling**
27 **agricultural drainage facilities such as grassed waterways, field terraces, underground drainage tile,**
28 **tile inlets, culverts, and related drainage improvements. Part B. Add "AGRICULTURAL**
29 **DRAINAGE CONTRACTOR Facility (with no Outdoor STORAGE and/or Outdoor**
30 **OPERATIONS" as an authorized principal use to the Table of Authorized Principal Uses in Section**
31 **5.2 permitted by Special Use Permit in the CR, AG-1, and AG-2 Zoning Districts; and by right in the**
32 **B-1, B-4, B-5, I-1, and I-2 Zoning Districts; and add a footnote authorizing as much as 50% of the**
33 **dollar volume of business at an AGRICULTURAL DRAINAGE CONTRACTOR facility to be retail**
34 **sales of agricultural drainage products; and add Special Use Permit Standard Conditions to Section**
35 **6.1.3. Part C. Add "AGRICULTURAL DRAINAGE CONTRACTOR Facility (with Outdoor**
36 **STORAGE and/or Outdoor OPERATIONS" as an authorized principal use to the Table of**
37 **Authorized Principal Uses in Section 5.2 permitted by Special Use Permit in the CR, AG-1, AG-2, B-4**
38 **(if screening is not provided), and B-5 Zoning Districts; and by right in the B-1, B-4 (if OUTDOOR**
39 **STORAGE is located in the REAR YARD and completely screened), I-1, and I-2 Zoning Districts;**
40 **and add a footnote authorizing as much as 50% of the dollar volume of business at an**
41 **AGRICULTURAL DRAINAGE CONTRACTOR facility to be retail sales of agricultural drainage**

1 **products; and add Special Use Permit Standard Conditions to Section 6.1.3.**

2
3 Mr. Thorsland stated that anyone wishing to testify for this case must sign the witness register by which they
4 solemnly swear that the evidence that they present is the truth, whole truth, and nothing but the truth, so
5 help them God. He asked the audience if anyone desired to sign the witness register at this time.

6
7 Mr. Thorsland asked if staff would like to provide additional information to the Board regarding this case.

8
9 Mr. John Hall, Zoning Administrator, stated that the memorandum dated September 25, 2012, to the
10 Committee of the Whole is attached to the Preliminary Memorandum dated January 25, 2013. He said that
11 this text amendment was not discussed much at the COW and he can only hope that they were in support of
12 the amendment.

13
14 Mr. Hall stated that the business in question is wanting to relocate this spring therefore time is of the essence
15 but the Board should not pass this amendment on to the County Board until the ZBA is comfortable with the
16 amendment. He said that staff has worked as diligently as possible to get the Finding of fact as complete as
17 possible and staff believes that, based on all of the information received by last Friday, the finding is
18 complete. He said that the Summary Finding of Fact is reviewed in the Preliminary Memorandum and
19 points out that in regard to Goals 3 and 6 staff was uncomfortable in determining a recommendation. He
20 said that all of the other pertinent goals received a simple staff recommendation. He said that the Board will
21 need to review Goals 3 and 6. He said that this amendment helps achieve the purpose of the Ordinance and
22 that is reviewed under item #16. He said that when notices were sent out for this case staff mailed a notice
23 to the one business that prompted this case and also sent a notice to three other agricultural drainage
24 contractors that are located in the County. He said that he believes that all three, or at least two of them, are
25 nonconforming uses that existed prior to 1973 when zoning was adopted and the other one is a smaller
26 business that may also have existed prior to 1973. He said that the attempt has not been to do a dragnet and
27 capture all of the agricultural drainage contractors out there but was an attempt to notify them of this
28 amendment so that they could submit comments. He said that one of the agricultural contractors did contact
29 staff and their only question was about the dollar volume of sales and staff's reply was that the dollar volume
30 was intended to be big because staff does not want to limit the contractor more than is necessary. He said
31 that in order to be a contractor at least half of the business must be contracting and it occurred to him that the
32 amendment could be criticized because when staff considered the dollar volume of retail sales of agricultural
33 drainage products he was thinking about two farmers but after talking to the one agricultural contractor he
34 realized that he should include farmers and other agricultural contractors. Mr. Hall stated that the intent is to
35 not create a sales outlet in the rural area for drainage products for the average person. He said that we are
36 not trying to prohibit the average person from buying the product there but making sure that there is not an
37 incentive for the contractor to be a mega-drainage product outlet in the rural areas. He said that the Board
38 could button up this note about the dollar volume of sales to be explicit that it only applies to sales to
39 farmers and other contractors. He said that does not know if the municipalities will have any comments
40 regarding this amendment but if the ZBA believes that the finding of fact is complete then there is at least
41 one business in the County which would appreciate this amendment getting to ELUC as soon as possible.

1
2 Mr. Thorsland asked the Board if there were any questions for Mr. Hall.
3
4 Mr. Courson asked Mr. Hall why the B-2 and B-3 districts were not included in this amendment.
5
6 Mr. Hall stated that this is based on the current Ordinance where it allows contractors to be located with a
7 provision that the current Ordinance does not allow contractor facilities with outdoor storage and operations
8 in B-5. He said that he was trying to mirror the existing ordinance where they thought contractor facilities
9 should be authorized with the provision that one of the existing agricultural drainage contractors is located in
10 the CR district therefore we need to allow this use in the CR district for that reason alone.
11
12 Ms. Capel stated that we should allow it because there is an existing one currently.
13
14 Mr. Hall stated yes, this would be his recommendation and if it is not included then that business, which
15 existed prior to the adoption of zoning, would become nonconforming.
16
17 Ms. Capel stated that she thought that it was okay to be nonconforming if it existed prior to the adoption of
18 zoning.
19
20 Mr. Hall stated yes, but he hopes that the business will grow and he does not want to be responsible for not
21 allowing that growth. He said that the Board could limit the amendment so that no new agricultural drainage
22 contractor could locate in the CR district and only those that existed on a certain date could continue.
23
24 Ms. Capel stated that she would be more comfortable with the latter because regular contractors are not
25 allowed in the CR district. She said that the amendment would allow the current contractor in the CR
26 district to remain and grow.
27
28 Mr. Hall stated that he believes that this would be a good change but he did not recommend it. He said that
29 he believes that the Board should have the opportunity to review the new language and not attempt to create
30 it tonight.
31
32 Ms. Capel agreed.
33
34 Mr. Thorsland also agreed. He said that it would be nice to review the language in a written form rather than
35 approve something that can only be reviewed verbally.
36
37 Ms. Capel noted that she will not be in attendance to the February 14th meeting. She asked if there was any
38 way that she could attend the meeting electronically. She said that even if she is unable to vote electronically
39 she could participate in the discussion.
40
41 Mr. Hall stated that this was done for the LESA Update Committee therefore if it was permissible for that

- 1 Committee it may be possible.
2
- 3 Mr. Thorsland stated that the LESA Update Committee was a steering committee and not a Board.
4
- 5 Mr. Hall stated that the LESA Update Committee followed the Open Meetings Act.
6
- 7 Mr. Thorsland recommended that staff check with the State's Attorney.
8
- 9 Mr. Hall stated that he will check with the State's Attorney to see if Ms. Capel can participate in the
10 discussion electronically but not voice a vote for final recommendation.
11
- 12 Ms. Capel stated that she would just appreciate being part of the discussion.
13
- 14 Mr. Hall stated that there are legal and technical issues that need to be addressed.
15
- 16 Ms. Capel stated that she would appreciate it.
17
- 18 Mr. Thorsland stated that hopefully the equipment will be in complete working order.
19
- 20 Mr. Hall stated that IT informed staff that the system was down because they have been trying to connect the
21 televisions but if staff needed the system they offered to accommodate us.
22
- 23 Ms. Capel stated that she could use her computer as well.
24
- 25 Mr. Thorsland stated that he does not believe that electronic voting would be allowed.
26
- 27 Mr. Thorsland asked Mr. Hall if the case required re-advertisement.
28
- 29 Mr. Hall stated no because the amendment would be less restrictive.
30
- 31 Mr. Courson asked Mr. Hall why the need to differentiate an agricultural drainage contractor from a regular
32 drainage contractor.
33
- 34 Mr. Hall stated that he is not sure that we need to but we always have and no one has suggested that we are
35 too restrictive on that therefore he has not proposed changing it. He said that any contractor can have
36 incidental sales and he considers 10% as incidental, but the Board could decide to recommend that we
37 liberalize the basic contractor definition to go beyond 10%.
38
- 39 Mr. Courson stated that this is why Part A. includes the definition of an agricultural drainage contractor.
40
- 41 Mr. Hall stated that it is known that incidental sales occur with agricultural drainage contractors and that

1 they provide an important service for farmers. He said that if the same phenomenon applies with other
2 types of contractor then the incidental sales would also apply. He said that “incidental” is not defined in the
3 Ordinance and is only this Zoning Administrator’s interpretation.

4
5 Mr. Thorsland stated that in reading LRMP Goals 3 and 6 he believes that Goals 3 and 6 best fell under
6 WILL NOT IMPEDE and not HELP ACHIEVE. He asked the Board if there were any other comments
7 regarding the LRMP Goals.

8
9 Mr. Hall stated that he would like to know if the Board is comfortable with the limit on retail sales as written
10 or if it needs to be written clarifying that it is sales to farmers and/or other contractors.

11
12 Mr. Courson stated that he would add municipalities and government agencies. He said that if a contractor
13 offers culverts for sale then all of the road districts will probably purchase culverts from that contractor. He
14 said that these facilities are relatively rare therefore if you want to find one then there are only a few places
15 to go. He said that every time a new driveway is installed a culvert is inserted therefore a substantial amount
16 of business could be run out of these businesses.

17
18 Mr. Hall stated that he is now wondering if there should be some sort of limitation on who the contractor’s
19 can sell the products to.

20
21 Ms. Capel agreed.

22
23 Mr. Hall stated that evidence needs to be added to the Summary indicating that the Board considered
24 limiting the sales to farmers and other contractors but then realized that government agencies may also want
25 to purchase supplies from their facility. He said that if retail sales exceed 50% then the business is no longer
26 just a contractor but a retail business.

27
28 Mr. Courson stated that the amount of products available for sale depends on the amount of work that the
29 contractor receives because there may be some years when they are very busy and some years they maybe
30 very slow.

31
32 Mr. Thorsland stated that this Ordinance relates to contractor’s facilities and someone can negotiate the
33 numbers to meet the 50% limit, not that he is indicating that people will be fraudulent.

34
35 Mr. Hall stated that it could be written so that the limit applies to more than a given year or in general the
36 lifetime of the business. He said that this would provide for the annual fluctuations, if that is a valid
37 concern, but it makes it more difficult to enforce.

38
39 Mr. Thorsland stated that no language would be inserted limiting sales but language would be inserted
40 indicating how the 50% is determined.

41

- 1 Mr. Hall stated that the Board should modify the language if the Board wants to make sure that it does not
2 apply to each and every year but over the lifetime of the business.
3
- 4 Ms. Capel asked if this would be averaged over the lifetime of the business.
5
- 6 Mr. Courson stated that it appears that we are discussing two different things, a contractor or retail sales.
7
- 8 Mr. Hall stated that we are only discussing agricultural drainage contractors because they are a special
9 situation which the Board can choose to provide for or not.
10
- 11 Mr. Courson stated that, with his background, drainage contractors purchase their supplies from
12 manufacturers and not from a yard unless they are installing small tile runs. He said that if a contractor is
13 installing an entire field they will purchase a semi-load at a time directly from the manufacturer and they will
14 have it delivered directly to the jobsite.
15
- 16 Mr. Thorsland stated that there have been many times when he personally required field tile and was unable
17 to purchase the tile from a retail yard. He said that he would love the opportunity to purchase the tile from a
18 local contractor who had it on hand so that he could install the tile when the ground was dry. He said that
19 perhaps the simple framework of indicating 50% of the sales averaged a three year span would count for the
20 slow year and the busy year.
21
- 22 Mr. Courson stated that such an average would be extremely hard to enforce or would not be enforced. He
23 said that staff would not perform enforcement unless someone complained about a business therefore the
24 whole issue would be moot.
25
- 26 Mr. Hall stated that it would be good for the language to state “on average” and not make it any more
27 complicated than that.
28
- 29 Mr. Courson stated that he is just trying to differentiate someone who installs drainage pipe in the ground
30 versus someone who sells the pipe. He said that there may be a contractor who does farm drainage but also,
31 like Stark Excavating, does concrete work, water mains, storm sewers, etc. He said that if someone is doing
32 both agriculture and commercial work where will the fall under the definition.
33
- 34 Mr. Hall stated that a contractor, like Stark Excavating, is not an agricultural drainage contractor under this
35 definition because the principal business has to be agricultural drainage contracting. He said that it is a
36 difficult thing to enforce but he is not aware that Stark Excavating is primarily into agricultural drainage
37 contracting.
38
- 39 Mr. Thorsland stated that he agrees and he does not believe that Start Excavating is going to refocus what
40 they are doing to slide into the agricultural drainage contractor definition. He said that he would be
41 comfortable indicating the dollar volume of business being 50% on average.

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Mr. Hall stated that the Board should make the date that the agricultural drainage contractor business in the CR district existed something later than October 10, 1973. He said that he does not know of any agricultural drainage contractors that were not already there but that doesn't mean that they do not exist and it is unfair to make their business unable to expand. He said that he would suggest that the date be the adoption date of this amendment. He said that if a contractor in the CR district was established after October 10, 1973, they should have received County approval but this will not prohibit them from receiving all of the necessary approvals.

Mr. Thorsland entertained a motion to continue Case 733-AT-12 to the February 14, 2013, meeting.

Mr. Courson moved, seconded by Mr. Passalacqua to continue Case 733-AT-12 to the February 14, 2013, meeting. The motion carried by voice vote.

Case 734-AT-12 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning Ordinance as follows: Part A. Amend the Table of Authorized Principal Uses in Section 5.2 by adding "Contractors Facilities (with no Outdoor STORAGE Nor Outdoor OPERATIONS)" as an authorized principal use permitted by right in the B-1 Zoning District. Part B. Amend the Table of Authorized Principal Uses in Section 5.2 by adding "Contractors Facilities (with Outdoor STORAGE and/or Outdoor OPERATIONS)" as an authorized principal use permitted by Special Use Permit in the B-5 Zoning District; and by right in the B-1 Zoning District; and add Special Use Permit Standard Conditions to Section 6.1.3.

Mr. Thorsland stated that anyone wishing to testify for this case must sign the witness register by which they solemnly swear that the evidence that they present is the truth, whole truth, and nothing but the truth, so help them God. He asked the audience if anyone desired to sign the witness register at this time.

Mr. John Hall, Zoning Administrator, stated that this is one of the three text amendments that the Committee of the Whole authorized to proceed. He said that two letters from two contractors are attached to the January 25, 2013, Preliminary Memorandum but the B-5 district involves a third contractor who is just in the process of completing his new facility. He said that the contractor located in the B-5 district thought that he could have outdoor storage but discovered that he was incorrect because outdoor storage is prohibited in B-5. Mr. Hall stated that when the original amendment was proposed staff knew that there were areas of B-5 with dwellings on second floors and if a dwelling is on a second floor next to a contractor's facility with outdoor storage there is no way to screen it. He said that at the time when decisions were made it was easier to not allow outdoor storage but in fact there are a lot of B-5 districts located in the County where there are no dwellings at all and even though it is business zoned property contractor's facilities are not allowed with outdoor storage.

Mr. Hall stated that a Draft Finding of Fact has been prepared for tonight's meeting. He said that this case is not more complicated than the agricultural drainage contractor's amendment and is probably more simple

1 but staff expects a municipal protest against this amendment. He said that he would like this case to stay at
2 the ZBA longer than tonight so that municipal staff can provide comments. He said that staff came up with
3 the same recommendations for Case 734-AT-12 as the recommendations for Case 733-AT-12 and were
4 unclear as to what to recommend regarding LRMP Goals 3 and 6. He said that there is different evidence for
5 Case 734-AT-12 as to how the amendment will help achieve the purpose of the Zoning Ordinance because
6 there are different facts that apply. He said that if the County Board approves this amendment as it is before
7 the ZBA tonight it is going to cause a problem with the concerns of one municipality. He said that municipal
8 comments may not be received at a staff level but may be received at ELUC. He said that Goal 3 is the goal
9 about prosperity and it is not clear that this amendment is related to that which was the same issue with Case
10 733-AT-12. He said that Goal 6 is the goal about public health and safety and again staff was unclear as to
11 what to recommend for Goal 6.

12
13 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

14
15 Mr. Thorsland called Eric Sebens to testify.

16
17 Mr. Eric Sebens, who resides at 3008 Cherry Hills Drive, Champaign, stated that he would like to make
18 some points regarding the B-1 district. He said that currently both uses, a contractor's facility and self-
19 storage, have been and are allowed in the AG-2 Zoning District but are not included in the zoning district
20 that his property is located within. He said that allowing a contractor's facility in the B-1 district is in line
21 with normal customary uses within that type of zoning and area use. He said that self-storage and
22 contractor's facilities are both types of businesses that serve the rural community and in many cases these
23 two services are offered by one entity. He said that the general intent of the B-1 Zoning District is to provide
24 areas, including agricultural areas, with related business services which would include a contracting facility.

25
26 Mr. Thorsland asked the Board if there were any questions for Mr. Sebens and there were none.

27
28 Mr. Thorsland asked if staff had any questions for Mr. Sebens and there were none.

29
30 Mr. Thorsland asked the audience if anyone desired to present testimony related to Case 734-AT-12 at this
31 time and there was no one.

32
33 Mr. Thorsland closed the witness register at this time for Case 734-AT-12.

34
35 Mr. Thorsland stated that he believes that the recommendation for LRMP Goals 3 and 6 should be indicated
36 as WILL NOT IMPEDE. He said that he would be interested in hearing about public health and public
37 safety. He said that Mr. Hall mentioned that there is potential for a municipal protest therefore it is
38 important that the Board fully review the information and if there are things or testimony that will strengthen
39 the case it is important to get those items in the finding.

40
41 Mr. Hall stated that in item #17, related to common sense factors that Mr. Sebens mentioned in his

1 testimony, was not added to this case therefore when this case comes back to the Board staff will try to
2 identify those more common sense items. He said that he believes that it was clearly an oversight to allow
3 contractor facilities in the AG-1 but not the B-1 district.
4

5 Mr. Hall stated that if this amendment is approved he would anticipate that Mr. Sebens would petition to
6 rezone his property to B-1 and Mr. Jesse doing the same. He said that Mr. Sebens' and Mr. Jesse's
7 properties are both located in the agricultural districts. He said that an alternative approach, at least in AG-2
8 where self-storage is allowed, is to simply allow two principal uses on one property. He said that it has been
9 allowed in the AG-2 district in specified instances and that would have been another approach to take but it
10 would require re-advertising and it was not discussed with ELUC. He said that he is bringing this approach
11 up to the Board now because Mr. Sebens has AG-2 zoning and is within one and one-half mile of a
12 municipality and will need to rezone his property to do both uses on one property even though both uses are
13 already allowed in AG-2. He said that clearly there is a question of efficiency because if you could do both
14 uses in AG-2, and many business owners are attempting to find ways to save their businesses, it maybe
15 something that the Board would want to consider in AG-2 as a Special Use Permit. He said that this would
16 require re-advertising and he has no idea how it will go over at ELUC, but it is the ZBA's amendment and if
17 you want to add it we can. He said that the amendment will have to be re-advertised which will slow it
18 down but it is a matter of common sense because both uses are allowed in the AG-2 district but not on the
19 same property.
20

21 Mr. Thorsland stated that there is a decent list of uses allowed in AG-2 at this time therefore this amendment
22 would allow any combination of those uses on one property.
23

24 Mr. Hall stated that the Board can be specific about the combinations that would be allowed.
25

26 Mr. Thorsland asked if the Board should just pick these particular two uses.
27

28 Mr. Hall stated that the Board should go through the uses and determine every combination that may be
29 allowed. He said that the maximum lot size provisions do not apply in B-1 but do apply in AG-2. He said
30 that Special Use Permits are limited to a best prime farmland lot that is either no bigger than three acres or
31 35 acres or larger. He said that there is a lot of reason for Mr. Sebens to rezone his lot to B-1 because it
32 would get him out of the best prime farmland quagmire that still has to be addressed in the rezoning but is
33 not as prominent a problem.
34

35 Ms. Capel stated that it would be easier to approach this as a rezoning than to attempt to come up with every
36 combination of two principal uses that would be allowed in AG-2.
37

38 Mr. Hall stated that thus far we have only allowed these on an incremental basis when they were requested.
39 He said that the first thing was the funeral home on the same property as the cemetery and it was allowed in
40 AG-2 as a Special Use Permit. He said that both things were allowed separately but never on one property.
41

1 Mr. Thorsland stated that the combination of the funeral home and the cemetery made perfect sense.

2

3 Mr. Kass stated that he could review what exceptions are in the Ordinance.

4

5 Mr. Thorsland stated that he has no problem allowing two principal uses through a Special Use Permit
6 process because the ZBA is very able to talk through the uses.

7

8 Mr. Kass stated that Mr. Sebens would need to rezone and request a Special Use Permit. He said that the
9 County allows two principal uses on the same property in the B-1 district by special use. He said that in the
10 CR, AG-1, AG-2 and residential districts the County does not allow two principal uses on the same property
11 at all.

12

13 Mr. Hall stated that in AG-2 there are certain uses that are allowed in combination. He said that currently
14 contractor facilities and self-storage warehouses are allowed in the AG-2 district as a Special Use Permit
15 therefore this is the Board's opportunity to propose allowing them on the same property as a Special Use
16 Permit with the provision being that it is going to raise the issue of best prime farmland would be addressed
17 in each case and as long as they are not using more than three acres of best prime farmland they could always
18 do that.

19

20 Ms. Capel asked Mr. Hall to indicate what Mr. Jesse's property is zoned.

21

22 Mr. Hall stated that Mr. Jesse's property is zoned AG-1 and is located less than one and one-half mile from a
23 municipality.

24

25 Ms. Capel stated that Mr. Jesse could rezone to AG-2.

26

27 Mr. Hall stated that theoretically that is true because Mr. Jesse's property does border the AG-2 district.

28

29 Mr. Thorsland stated that the more normal event would be to rezone a property to a district that would allow
30 two principal uses and then apply for a Special Use Permit as opposed to adding to the categories of districts
31 allowing two principal uses with a Special Use Permit.

32

33 Mr. Hall stated that just this combination of uses may be allowed in AG-2 since both uses are already
34 authorized.

35

36 Ms. Capel stated that since it is within the ETJ of a municipality it is a logical way for businesses to increase
37 their income. She asked Mr. Hall to indicate which process satisfies the interest of the Ordinance more, the
38 rezoning or revising the AG-2 district.

39

40 Mr. Hall stated that the Board could do both things so that a landowner in AG-2 could stay under the best
41 prime farmland limits they could do it in AG-2 but if they are going to go over the limits then they need to

- 1 rezone.
2
3 Ms. Capel stated that a rezoning is susceptible to a protest but a special use is not.
4
5 Mr. Hall stated that Ms. Capel was correct.
6
7 Mr. Thorsland requested the Board's direction for staff.
8
9 Mr. Courson stated that he would prefer to leave the amendment as it was advertised.
10
11 Mr. Thorsland stated that the Ordinance would be modified regarding these particular districts and let the
12 potential business people, known and unknown, deal with the zoning.
13
14 Mr. Passalacqua agreed.
15
16 Mr. Thorsland entertained a motion to continue Case 734-AT-12.
17
18 Mr. Hall stated the February 28th meeting actually has fewer cases than indicated on the distributed docket.
19
20 Mr. Kass stated no. He said that Cases 736-V-12 and 737-V-12 were originally docketed for the February
21 14th meeting but some issues did arise which moved the cases to the February 28th meeting.
22
23 Mr. Hall asked Mr. Kass if staff is still awaiting the petitioner's reply.
24
25 Mr. Kass stated that the petitioners would like to proceed.
26
27 Mr. Hall recommended that Case 734-AT-12 be continued to the March 14th meeting.
28
29 Mr. Thorsland entertained a motion to continue Case 734-AT-12 to the March 14th meeting.
30
31 **Ms. Capel moved, seconded by Mr. Palmgren to continue case 734-AT-12 to the March 14th meeting.**
32 **The motion carried by voice vote.**
33
34 Ms. Capel asked Mr. Hall to indicate the status of Case 685-AT-11.
35
36 Mr. Hall stated that the other text amendments were deemed a priority over Case 685-AT-11.
37
38 Mr. Hall informed Mr. Sebens that Case 734-AT-12 will return before this Board on March 14th and notice
39 will be sent to him regarding that meeting.
40
41 Mr. Hall asked Mr. Dillard if he would also like to receive information regarding the cases related to

1 contractors.

2
3 Mr. Dillard stated yes.

4
5 **7. Staff Report**

6
7 None

8
9 **8. Other Business**

10 **A. November, December 2012 Monthly Reports**

11
12 Mr. Hall stated that the November Monthly Report has been included in the mailing for the ELUC meeting
13 but he neglected to make copies for the ZBA. He said that it will be posted to the website next Friday and
14 copies will be distributed at the next ZBA meeting.

15
16 **B. Review of ZBA Docket**

17
18 Mr. Kass stated that the February 14th meeting has become a very extensive meeting. He said that the April
19 25th meeting is anticipated to be a very interesting meeting.

20
21 Mr. Hall stated that he did not realize that there were four new cases scheduled for the February 28th
22 meeting.

23
24 Mr. Kass stated that he placed four new cases on the docket because two of those cases appear to be very
25 simple cases.

26
27 Mr. Hall stated that he would rather move one of the new cases appearing on the docket for the February 28th
28 meeting to the March 14th meeting and move Case 734-AT-12 to the February 28th meeting. He said that the
29 four new cases scheduled for the February 28th meeting are fairly intensive and the preparation of three
30 findings of fact for final action is just not possible in our department at this time. He said that it would be
31 more equitable to place Case 734-AT-12 on the February 28th meeting and move Case 739-V-12 to the
32 March 14th meeting.

33
34 Mr. Kass stated that he has submitted the legal notice for Case 738-S-12 although he has not submitted the
35 legal notice for Case 739-V-12. He said that the docket dates for Cases 734-AT-12 and 739-V-12 could be
36 swapped but he would prefer that Cases 736-V-12 and 737-V-12 remain on the docket for the February 28th
37 meeting.

38
39 Mr. Thorsland stated that if the docket dates for Cases 734-AT-12 and 739-V-12 are swapped he would
40 recommend that staff notify all interested parties.

41

1 Mr. Thorsland entertained a motion to revise the docket and move Case 734-AT-12 to the February 28th
2 meeting and move Case 739-V-12 to the March 14th meeting.

3
4 **Mr. Passalacqua moved, seconded by Mr. Courson to revise the docket and move Case 734-AT-12 to**
5 **the February 28th meeting and move Case 739-V-12 to the March 14th meeting. The motion carried by**
6 **voice vote.**

7
8 **9. Audience Participation with respect to matters other than cases pending before the Board**

9
10 None

11
12 **10. Adjournment**

13
14 Mr. Thorsland entertained a motion to adjourn the meeting.

15
16 **Ms. Capel moved, seconded by Mr. Passalacqua to adjourn the meeting. The motion carried by voice**
17 **vote.**

18
19 The meeting adjourned at 8:54 p.m.

20
21
22 Respectfully submitted

23
24
25
26 Secretary of Zoning Board of Appeals