

**MINUTES OF REGULAR MEETING****CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

1776 E. Washington Street  
Urbana, IL 61801

**DATE:** December 02, 2021                      **PLACE:** Shields-Carter Meeting Room  
1776 East Washington Street  
Urbana, IL 61802

**MEMBERS PRESENT:** Ryan Elwell, Jim Randol, Larry Wood, Marilyn Lee, Lee Roberts, Tom Anderson

**STAFF PRESENT:** John Hall, Susan Burgstrom, Stephanie Berry

**OTHERS PRESENT:** Patsy Seeds, Derald Seeds, Barney Bryson, Rena Wilson-Jones, Lesley Deem, Rachel Coventry, Lisa Romero

**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.

Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign the witness register for that public hearing.

**3. Correspondence - None****4. Approval of Minutes – September 16, 2021 and October 14, 2021**

Mr. Elwell asked if there was any discussion for the September 16, 2021 minutes.

**Mr. Randol moved, seconded by Mr. Wood, to approve the September 16, 2021 minutes. The motion carried by voice vote.**

Mr. Elwell asked if there was any discussion for the October 14, 2021 minutes.

**Mr. Wood moved, seconded by Mr. Randol, to approve the October 14, 2021 minutes. The motion carried by voice vote.**

**5. Continued Public Hearings****Case 014-AT-21**

Petitioner: **Zoning Administrator**

Request: **Amend the Champaign County Zoning Ordinance to establish beekeeping requirements as summarized in the full legal advertisement and summarized as follows:**

- 1. Amend Section 3.0 Definitions by adding a definition for “apiary”, “beekeeping”, “honeybee”, “nucleus colony” and other related terms.**

- 1           **2. Add footnotes 29 to Section 5.2 Table of Authorized Principal Uses.**
- 2
- 3           **3. Add footnote 30 to Section 5.2 Table of Authorized Principal Uses.**
- 4
- 5           **4. Add new Section 7.8 Beekeeping in the R-1, R-2, and R-3 Districts, with new**
- 6           **requirements for beekeeping.**
- 7
- 8           **5. Amend Section 9.3.1 G.6. by adding a \$33 Change of Use Permit Application Fee to**
- 9           **establish beekeeping in the R-1, R-2, and R-3 Districts.**

10  
11 Mr. Elwell informed the Board that he would like to have their discussion amongst themselves before  
12 opening up the Witness Register.

13  
14 Mr. Elwell asked Mr. Hall if he would like to discuss any updates from the last meeting on October 14,  
15 2021.

16  
17 Mr. Hall stated that he would like to make it clear that the \$33 dollar Change of Use Permit Application  
18 Fee had been dropped previously, and it is still dropped. He said that Staff didn't bother to change the  
19 description in the Agenda, because the description usually stays the same throughout the whole case, and  
20 they are not proposing any fee. He said that at the last meeting, there was discussion among Board  
21 members that there hadn't been enough problems with the honeybees to adopt the ordinance, and he wants  
22 to reassert that there were enough problems with honeybees that ELUC sent this case to the Board. He  
23 said that the Board can vote as they see fit, but ELUC tried to walk away from this the first time, and it  
24 didn't work. He said that he really hopes they can find a way to reach an agreement on some limit on  
25 honeybees if nothing else, and the memo talked about changes to the amendment in order to limit the  
26 number of honeybees. He said that the amendment reviewed that once the Board fails to pass a motion to  
27 approve, then that settles the case and there would be no more discussion, because the case would be  
28 denied. He said that a denial does not operate the same way, because a recommendation of denial that fails  
29 would not settle anything. He said that if the Chair requests a motion three times, and there is no motion,  
30 then the Chair shall make a motion to approve. He said that there are two times where the Board's hands  
31 would be tied, a motion to approve that fails and settles the issue, and if the Chair calls a motion three  
32 times, and there is no motion, then the Chair shall indeed make a motion to recommend approval. He said  
33 that before the Board gets to either of those points, they need to make sure that is where they want to be  
34 as a Board.

35  
36 Mr. Elwell asked if there were any questions from the Board.

37  
38 Mr. Anderson referred to item one on the Request from the Agenda, to "Amend Section 3.0 Definitions  
39 by adding a definition for "apiary", "beekeeping", "honeybee", "nucleus colony" and other related  
40 terms." He said that he hopes the concept of flyway gets added into the list of definitions.

41  
42 Mr. Hall said that it is not in there right now, and he has not found a definition of "flyway", but there is  
43 a definition that the Staff has been operating with; it has not been defined, and he is not clear on why it  
44 would need to be defined. He said that if the Board wants it in there, then they would have to make a  
45 definition up at tonight's meeting.

46  
47 Mr. Elwell asked Mr. Anderson to elaborate more on his request to add the definition of "flyway" to the  
48 amendment.

49

1 Mr. Anderson said that the Board knows about flyway barriers, but they do not know about the definition  
2 of “flyway”. He said that Ms. Lesley Deem is here at tonight’s meeting who could answer that.

3  
4 Mr. Elwell said that maybe the Board could ask her to testify at tonight’s meeting.

5  
6 Mr. Elwell asked if there were any other questions from the Board.

7  
8 Ms. Lee asked if the Board could make comments instead of questions.

9  
10 Mr. Elwell said yes.

11  
12 Ms. Lee said that at the last meeting, Mr. Hall said that he wanted reasons why the Board would not want  
13 to approve this, and she has ten points. She said it was established at the first meeting that bees could fly  
14 over 12 miles. She said that bees are important to agriculture production as well as urban gardens and  
15 flowers. She said that the subdivision in question has a covenant that prohibits agriculture, and it has been  
16 established that beekeeping is agriculture. She said legally speaking, in her opinion, the subdivision in  
17 question has an adequate legal remedy, and she agrees with Mr. Elwell that this ordinance is adding  
18 unnecessary governmental regulation. She said that the subdivision’s adequate legal remedy is available  
19 presently and in the future, and this ordinance is an infringement on the Right-to-Farm legislation, which  
20 was first enacted in 1981 in Illinois. She said pursuant to Mr. Hall at the last meeting, this subdivision is  
21 the only incident in an urban area in his ten years as the Zoning Administrator. She said to extend these  
22 rules to the entire County is not warranted.

23  
24 Mr. Hall said the last reason she stated sounded confusing, because they never proposed to extend these  
25 rules to the entire county, it is only in the Residential Districts.

26  
27 Mr. Wood said that this has been an interesting exercise that they have all been through, and he realizes  
28 the incident in the Prairieview Subdivision has negatively affected some people, but unfortunately beyond  
29 Ms. Rena Wilson-Jones, who had a lot of extra beehives, and without defining how many she might have  
30 had on her property, he thinks that issue has been resolved. He said that he doesn’t know if the issue with  
31 the insects has been resolved, because insects are everywhere. He said that it doesn’t make any sense to  
32 him to have a very small portion of the county, the residential areas in the county that are adjacent or in  
33 close proximity to other residential areas, that there is one rule for one, and not the same rule for the other.  
34 He said that if he would make a suggestion to take to the Board, this is more of a community-wide issue,  
35 and if they want to have some type of guidance or guidelines for bee husbandry in this community, then  
36 they should get the community together, and make a decision about how all residences are treated equally.  
37 He said that they have developed experience from the beekeepers association, that there are best practices  
38 already in place, and if they could follow those, they could deal with those issues. He said that the bees  
39 don’t really care about the artificial boundaries that humans create; the bees are going to go wherever  
40 there is food and water. He said that outside the Prairieview Subdivision, there are a lot of other colonies  
41 that are within a couple of miles of that area, and they do not know if the problem was created by all the  
42 bees that were on Ms. Wilson-Jones’s property or not; there is no way to prove that. He said that he does  
43 not agree with passing something like this, that doesn’t cover all residential areas; he thinks if they want  
44 to deal with it, then they need to deal with it as a broader issue for the community. He said that the County  
45 needs to sit down and talk to the surrounding municipalities, and decide on a common rule or if they are  
46 going to make any rules at all. He said the guidance that they might get from the beekeepers association  
47 would be a good thing to follow, because it is their experience, and it is their experience from a community  
48 perspective, to know where the beehives should be placed to where the bees have access to food and water,  
49 and that should be the common denominator for where the beekeepers would place the beehives. He said

1 the beekeepers that are local have probably already discovered a lot of that through their experience and  
2 by trial and error over the many years they have had beekeepers here. He said that this one particular  
3 incident at Prairieview Subdivision is the only incident that he is aware of where there has been a nuisance  
4 problem or a potential nuisance problem from bees. He said that he lives out in the country and is  
5 surrounded by woods, and he has a huge garden; he is not a beekeeper, but he has feral colonies around  
6 on his property. He said all the insects are around, it's not just bees, and every summer he gets stung  
7 several times. He said he doesn't think he has ever been stung by a honeybee; it has been a Yellowjacket,  
8 wasp, or he has been bitten by some other insect, and there are a lot of flying insects that do bite that might  
9 end up feeling like a sting, but that is the nature of living out in the country. He said that is his suggestion  
10 and he doesn't see that it needs to be created into a zoning issue for a small portion of the residences in  
11 this county, and to not have a similar rule, if they are going to have a rule at all or if they actually need a  
12 rule for all the other residences in the county. He said that it is like when you move from one municipality  
13 or one governmental organization to another, then someone would constantly have to deal with different  
14 rules, but they don't need that and have enough of that as it is.

15  
16 Mr. Elwell asked if there were any further comments or questions from the Board.

17  
18 Mr. Elwell said that he realizes this is a hot button topic, and there is not much common ground here, but  
19 he would like to reiterate that everyone is a neighbor, and some of the comments that have been made can  
20 be taken in context over the past three or four meetings. He said that they really don't need to be nasty to  
21 one another, and Champaign and Urbana are special, and they are special because of the people. He said  
22 that it is not everyone, but there have been some comments that have been made that he has been very  
23 disappointed with. He said that is his biggest thing, that if someone is for it or against it, then come to the  
24 Board with good evidence to change his mind instead of coming with insults.

25  
26 Mr. Elwell asked if there were any questions or comments from the Board. Seeing none, he said he would  
27 like to move to the Witness Register.

28  
29 Mr. Elwell informed the audience that anyone wishing to testify for this public hearing tonight must sign  
30 the witness register for this public hearing. He reminded the audience that when they sign the witness  
31 register, they are signing an oath.

32  
33 Ms. Lesley Deem stated she lives at 1205 North Division Avenue in Urbana, Illinois. She said that she  
34 doesn't have a lot of new things to say; she was here in case any of the Board had questions or clarifications  
35 of some of the bee behavior.

36  
37 Mr. Randol asked her if she could clarify Mr. Anderson's question in her profession as to what a "flyway"  
38 is that they could put in their records.

39  
40 Ms. Deem said that her understanding of what a flyway is and the way she uses it, is the flight path the  
41 bee would normally take. She said that when the bee is entering and exiting the beehive, the beekeeper  
42 can shunt where the path goes based on if they have a fence in front of the bees or the way they direct the  
43 entrance to the beehive. She said that at the U of I Pollinatorium where she works, the entrance to the  
44 beehive goes through the north wall of the building, and then about three feet from the bees' entrance  
45 there is a six-foot fence, and that makes their flight path go up and over the road where people walk and  
46 drive.

47  
48 Mr. Elwell asked if there were any other question from the Board.

49

1 Mr. Wood asked her what she thought the role of the beekeepers association should be going forward with  
2 respect to managing and possibly setting something up that would not allow this type of situation to  
3 develop again, and if they actually had a situation where there were a lot of different beehives on one  
4 property, which Ms. Deem indicated in the past was an excessive amount. He asked her how they could  
5 do a better job of managing that without creating some bureaucratic solution that doesn't really solve the  
6 problem.

7  
8 Ms. Deem said now that the light has been put on the problem, the process is already in place, and all the  
9 club members have been having discussions about how many beehives they are going to have on a  
10 property. She said a lot of times, the restriction would be natural for the beekeeper, because if they have  
11 a certain number of beehives, but don't have the food supply for them to survive, they won't have a large  
12 number of beehives. She said that having a large number of beehives on one property indicates that there  
13 was a lot of forage and food, and the bees were happy with the amount of forage or food that they could  
14 get, or they wouldn't be able to build up and have a viable beehive for the whole year.

15  
16 Mr. Wood asked her if she knew of all the beekeepers belonging to the beekeepers association in this  
17 larger community of theirs.

18  
19 Ms. Deem said that she does not, but that doesn't mean they don't talk with their fellow beekeepers either.  
20 She said that not every beekeeper belongs to the club and some of them belong to the state association and  
21 not the local association. She said that they go to different bee meetings, and there are meetings here in  
22 Illinois, but there are also excellent meetings just across the border in Indiana, so they have a lot of their  
23 beekeepers getting their information from both state clubs.

24  
25 Mr. Elwell asked if there were any other questions from the Board or Staff.

26  
27 Mr. Anderson asked her which of the items does she think the Board should work on tonight.

28  
29 Ms. Deem said that she thinks the most crucial issue is if the Board wants to limit the number of beehives  
30 on residential properties. She said that she assumed that would be the one that the Board would make the  
31 most comments on and decide, because some of the others were different details that could be adjusted.  
32 She said that earlier they had said that the \$33 dollar fee had been dropped, and that it was not part of the  
33 current language, so that would be her main thing: how many beehives do they want on residential  
34 properties.

35  
36 Mr. Anderson said that he noticed when reading through the letters that there was one beekeeper that had  
37 nine beehives on one property.

38  
39 Ms. Deem said that it is not uncommon for there to be more than six beehives on one property, and it is  
40 not uncommon for there to be seven, eight, or nine beehives on one property.

41  
42 Mr. Anderson asked Mr. Hall if he knew how large of a property someone would have to have under these  
43 conditions to have nine beehives.

44  
45 Mr. Hall said that in the October 14, 2021, version of the proposed amendment, the lot would start off  
46 with four beehives on a 10,000 square foot lot and add one beehive for every additional 2,500 square feet.  
47 He said in order to get to nine beehives on one lot, the beekeeper would need at least a 22,250 square foot  
48 lot, which is a little over a half-acre.

49

1 Ms. Deem said that there are currently more beehives than that on a smaller property. She asked what the  
2 average size of a lot was in the county residential areas.

3  
4 Mr. Hall said that he didn't know what the average size was, but the minimum lot size in R-1 is 9,000  
5 square feet. He said that he feels comfortable with saying that it is not uncommon to find a lot larger than  
6 14,000 square feet. He said that he knows the one lot that was a part of the issue currently was a corner  
7 lot, and corner lots tend to be larger, but it was about 14,000 square feet in size, which is not all that  
8 uncommon in the residential districts.

9  
10 Ms. Deem said the properties that she is thinking of are regular lots and some of them have six to nine  
11 beehives on them, but the lots are probably not the expanded corner lot size. She said she would be  
12 comfortable with the number of beehives going up to six beehives per lot and going from there.

13  
14 Mr. Elwell said it seems to him that they are arbitrarily setting a number of beehives.

15  
16 Ms. Deem said that it is arbitrary, and she had only based that number off what she has seen beekeepers  
17 have on different lots, and she doesn't have a list of the number of beehives for the Board.

18  
19 Mr. Elwell said that he is not a beekeeper, but he appreciates honey and flowers, so he finds it difficult for  
20 him to say that a beekeeper could have four beehives, but they couldn't have five beehives. He understands  
21 from this side of the table that the Board's job is to figure out what the zoning requirements should be so  
22 he can understand both sides of the table, and he is not educated or a professional in beekeeping, so it is  
23 really hard for him to say. He told Ms. Deem that if he asked her about a 12,000 square foot lot, and if a  
24 beekeeper could have ten beehives on it, she would probably tell him that that would be okay.

25  
26 Ms. Deem said yes, she has seen ten beehives on a lot that size, but it all depends on the details of the lot  
27 and the forage that is available.

28  
29 Mr. Elwell said that he doesn't think that is something they could legislate, and that is where he starts to  
30 get lost during this process.

31  
32 Mr. Wood said that if someone is located in a very good area for forage and things like that, then it would  
33 suggest that lot would be able to handle more beehives on it, which is part of the difficulty he has in  
34 thinking that establishing any kind of arbitrary limit of beehives would do any good. He said that he thinks  
35 as a community, they should be thinking about what is best for the bees, because of the impact that the  
36 bees have on their overall food supply and how important the bees are, and the fact that over the last 20  
37 or 30 years, the population of bees has been declining, and it is becoming more and more of a critical  
38 issue. He said that he would like the community to look at it from a larger perspective, and the technology  
39 that is available today could determine where the best forage areas are, and that should be where the  
40 beekeepers spend most of their time placing the beehives. He said that he doesn't think this is the way to  
41 do that; everyone needs to come together as a larger community and make a decision about how they  
42 should manage that, and what kind of rules they want to put in place for that.

43  
44 Mr. Elwell asked if there were any further questions or comments from the Board for the witness. He  
45 asked Mr. Barney Bryson to please state his full name and address.

46  
47 Mr. Barney Bryson stated that he lives at 2102 Barnes Street in Urbana, Illinois. He said the neighborhood  
48 that is in question, and there is another subdivision two blocks down from him that has bee problems as  
49 well, it is not just the Prairieview Subdivision. He said that listening to these last few comments on the

1 questioning of arbitrary numbers, he has been working on this for over seven years, and this neighborhood  
2 has been talking to the beekeeper, Ms. Wilson-Jones, that is in question for over seven years. He said that  
3 he thinks they have been trying to work with the County for about two or three years, that includes an  
4 offer by the County Executive to mediate a meeting to talk about this issue, which Ms. Wilson-Jones had  
5 refused to respond to. He said that there is no talking or back and forth discussion with her; there is this is  
6 why this is happening on their property, because of these things, and then it is their fault, because they  
7 wear cologne, or they did one of these things. He said that he thinks part of the question on the arbitrary  
8 number has come from years of research in the State of Illinois, counties, municipalities, the University  
9 of Minnesota, and other apiaries that include some in California, which that gentlemen made the statement  
10 that someone can't count bees, and he agrees with him. He said that he thinks a person had made a  
11 statement that they don't know where the bees come from, so how does someone count them. He said that  
12 someone can't count bees, and someone doesn't know where they come from, but he can tell them that  
13 when the excessive amount of bees started being kept in their community, it started to become a nuisance,  
14 and it was recognizable.

15  
16 He said that those other beehives the Board was talking about, that are over by the Bone ditch, and a little  
17 bit further down Brownfield Road, and also further up north a ways; those beehives have been there for  
18 28 years, and he has lived there for 28 years, and they never had this problem until the last seven years.  
19 He said that he eventually went to the County when nothing was able to be resolved, then it had come to  
20 the ELUC committee, but he was sent to Urbana, he was sent to May Berenbaum, and he was sent to  
21 several other people to talk to them about bees. He said that he appreciates the bees, but he finds it a little  
22 difficult that when he was talking about his bee killer screen at the last public hearing, that some people  
23 said that he could do something like that, but he doesn't want to kill bees, because that is not the answer.  
24 He said that when nothing was happening with the County and he went to the State, and they suggested  
25 those beehives should be moved, he had a wonderful summer without bees flying around his head like  
26 flies while he was fishing for catfish. He said the bees were running his friends, neighbors, and company  
27 off his deck, not to mention all the other stuff in the Board's packet. He said that the bee frass, which is  
28 bee feces, would be all over the neighbors' laundry, cars, houses, and in dog bowls; and his dog has the  
29 right to drink water and not be stung.

30  
31 He said that he cares about the bees, but he also cares about his significant other, and she was taken to the  
32 hospital after a bee sting and handed an EpiPen. He said that he knows hobbies are expensive, and some  
33 are a little bit cheaper, but they should not have to pay so someone else can have a hobby in an excessive  
34 amount without the sustainability of the number of bees that are in that foraging area. He said that when  
35 human beings are all shoved into a small area like Cabrini-Green or some other large complex, the people  
36 become very difficult and angry, some try not to deal with it, but they can't help it, because it is not  
37 sustainable. He said that when he called the Illinois State Beekeepers Association to find out what amount  
38 of water it takes to sustain a beehive, he was berated, and told he had underlying motives, and never got  
39 an answer. He said that he did get an answer from a local person in town that owned a locksmith shop; it  
40 takes three gallons a day to sustain a beehive. He said that is where he got that information, and he didn't  
41 put it into his literature, because it wasn't factual to him, and he is not here to give the Board anything that  
42 he didn't in the literature.

43  
44 He said that once the State eliminated those beehives, then things were very nice and calmed down, but  
45 then the next year the bees came back. He said that he came back to the County once again, and this has  
46 been over several years; then once it started rolling around and through zoning, and all the literature that  
47 he gave to them, and the hand billing that he did in an invitation to do a mediation, the bees kind of went  
48 away. He said that he had a few more bees this summer, but not as many as they did when there were 50  
49 beehives, or four beehives against a public sidewalk, but there were a lot fewer bees. He said that it is

1 tolerable, but he thinks it could be better, and there are not going to be any winners in this, as the website  
2 read at the second before the last ELUC meeting, where the beekeepers said they would table it  
3 indefinitely. He said that the caption of the article read, “They Won, They Won, They Won”, well the  
4 little kids didn’t win, his significant other didn’t win; they paid that medical bill and for those EpiPens, so  
5 what he is looking for is a balance here, there will be no winners. He said that if it were up to him, there  
6 would be no bees in that residential community, but that is not reasonable, and for the Board to turn their  
7 backs on it and walk away with nothing, he will almost guarantee them that they will be back within a  
8 year or two, and they will be back at this table again, but if he is not allowed at this table, then it will go  
9 somewhere else.

10  
11 He said that the situation is, that somebody feels that they can do whatever they want if they are not called  
12 into question. He said it is like driving down a highway with the markers on the side of the road, and when  
13 it is foggy and someone can’t see anything, then those markers keep someone within the lines, but if those  
14 lines are taken away, it becomes a little pretentious. He said that is what this neighborhood is asking for,  
15 and what the other neighborhood is asking for, and as he had mentioned before in one of the previous  
16 public hearing meetings, that when someone talks about self-governance, then he was referred to as a  
17 relentless sphincter in the seven-letter form, but that is nothing new to him, because he has been called  
18 that before. He said when that kind of mind set is set forward with the copresident of a group, and the  
19 other copresident writes, “They Won, They Won, They Won”, this is not about winning or losing, but  
20 about creating a conducive atmosphere. He said that after he had tried to talk with Ms. Wilson-Jones, and  
21 after he had tried to encourage other neighbors to talk to her, that is when the State stepped in, and had  
22 her remove her beehives. He said that the Board is going to do what they have to do, and he understands  
23 that they are in a difficult position, but again, he doesn’t want to go out and kill a bunch of bees, and he  
24 doesn’t want to poison bees until there is a collapse. He said that he used to pick those bees out of his pool  
25 with a skimmer net, and put them on his zebra grass, so they could dry off and fly away, but once it came  
26 to 48 bees over a six-hour period in a day, to over 167 bees, that was when the final shoe dropped, and no  
27 more talking, then he took it to the next level.

28  
29 He said why, for the very reason that any other policy or law was written, because some people can’t  
30 contain themselves within reason. He said that he is talking about texting and driving, and drinking and  
31 driving, there have to be laws for that. He said that if the government has to get in the way, then he is sorry  
32 if it does, but if someone has to have a beer or two, then they can get home very easily, but if someone  
33 has more beers than that, then they got problems when someone starts running over people. He said that  
34 when a beekeeper starts causing neighbors afternoons with their grandchildren to be ceased because they  
35 had to call the ambulance, and they said just bring her in. He said that when they talked to the heart doctor,  
36 and he told them no EpiPens, because at the fire department, they have Narcan for people that overdose,  
37 and they can pump someone with that all day long, but why don’t they have EpiPen’s, because when that  
38 anaphylaxis shock starts coming on, a person can suffocate pretty quickly. He said that the reason they  
39 don’t have EpiPens and cannot administer it, is because if they don’t know that person has a heart  
40 condition, they could lock their heart up tighter than a drum, because of that adrenaline push that goes  
41 through there. He said this is not just a boohoo; this is a critical factor. He said that it is sustainability for  
42 the bees’ sake, not for his sake, not for the beekeepers’ sake, but for the bees’ sake, so the bees can fly  
43 within their area, and do their little things, which is fine. He said that he just asks the Board to think about  
44 that, because they have had discussions and offers of mediation, and that was refused.

45  
46 Mr. Elwell asked if there were any questions from the Board.

47  
48 Mr. Anderson said that Mr. Bryson had strayed with his comments, and he has contradicted himself. He  
49 said Mr. Bryson had made the point that someone can’t count bees, and yet he counted the bees. He said



1 that he fished the bees out of his swimming pool, and if he can count the bees, then why can't other people  
2 count them.  
3  
4 Mr. Bryson said probably because other people didn't pull the bees out of their swimming pools when  
5 they were counting them, but the bees he counted were pulled out of his pool alive.  
6  
7 Mr. Anderson said that he made sure he pulled the bees out of his swimming pool, and that was all he  
8 pulled out. He said the bees come from all over, and he counted the bees, and made the Board believe that  
9 the bees were a problem, and that he knew where the bees had come from.  
10  
11 Mr. Bryson said yes he does, because he watched the flyway from the upper part of his deck coming from  
12 that backyard, and the bees were coming back and forth to his swimming pool.  
13  
14 Mr. Anderson said why can't other people watch a flyway; there are all kinds of technical things, how  
15 could he count bees.  
16  
17 Mr. Bryson said that he could count bees, and more than ten bees, but he sat there and pulled live bees out  
18 of his swimming pool and he has it registered on a calendar.  
19  
20 Mr. Anderson told him to not fuss at him.  
21  
22 Mr. Bryson said that he was answering his question on how he counted bees.  
23  
24 Mr. Anderson said that that earlier he had told them a person couldn't count bees.  
25  
26 Mr. Bryson said that had to do with the decline of bees, and the apiarist from California; he said that Mr.  
27 Anderson would find this interesting.  
28  
29 Mr. Anderson said that he wouldn't budge.  
30  
31 Mr. Bryson told him to not find it interesting, but the apiarist from California has 150,000 beehives that  
32 he distributes to almond groves, because bees are the only thing that will pollinate almonds. He said that  
33 this apiarist disagreed when people said that bees were on a decline, because a person can't count bees.  
34 He said that the female bees die every six weeks, and bees are not indigenous to the United States, because  
35 they are European bees and are not used to this area. He said that if a beekeeper in the wintertime goes  
36 and takes the bees' honey, which he is not saying that these local beekeepers do that, he would hope that  
37 they wouldn't, and doesn't think they do because they are smarter than that, but if a beekeeper takes more  
38 honey than the bees have to create energy by buzzing and keeping warm through the wintertime, the bees  
39 will die. He said the apiarist from California, and through his own research, said that a beehive will have  
40 between 30,000 to 80,000 bees in it. He said that a person can't count those numbers, but the actual number  
41 he counted was what he pulled out of his swimming pool, and anyone could sit on his deck, and watch the  
42 bees come back and forth. He said that if the Board had looked in their packet, they could see where the  
43 neighbor guy lost money on selling his house, because interested buyers complained about the bees.  
44  
45 Mr. Anderson said that he was not arguing.  
46  
47 Mr. Bryson said he wasn't either.  
48  
49 Mr. Anderson said that he could see the flyway and he tried to convince them that a person could count

1 bees, but a person can't count bees.  
2  
3 Mr. Bryson said okay, he is right. He asked him if he was convinced.  
4  
5 Mr. Elwell asked if there were any other questions from the Board.  
6  
7 Ms. Lee asked Mr. Bryson if there was a covenant in his subdivision that prohibits agriculture. She asked  
8 if that was correct.  
9  
10 Mr. Bryson said that covenant is over 20 years old, and it is void.  
11  
12 Ms. Lee said that it is in the subdivision covenant.  
13  
14 Mr. Bryson said that it is void, according to the attorney that he talked to. He said that they are good for  
15 about 20 years, and then the covenant has to be revisited.  
16  
17 Ms. Lee said that may be that attorney's comment.  
18  
19 Mr. Bryson said that he is telling them what the attorney had told him, and he was a very well-respected  
20 attorney in this area.  
21  
22 Ms. Lee said that the fact still is that there is a covenant in his subdivision. She asked him if he had tried  
23 to enforce it with any legal action.  
24  
25 Mr. Bryson said that he had not.  
26  
27 Mr. Elwell asked if there were any other questions from the Board or Staff. Seeing none, he asked for Ms.  
28 Lisa Romero to state her full name and address.  
29  
30 Ms. Lisa Romero stated that she lives at 1919 Trout Valley in Champaign, Illinois. She said that she  
31 wanted to repeat the fact that her beehives would be impacted by this ordinance, because she does have  
32 beehives in these certain residential zoning districts. She said that she is a faculty member at the University  
33 of Illinois, so she does interact with some of the researchers who do research with pollinators and  
34 entomology, and she has friends that are beekeepers. She said that since the last time she testified at one  
35 of the public hearings, she had spoken with them about some of the issues that have been brought up at  
36 the other public hearings she wasn't present at, and from what she understands from their input is that one  
37 of their major concerns is that this is a neighbor dispute, and that the beehives were moved, and that Ms.  
38 Wilson-Jones moved the beehives on her own accord. She said that it is difficult to identify where any  
39 bees are coming from, because there is a variety of theories on how far the bees can fly, but someone  
40 cannot identify a bee in their backyard, and where it had come from unless they saw it come out of the  
41 beehive. She said that this county is within an agricultural area and is close to the U of I where they house  
42 agricultural and entomology researchers. She said that it is obvious that their country, if not the world, has  
43 for several years been making a concerted effort to educate people on the benefits of pollinators, and  
44 specifically honeybees. She said that there have been efforts to protect bees and make beekeeping more  
45 friendly within neighborhoods. She said that recently someone had notified her and told her that the home  
46 at 2102 Barnes Street in Urbana has been on the market for several weeks, and the sale is pending. She  
47 said that she is personally concerned that if this is passed, it is going to affect her, and some of the people  
48 in this neighborhood are not going to even be living in the neighborhood. She said that she is concerned  
49 because when someone looks at this whole thing from a bigger picture, this could be a PR nightmare, not

1 only for the County, but for the County Board, because if a couple of journalists get ahold of this whole  
2 thing, this whole big picture, the whole story looks ridiculous. She said that she just wanted to say a couple  
3 things today about what her concerns were as a beekeeper, and what some of the other concerns were from  
4 people that she works with at the University of Illinois.

5

6 Mr. Elwell asked if there were any other questions from the Board or Staff.

7

8 Mr. Hall asked Ms. Romero that without giving him the addresses, could she tell the Board how many  
9 beehives she has at each location in general.

10

11 Ms. Romero said yes, she has nine beehives at eight locations; one location has two beehives on it, and  
12 the other locations all have one beehive at each location.

13

14 Mr. Anderson asked her if she lived in Urbana.

15

16 Ms. Romero said no, she lives in Champaign.

17

18 Mr. Anderson said in Champaign.

19

20 Ms. Romero said yes, in Lincolnshire Fields.

21

22 Mr. Anderson asked if they fell under the County.

23

24 Mr. Elwell said that they fall under the County.

25

26 Mr. Hall asked her what concerns she had, and if she was familiar with the changes to the amendment that  
27 were made on October 14<sup>th</sup>.

28

29 Ms. Romero said that she was only notified of the \$33 dollar fee being dropped; that is the only one she  
30 was aware of, so if there were other changes, then she wouldn't be aware of those.

31

32 Mr. Hall said that the number of beehives were increased up to four beehives on a lot that is 10,000 square  
33 feet, and fencing is not required if it is waived by neighbors.

34

35 Ms. Romero said that there were some other restrictions about the placement of where a beehive could be  
36 in regard to the property lines.

37

38 Mr. Hall said that the amount of the lot that a beekeeper could place a beehive on was increased. He said  
39 that a beekeeper could put a beehive three feet from the lot line as long as the beehive opening faced away  
40 from the lot line, so it greatly increased, and they gave a statistic on how much more lot area that opened  
41 up, but he doesn't remember that right off the bat. He said that they increased the time on how long a  
42 beekeeper could keep a nucleus colony, specifically to mitigate winter losses, and they decreased the  
43 separation to a neighbor's dwelling.

44

45 Ms. Romero asked if he knew what that separation to a neighbor's dwelling was, because she does have  
46 beehives that are right between two dwellings.

47

48 Mr. Hall said that it was reduced to ten feet, but again, if the opening to the beehive is faced away from  
49 the lot line, then that ten feet doesn't apply.

- 1 Ms. Romero said okay, she asked if there were any changes about the water source.  
2
- 3 Mr. Hall said that a beekeeper doesn't have to have fencing if they have no more than two beehives on a  
4 lot, so a beekeeper only needs fencing if they have more than two beehives. He said that if there were no  
5 more than two beehives, then the beekeeper would only need one water source. He asked her if she had a  
6 water source for her beehives or is there a water source nearby.  
7
- 8 Ms. Romero said that some of her beehives have artificial water sources like a birdbath that she gave them,  
9 and some of her other beehives are next to creeks or a koi pond, that sort of thing.  
10
- 11 Mr. Hall said that another change they could make is if the lot borders a stream, then the beekeeper  
12 wouldn't have to provide a water source. He said they reduced it already, that if the beekeeper has no more  
13 than two beehives, then the beekeeper would only have to provide one water source.  
14
- 15 Ms. Romero said right, which she doesn't.  
16
- 17 Mr. Hall said that she had mentioned a lot of them have birdbaths.  
18
- 19 Ms. Romero said that she meant she doesn't have more than two beehives on one lot.  
20
- 21 Mr. Hall said that he is left wondering if he is not understanding the impacts this might have on her  
22 beehives, because he doesn't see that this would have any impacts on her.  
23
- 24 Ms. Romero said that she was only made aware of the \$33 dollar fee being dropped; she was not made  
25 aware of these other changes.  
26
- 27 Mr. Elwell asked if anyone else would like to testify in this case. Seeing no one, he entertained a motion  
28 to close the Witness Register for Case 014-AT-21.  
29
- 30 **Mr. Roberts moved, seconded by Mr. Wood, to close the Witness Register for Case 014-AT-21. The**  
31 **motion carried by voice vote.**  
32
- 33 Mr. Elwell asked the Board how they would like to proceed. He said that some of the evidence they have  
34 heard tonight was that when someone complained to the State, then the State eliminated those beehives.  
35 He asked Mr. Hall if variances continue with the property PIN number.  
36
- 37 Mr. Hall said variances run with the land.  
38
- 39 Mr. Elwell said that he was trying to draw an analogy between a covenant staying with the property, but  
40 maybe he couldn't draw that analogy.  
41
- 42 Mr. Hall said that variances never expire, and covenants expire after 20 years if they are not renewed. He  
43 said that covenants do not stay in place forever, and Mr. Bryson was correct, they expire after 20 years  
44 unless they are renewed. He said that if they are not enforced, they make no difference anyhow.  
45
- 46 Mr. Elwell asked the Board how they would like to proceed.  
47
- 48 Mr. Randol asked the Board if it made any sense to limit the number of beehives on each lot, as an  
49 example, like it has been proposed, and not have anything else involved in this ordinance.

1 Mr. Hall said that is exactly what the neighbors have been asking for, and very few times has there been  
2 any testimony that any of the beekeepers had more than five beehives on a property, so if the Board  
3 increases the limit to six beehives, he thought the only other time there were more beehives was the  
4 testimony from the master beekeeper, and she recommended a six-foot-tall fence around the property  
5 when a beekeeper did have beehives. He said that if the Board is not including that fencing, then it would  
6 make sense not to have some limit on the number of beehives. He said that is precisely what the neighbors  
7 have been asking for, and it is something that the State Department of Agriculture does not have in their  
8 regulations.

9  
10 Ms. Lee asked how this ordinance jibes with the Right-To-Farm legislation.

11  
12 Mr. Hall said that this ordinance would not be in effect on any lot where agriculture is the primary use,  
13 and from his view, it doesn't affect agriculture.

14  
15 Ms. Lee said that she thinks there is some legislation where it says if someone has \$1,000 in income, it is  
16 like a recent amendment to the Right-To-Farm legislation, so that is a different standard.

17  
18 Mr. Hall said that he doesn't think that is a standard that the P & Z Department have any interaction with,  
19 because he is not familiar with it, and they don't ask for receipts. He said that he knows when people sign  
20 up with the USDA that they are considered agriculture, but that doesn't carry any weight in their  
21 department, because they are a zoning department and deal with zoning matters.

22  
23 Ms. Lee said that in other words, he is saying that any Right-To-Farm legislation is going to be  
24 inapplicable in the zoning department.

25  
26 Mr. Hall said no, in fact, every time there is a Map Amendment, they include a copy of the County's  
27 Right-To-Farm Ordinance, because they want that to apply to properties. He said that they have checked  
28 with the State's Attorney's Office, and the County has the right to regulate agriculture in Residential  
29 Districts when agriculture is not the primary use of the property, and primary use to him, and the way they  
30 typically implement that in their office is if agriculture is the source of more than half their income on the  
31 property or agriculture is the principal use on the property. He said that when they are talking about houses  
32 and Residential Districts, he thinks the value there is as a residential use, not the fact that someone can  
33 have a few beehives on the property.

34  
35 Mr. Elwell asked how the Board would like to proceed.

36  
37 Mr. Anderson asked what alternatives the Board has.

38  
39 Mr. Hall referred to Supplemental Memo #5 and said it had the alternative, and the precise steps the Board  
40 would take to approve an amendment that only limited the number of beehives.

41  
42 Mr. Anderson said that he realized that, and he anticipated this public hearing meeting would follow the  
43 Request, and vote on the entire packet.

44  
45 Ms. Burgstrom said that it sounded like the Board might be at the place where someone needs to make a  
46 motion.

47  
48 **Ms. Lee moved, seconded by Mr. Wood, to not approve the amendment to the Ordinance that is**  
49 **proposed for Case 014-AT-21.**

1 Mr. Hall asked if the Board was referring to the amendment as revised on October 14, 2021.

2  
3 Ms. Lee said that she was talking about the entire language of the amendment to the Ordinance.

4  
5 Mr. Hall asked if she was talking about the amendment as it was originally proposed or the amendment  
6 as it was revised on October 14, 2021.

7  
8 Ms. Lee said that she was talking about the entire language that is proposed as of right now.

9  
10 Mr. Elwell said that would be the proposed amendment as revised on October 14, 2021, that is his  
11 understanding.

12  
13 Mr. Elwell requested a roll call vote. He said that a vote in the affirmative is to recommend denial for  
14 Case 014-AT-21.

15  
16 Mr. Anderson asked him to repeat that.

17  
18 Mr. Elwell said that an affirmative vote is recommending this to be denied for Case 014-AT-21.

19  
20 Mr. Hall said if that vote has four affirmative votes, then they are out of here by 8:00 p.m. tonight, and  
21 there is no more discussion, the Board can't reconsider it. He said that they can't say they would like to  
22 propose an amendment where they limit the number of beehives, because it would already be settled.

23  
24 Mr. Elwell requested a roll call vote.

25  
26 The vote was called as follows:

27	<b>Lee- yes</b>	<b>Randol- yes</b>	<b>Roberts – yes</b>
28	<b>Anderson- yes</b>	<b>Elwell - yes</b>	<b>Wood - yes</b>

29  
30 **The motion carried.**

31  
32 **7. Staff Report - None**

33  
34 **8. Other Business**

35  
36 **A. Review of Docket**

37  
38 Ms. Burgstrom said that there was a total of six new hearings docketed, starting with December 30, 2021  
39 as the next regular ZBA meeting. She said the Board will see on their agenda tonight where there is a  
40 question mark of whether the Board would want to have the December 30, 2021 meeting, because it falls  
41 close to the holidays. She said that would be something that they would need a motion on, and in that case,  
42 the two cases on December 30, 2021 would move to the next available meeting date.

43  
44 Mr. Elwell asked what the cases were.

45  
46 Mr. Randol said that he does not have a problem with having a meeting on December 30, 2021.

47  
48 **Mr. Randol moved, seconded by Mr. Wood, to have the meeting on December 30, 2021. The motion**  
49 **carried by voice vote.**

1 Ms. Burgstrom said that she would invite the Board to consider this, and she was not sure if this is more  
2 of a Staff decision based on their availability, but there are two variances, and they have another two  
3 variances scheduled for the first meeting in January 2022. She asked the Board if they would like to handle  
4 more than just those two variances, and from a Staff standpoint, they could handle three or four cases for  
5 the December 30, 2021 docket date.  
6

7 Mr. Hall asked her if she was suggesting adding more cases to December 30, 2021.  
8

9 Ms. Burgstrom said that she thinks it will be a quick meeting if they don't.  
10

11 Mr. Hall said that he doesn't think it will be a quick meeting.  
12

13 Ms. Burgstrom said he doesn't.  
14

15 Mr. Hall said no.  
16

17 Ms. Burgstrom said okay.  
18

19 Mr. Elwell said that the next business to discuss is the 2022 ZBA meeting calendar.  
20

21 Mr. Wood asked if there was a date for the first meeting in January 2022.  
22

23 Ms. Burgstrom said January 13, 2022, if the Board approves the draft calendar that is in their packet  
24 tonight.  
25

26 Mr. Elwell said starting around January 9, 2022, his family would be welcoming their little girl, so he is  
27 going to plan on being at the meeting on January 13, 2022, but if he is not, then there was a reason.  
28

29 Mr. Elwell entertained a motion to accept the 2022 ZBA meeting calendar.  
30

31 **Mr. Randol moved, seconded by Mr. Wood, to accept the 2022 ZBA meeting calendar. The motion**  
32 **passed by voice vote.**  
33

34 **9. Audience participation with respect to matters other than cases pending before the Board**  
35

36 None  
37

38 **10. Adjournment**  
39

40 Mr. Elwell entertained a motion to adjourn the meeting at 7:47 p.m.  
41

42 **Mr. Roberts moved, seconded by Ms. Lee, to adjourn the meeting at 7:47 p.m. The motion carried**  
43 **by voice vote.**  
44

45 The meeting adjourned at 7:47 p.m.  
46

47 Respectfully submitted,  
48

49 Secretary of Zoning Board of Appeals