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2 **MINUTES OF REGULAR MEETING**

3
4 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

5 1776 E. Washington Street

6 Urbana, IL 61801

7
8 **DATE:** May 15, 2008

PLACE: Lyle Shields Meeting Room
1776 East Washington Street

9
10 **TIME:** 7:00 p.m.

Urbana, IL 61802

11 **MEMBERS PRESENT:** Doug Bluhm, Eric Thorsland, Debra Griest, Joseph L. Irle, Richard Steeves,
12 Melvin Schroeder, Roger Miller

13
14 **MEMBERS ABSENT:** None

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16 **STAFF PRESENT:** John Hall, J.R. Knight, Lori Busboom, Leroy Holliday

17
18 **OTHERS PRESENT:** Robert Decker, Floyd McKeith, Chuck Stites, Dennis Wendell, Lucy
19 Whalley, Mary Ellen Stites, Norm Bilsbury, Phil Van Ness, Kim Varnold,
20 John Finn, Tim Mitchell, David Happ, Wesley Stites, Thomas R. Sinder,
21 Keith Stone, Jackie Stone, Rich Rutherford, James Harper, LaVerna Harper,
22 Cory Willard
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26 **1. Call to Order**

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28 The meeting was called to order at 7:05pm.

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30 Mr. Hall said that the chair would be here in fifteen minutes and the Board need to vote for someone to fill-
31 in for the Chair until she arrives.

32
33 **Mr. Irle moved, seconded by Mr. Thorsland to allow Mr. Bluhm to act as Chair. Motion carried by**
34 **voice vote.**

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

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38 The roll was called and a quorum declared present.

39
40 Mr. Bluhm reminded the audience that if they wished to speak tonight they must sign the witness register
41 and if they wished to receive any correspondence regarding this case they must sign the attendance register.

42
43 **3. Correspondence**

44
45 Mr. Hall said that there was no correspondence.

46
47 **4. Approval of Minutes**

48

1 Mr. Irle moved seconded by Mr. Thorsland to approve minutes dated May 1, 2008. Motion carried by
2 voice vote.

3

4 **5. Continued Public Hearing**

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6 **Case 614-S-08 Petitioners: Grand Prairie Co-OP and Roger Miller, Manager Request: Authorize the**
7 **expansion of an existing grain elevator facility by the construction of a proposed flat grain storage**
8 **building as a Special Use Permit in the AG-2 Agriculture Zoning District.**

9 **Location: A four acre tract in the East Half of the Northwest Quarter of Section 16 of Sidney**
10 **Township that borders the west side of the Village of Sidney corporate boundary and also borders**
11 **and extends approximately 622 feet south of the Norfolk Southern Railroad right of way and that is**
12 **commonly known as the Grand Prairie Co-OP, Inc. grain elevator located at 301 S. David Street,**
13 **Sidney, IL.**

14
15 Mr. Bluhm informed the audience that this is an Administrative Case and as such the County allows anyone
16 the opportunity to cross examine any witness. He stated that at the proper time he will ask for a show of
17 hands of those who would like to cross examine and each person will be called upon. He requested that
18 anyone called to cross examine go to the cross examination microphone to ask any questions. He said that
19 those who desire to cross examine are not required to sign the witness register but are requested to clearly
20 state their name before asking any questions. Mr. Bluhm stated that no new testimony is to be given during
21 cross examination and attorneys who have complied with article 6.5 of the ZBA Bylaws are exempt from
22 cross examination.

23
24 Mr. Bluhm called Mr. John Hall, Zoning Administrator, to testify.

25
26 Mr. Hall said that this case was continued from the last hearing which was the May 1, 2008, meeting. He
27 said that there is a new memo with an attached revised site plan also the petitioner distributed 11x17 size
28 copies of the revised site plan. Mr. Hall said that there is a letter from Paul Hendren received May 14, 2008,
29 also included in the memo. Mr. Hall said that the memo proposes some changes to the Summary of
30 Evidence. Mr. Hall reviewed the additional items from the Memorandum dated May 15, 2008, to be included
31 in the Summary of Evidence.

32
33 Ms. Griest arrived at 7:16pm.

34
35 Mr. Hall said that in addition to the 11 by 17 plans is a copy of the agreement for sale of real estate. He said
36 that this is an agreement signed by the owner of that property stating that they agreed to a price and there has
37 been an earnest payment. He said that they had not completed the sale of that property but the condition that
38 was read clearly establishes that this property is necessary for this Special Use Permit and this is evidence
39 that there is good faith to follow through with that.

40
41 Mr. Bluhm asked the Board if there were any questions for Mr. Hall and there were none.

42
43 Mr. Bluhm called Mr. David Happ to testify.

1
2 David Happ of Foth Infrastructure and Environment, the engineers for the petitioner, stated that the
3 petitioner wanted to increase the open space an additional 80 feet to the west for two reasons and one was to
4 increase the open space on that parcel to meet lot coverage requirements and to give a total of 168 feet from
5 the east property line of the four acre tract. He said that also another change from the earlier site plan is that
6 they were able to identify the location of the 30 foot wide utility easement on the south end of the property so
7 we had to move the building 17 feet to the north to stay off of the easement and now the building is 67 feet
8 from the south property line. He said that also in this plan there is more detail for the screening for the east
9 side of the site. He said that he purposely left out the height of the berm because he could not say for sure
10 that it would be 14 feet high but they will use all of the dirt from the detention basin and from the building
11 pad to end up with a berm that exceeds the Type D screening in the Ordinance. He said that if he were to
12 guess the berm would be six to eight feet tall.

13
14 Mr. Happ said that they show a dry basin from the earlier plan showing the location of the basin and how it
15 would drain to the northwest and the swale along the west side of the building that would collect water from
16 the west half of the roof and send it to the north where there would be a basin and a small berm at the north
17 end of the swale which will cause the water to back up into the swale and detain the water so that it would
18 not leave the site at too high of a rate.

19
20 Mr. Happ said that on this site plan everything in the green area would be seeded and the area to the west
21 will be farmed. He said that the four acre tract on the southeast corner will not have any traffic from Grand
22 Prairie Co-op entering the site from Prairie Street and north of the building the hatched area is showing the
23 circulation drive and rock area that will be extended.

24
25 Mr. Happ said that there are three locations for lighting fixtures on the north face of the building and this
26 will be three fixtures mounted about 18 feet high and they will be high pressure sodium with full cutoff type
27 lighting and this will be used for security purposes.

28
29 Mr. Bluhm asked the Board if there were any questions for Mr. Happ and there were none.
30 Mr. Bluhm asked Staff if there were any questions for Mr. Happ and there were none.
31 Mr. Bluhm asked if there was anyone from the audience who had any questions for Mr. Happ and there were
32 none.

33
34 Mr. Bluhm called petitioner Roger Miller to testify.

35
36 Petitioner Roger Miller said that he had nothing else to add other than if anyone had any questions.

37
38 Mr. Bluhm asked the Board if there were any questions for Mr. Miller and there were none.
39 Mr. Bluhm asked staff if there were any questions for Mr. Miller and there were none.
40 Mr. Bluhm asked the audience if there were any questions for Mr. Miller and there were none.

41
42 Mr. Bluhm called Mr. Keith Stone to testify.

43

1 Keith Stone said that he lives at 204 West Prairie which is adjacent to the east of the proposed site and he
2 said that he is concerned because the plans do not show where his house is located. He said that that if you
3 look at the Section A-A on the Revised Site Plan dated May 13, 2008, the A to the east is about the west end
4 of his house. He said that he agreed that since they moved everything to the west he doesn't have a problem
5 with it now but the only concern he has is the berm. He said that he liked the idea of the height of the berm
6 being eight to ten feet tall and hoped that was the dirt and the trees on top of that. He said that he also hoped
7 that it would be maintained as well.

8

9 Mr. Bluhm asked if the Board had any questions for Mr. Stone and there were none.

10 Mr. Bluhm asked staff if there were any questions for Mr. Stone and there were none.

11 Mr. Bluhm asked the Petitioner if there were questions for Mr. Stone and there were none.

12

13 Mr. Bluhm called Mr. Rich Rutherford to testify.

14

15 Rich Rutherford said that he has the house on Scarborough. He said that his house looks like a cross. Mr.
16 Rutherford said that he has no problem with the elevator and that they worked with us before. He said that
17 his only concern would be the height of the berm. He said that he would like to it to be eight feet or higher
18 and anything lower than that he would be concerned about.

19

20 Mr. Bluhm asked if there were any questions from the Board and there were none.

21 Mr. Bluhm asked if there were any questions from staff and there were none.

22 Mr. Bluhm asked the petitioner if they had any questions for Mr. Rutherford and there were none.

23 Mr. Bluhm said that was all the names on the list to testify were there any other who wished to testify and
24 there were none.

25 Mr. Bluhm asked the Board if there was any discussion and there was none.

26 Mr. Bluhm asked if there were any other changes to the Finding of Fact.

27

28 Mr. Hall said that based on the testimony of Mr. Happ, Mr. Stone and Mr. Rutherford, there is some
29 clarification needed with regards to the height of the berm. He said also that the Summary of Evidence needs
30 to be clear about what the Board is requiring for the height of the berm. He said that Mr. Happ has testified
31 that the drawing on the plan is an illustration and it should not be scaled from and he testified that the berm
32 is going to be six to eight feet tall. Mr. Hall said that the berm is a special condition and not a requirement
33 because there is no outdoor storage being screened it is just a condition to mitigate the impact of the size of
34 this building on the neighbors so the Board needs make it clear and in fact he would suggest that a new item
35 (4) be added to the new condition 12.B. where the Board makes it clear as to what the height of the berm
36 should be. Mr. Hall said that Mr. Stone and Mr. Rutherford said that they would like to see the berm at eight
37 feet tall but Mr. Happ said that he is not sure if they would have enough spoil from the excavation to make it
38 that tall.

39

40 Mr. Steeves said that the petitioner is trying to meet the requirements suggested by moving the building over
41 80 feet and he has the storm water detention and by building a berm with the trees which is not a requirement
42 so if the berm is six or eight feet it should not make any difference.

43

1 Board member Roger Miller said that by having an eight foot berm may require a deeper depth to the
2 detention pond and it might be creating a worst problem by having a mosquito breeding ground if there is
3 standing water.

4
5 Mr. Hall said that if the Board thinks that six feet is fine then he would like the Board to state that it needs to
6 be six feet because it has not been excavated yet and if it ends up less than six feet he would like to know
7 what to do. Mr. Hall asked the Board if they want to add under the new item 12.B. a new requirement that
8 the minimum height of the berm be six feet.

9 Mr. Thorsland said that the minimum height should be six feet and anything above that would be great. He
10 said that it looks like Grand Prairie has worked with the neighbors so far so six feet is fine.

11 Mr. Irle said that he also thinks that six feet is fine.

12
13 **Mr. Thorsland moved, seconded by Mr. Steeves that under item 12.B. a new item (4) be added**
14 **requiring that the minimum berm height should be six feet. The motion carried by voice vote.**

15
16 Mr. Bluhm asked the Board if there are any other changes to the Finding of Fact.

17
18 Mr. Hall said that the revised Documents of Record list that is attached to the new memo includes all the
19 additional Documents of Record and a new number 14 needs added for the agreement of the sale of real
20 estate received May 15, 2008. He said that the site plan was included as part of the Supplemental
21 Memorandum. Mr. Hall said the other Special Condition that was included with the Summary of Evidence
22 that went out in the mailing is item 12.A. that talks about the lighting which at this point should be included
23 because it requires the documentation of the full cut off type feature and everything else is redundant because
24 it has been indicated in the site plan. He said that item 12.B. has been changed but on item 12.C. there is no
25 change because there still needs to be a standard condition and item 12.D. is no longer necessary because the
26 site is being increased in size.

27
28 Mr. Bluhm asked the Petitioner if they reviewed the Special Conditions and is in agreement with them.

29
30 Petitioner Roger Miller said that he is in agreement with the Special Conditions.

31
32 **Mr. Irle moved, seconded by Board member Mr. Miller to accept the Special Conditions as proposed.**
33 **Motion carried by voice vote.**

34
35 **Finding of Fact**

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37
38 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
39 614-S-08 held on May 1, 2008, and May 15, 2008. The Zoning Board of Appeals of Champaign County
40 finds that:

- 41
42 **1. The requested Special Use Permit is necessary for the public convenience at this**
43 **location.**

1
2 Mr. Irle said that the requested Special Use Permit is necessary for the public convenience at this location
3 because it allows the petitioner to expand storage and decrease truck traffic through and around the Village
4 of Sidney and county roads and it would allow area producers to harvest without delays as has happened in
5 previous years.
6

- 7 **2. The requested Special Use Permit subject to conditions imposed herein is so designed,**
8 **located, and proposed to be operated so that it will not be injurious to the district in**
9 **which it shall be located or otherwise detrimental to the public health, safety, and**
10 **welfare.**
11

12 Mr. Irle said that the requested Special Use Permit subject to conditions imposed herein is so designed,
13 located, and proposed to be operated so that it will not be injurious to the district in which it shall be located
14 or otherwise detrimental to the public health, safety and welfare.
15

- 16 **a. The street has adequate traffic capacity and the entrance location has adequate**
17 **visibility.**
18

19 Mr. Steeves said that the street has adequate capacity and the entrance location has adequate visibility.
20

- 21 **b. Emergency services availability is adequate**
22

23 Mr. Thorsland said that the emergency availability is adequate.
24

- 25 **c. The Special Use Permit will be designed to conform to all relevant County**
26 **ordinance and codes.**
27

28 Mr. Irle said that the Special Use Permit will be designed to conform to all relevant County ordinances and
29 codes.
30

- 31 **d. The Special Use will be compatible with adjacent uses**
32

33 Board member Roger Miller said that the Special Use will be compatible with adjacent uses because the
34 Petitioner is adding to existing facility and it is adjacent to neighboring farmland.
35

- 36 **e. Surface and subsurface drainage will be adequate**
37

38 Mr. Steeves said that the surface and subsurface drainage will be adequate
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- 40 **f. Public safety will be adequate**
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42 Mr. Thorsland said that public safety will be adequate.
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3a. The requested Special Use Permit subject to special conditions imposed herein does conform to the applicable regulations and standards of the District in which it is located

Mr. Thorsland said that the requested Special Use Permit subject to special conditions imposed herein does conform to the applicable regulations and standards of the District in which it is located.

3b. The Special Use Permit subject to special conditions imposed herein does preserves the essential character of the District in which it is located

Mr. Irle said that the Special Use Permit subject to special conditions imposes herein does preserve the essential character of the District in which it is located.

a. The Special Use will be designed to conform to all relevant county ordinances and codes

Mr. Steeves said that the Special Use will be designed to conform to all relevant county ordinances and codes.

b. The Special Use will be compatible with adjacent uses

Mr. Irle said that the Special Use will be compatible with adjacent uses.

c. Public safety will be adequate

Board member Roger Miller said that public safety will be adequate.

4. The requested Special Use Permit subject to special conditions imposed herein is in harmony with the general purpose and intent of the Ordinance

Mr. Irle said that the requested Special Use Permit subject to special conditions imposed herein is in harmony with the general intent and purposes of the ordinance

a. The Special Use is authorized in the district

Mr. Irle said that the Special Use Permit authorized in the district.

b. The Special Use Permit is necessary for public convenience at this location

Mr. Thorsland said that the Special Use Permit is necessary for public convenience at this location.

c. The requested Special Use Permit subject to special conditions imposed herein is so designed, located and proposed to be operated so that it will not be

injurious to the district in which it is located or otherwise detrimental to the public health, safety and welfare

Mr. Steeves said that the requested Special Use Permit subject to special conditions imposed herein is so designed, located and proposed to be operated so that it will not be injurious to the district in which it is located or otherwise detrimental to the public health, safety and welfare.

d. The requested special use Permit subject to special conditions imposed herein does preserves the essential character of the district in which it is located

Mr. Irle said that the requested Special Use Permit subject special conditions imposed does preserves the essential character of the district in which it is located.

5. The requested Special Use is an existing nonconforming use.

Mr. Irle said that the requested Special Use is not an existing nonconforming use.

6. The special conditions imposed herein to ensure compliance with the criteria for Special Use Permits and for particular purposes described

Mr. Bluhm said that there are three special conditions imposed herein to ensure compliance with the criteria for Special Use Permits and for the particular purposes described.

Mr. Thorsland moved, seconded by Mr. Steeves to adopt the Document of Record, Summary of Evidence and Finding of Facts as amended. Motion carried by voice vote.

Mr. Steeves move, seconded by Mr. Schroeder to close the public hearing. Motion carried by voice vote.

Final Determination for Case 614-S-08

Mr. Irle moved, Mr. Steeves seconded that the Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirement of Section 9.1.11B have been met, and pursuant to the authority granted by Section 9.1.6B of the Champaign County Zoning Ordinance, determines that the Special Use requested in Case 614-S-08 is hereby granted with special conditions to the petitioners Grand Co-Op, and Roger Miller, Manager to authorize the expansion of an existing grain elevator facility by the construction of a proposed flat grain storage building as a Special Use Permit in the AG-2 Agriculture Zoning District subject to the previous special conditions that were approved .

The roll was called.

Mr. Bluhm-Yes

Mr. Thorsland – Yes

Mr. Irle – Yes

Mr. Miller – Yes

Mr. Schroeder – Yes

Mr. Steeves – Yes

Ms. Griest – Yes

Mr. Thorsland moved, seconded by Mr. Irle for a five minute recess. Motion carried by voice vote.

7:50pm.

Ms. Griest called the meeting back to order at 7:58pm.

6. New Hearing

Ms. Griest called Case 610-S-08 and 616-V-08 concurrently.

Case 610-S-08 Petitioners: **Charles and Mary Ellen Stites** Request: **Authorize a Major Rural Specialty Business in the CR District.**

Location: **A five acre tract in the East Half of the Southwest Quarter of the Northeast Quarter of Section 1 T. 18N. R 10E. of Sidney Township commonly known as River Bend Wild Game and Sausage Company at 1161 CR 2000E, St. Joseph.**

Case 616-V-08 Petitioners: **Charles and Mary Ellen Stites** Request: **Authorize the reconstruction and use of a building to be used as Major Rural Specialty Business with a side yard of four feet in lieu of the required side yard of 15 feet in the CR District.**

Location: **A five acre tract in the East Half of the Southeast Quarter of the Northeast Quarter of Section 1 T. 18N. R 10 E. of Sidney Township and commonly known as River Bend Wild Game and Sausage Company at 1161 CR 2400E, St. Joseph.**

Ms. Griest informed the audience that these are Administrative Cases and as such the County allows anyone the opportunity to cross examine any witness. She stated that at the proper time she will ask for a show of hands of those who would like to cross examine and each person will be called upon. She requested that anyone called to cross examine should go to the cross examination microphone to ask any questions. She said that those who desire to cross examine are not required to sign the witness register but are requested to clearly state their name before asking any questions. She noted that no new testimony is to be given during cross examination. She also said that attorneys who have complied with article 6.5 of the ZBA Bylaws are exempt from cross examination.

Ms. Griest called Mr. John Hall, Zoning Administrator to testify. Mr. Hall said that there is a new memo with information regarding a revised site plan with proposed cooler expansion, growth in the number of deer carcasses processed, and information regarding the amount of traffic. Mr. Hall said that staff received a call from John Chestnut, Sidney Township Highway Commissioner who had no concerns. Mr. Hall said that also in the memo there are several pages with information regarding an air cleaner that the petitioner is considering to add to eliminate the smells from smoking.

Mr. Hall said that in the beginning this originally was authorized as a Rural Home Occupation when

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1 application that was made in October 6, 1998, was finally approved on May 31, 2001. He said that the
2 petitioner also applied for an addition to the home occupation. He said that in reviewing the growth of the
3 business in the first season they indicated approximately 50 deer were processed. He said in 2003/2004 they
4 had processed approximately 600 deer. He said in 2006/2007 1,160 deer had been processed and so far in
5 2007/2008 they had processed 1,174 deer. Mr. Hall said that staff first received a complaint regarding the
6 subject property on September 6, 2006, but the Summary of Evidence does not indicate what that complaint
7 was about. He said that on November 13, 2007, the office received another complaint and at that time he
8 investigated the website and it indicated that the use may have grown beyond the scope of the limits of the
9 Rural Home Occupation. He said that one of the basic limits on a RHO is the number of employees and
10 given the number of deer processed in 2003/2004 and in 2006/2007, they had to bring in non-family, non-
11 resident help. Mr. Hall said that on November 20, 2007, he received another complaint and at that time he
12 performed a drive by inspection of the property and also reviewed the River Bend Wild Game and Sausage
13 Company website. He said that copies of the photos are included in the packet.

14
15 Mr. Hall said that the processes employed by River Bend Wild Game and Sausage Company created odor
16 discernible at the property line that was of a nature, quantity, intensity, and duration not customarily
17 associated with agriculture and there was not enough off street parking for the patrons and the accessory
18 structure was too close to the property line. Mr. Hall said that a notice of violation was sent out on December
19 11, 2007, and on December 17, 2007, staff met with the petitioners and discussed alternatives to bring the
20 property into compliance with the Zoning Ordinance.

21
22 Mr. Hall said that on March 10, 2008, the petitioners submitted an application for a Special Use Permit and
23 staff has continued to work with the petitioner to date trying to make sure the Board had enough information
24 for all the issues that are in this case.

25
26 Mr. Irle asked whether the complaints are seasonal and mostly during the shotgun season. He said that there
27 is one three day and the other four days and that is what influences the traffic.

28
29 Mr. Hall said that the complaints range from traffic in the public street which is seasonal and there is another
30 issue which is smoking which is not completed until sometime in May. He said that he had not received any
31 complaints on record in May but we did receive a complaint as late as March 30th in regards to smoking so
32 depending on the impact some of it is seasonal and others get spread out depending on how long it takes for
33 things to get completed.

34
35 Mr. Steeves asked Mr. Hall what is the difference between a Rural Home Business and a Major Rural
36 Specialty Business

37
38 Mr. Hall said that there is a copy of a Rural Home Occupation application in the May 9th memo and Section
39 7.1 .2 of the Ordinance says that there are limitations for Rural Home Occupations in regards to their
40 location relative to residential zoning districts, there is a limit of the number of employees and when it is five
41 acres or larger no more than two non-resident, non-family employees may be present on the premises and
42 several of these are non-resident, non-family employees. He said that there are no employee limits for a
43 Major Rural Specialty Business. He said that the building has to retain the appearance of a residential or a

1 farm building for a Rural Home Occupation and there is no such requirement for a Rural Specialty Business.
2 Mr. Hall said that there is a limit on the size of the sign for a Rural Occupation but for a Rural Specialty
3 Business there is no such requirement. He said that there is a limit on the number of vehicles that can be
4 employed as part of the Rural Home Occupation but there is no limit for a Rural Specialty Business.
5

6 Mr. Hall said that paragraph 7.1 .2F states that a Rural Home Occupation process shall not create odor, gas,
7 noise, dust, smoke or vibration discernable at the property line other than such a nature, quantity, intensity
8 and duration or time of occurrence customarily associated with agriculture. He said that there are no
9 requirements like that for a Major Rural Specialty Business. Mr. Hall said that a Major Rural Specialty
10 Business is a Special Use Permit approved by this Board that takes into account these things in the findings
11

12
13 for the determination but it is a discretionary decision and a Rural Home Occupation is something you can
14 do by right if you meet all of these things.
15

16 Mr. Hall said that when Mr. Stites first made his application the Zoning Administrator had no reason to say
17 that the process employed created an odor at the property line and we had no idea what it was going to be so
18 that was why it was approved originally. He said that there are also limits on storage of volatile, flammable
19 and hazardous materials. He said that there are some specific Rural Home Occupation activities that are
20 prohibited and, limits on sales display and outdoor storage so one is a by-right approval and if you meet
21 those standards you are approved but in the Major Rural Specialty Business the Board considers all the
22 evidence and makes a determination based on the criteria listed on page 6 of the Summary of Evidence.
23

24 Mr. Irle said that he has a lesser problem with the petitioner and thinks if the Special Use could be made a
25 non-perpetual designation it should because the site would not always be in that classification.
26

27 Mr. Hall said that the Board can include a standard condition that would make it less than perpetual but that
28 is up to the Board.
29

30 Ms. Griest asked if there were any other questions for Mr. Hall and there were none.
31

32 Ms. Griest called the petitioner, Chuck Stites to testify. Mr. Chuck Stites stated that he is employed at the
33 University of Illinois at the Meat Processing Laboratory and started doing this type of work at home with his
34 wife and four children. He said that this is a family owned business and he did not start this business to make
35 money and is just trying to meet the needs of his customers. He said that he expanded the type of equipment
36 so they could better handle the volume of product coming through. He said that the customers seem to be
37 satisfied and that is the reason why the business has grown so much. He said that the only form of
38 advertisement they have is a sign out at the end of their driveway to direct them to our home but the reason
39 for their growth is because of the services they provide and word of mouth between customers. He said that
40 they try to accommodate the needs of their neighbors as they raise concerns with them and they put up a
41 privacy fences when they express concerns about the odor from the smoke house they tried not to run the
42 smoke house when the prevailing winds is blowing toward their property and they tried to make us that their
43 facility and their ground is clean and sanitary to the best of their ability. Mr. Stities said that when it was

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1 suggested that they go through a Rural Specialty Business it sounded like a big deal and more than what they
2 needed but to address the business and some concerns of the neighborhood this was the best rout to go.
3

4 Ms. Griest asked the Board if there were any questions for Mr. Stites.

5 Mr. Steeves said that for the 07/08 season Mr. Stites had approximately 1,174 carcasses by mid December.

6 Mr. Steeves asked Mr. Stites what was his total for the entire year.
7

8 Mr. Stites said approximately 1,288.
9

10 Mr. Irle asked Mr. Stites if most commercial lockers turn away wild game.
11

12 Mr. Stites said that yes, there are some commercial lockers in the state that really work the deer season pretty
13 hard and they take in as much as they can get but on the other hand there are others who are accustomed to
14 doing the pork, beef and lamb and view processing deer as an inconvenience or they may say that they don't
15 want to use their employees to process deer during their regular work week and they would rather wait until
16 after working hours so they are limited on the amount of deer they may want to do.
17

18 Mr. Irle asked if they were the only one in the county that does deer meat processing.
19

20 Mr. Stites said that they are the only ones in the county that offer this level of service. He said that there is a
21 locker in Homer that does deer but they do not offer the variety of sausages and the level of service that they
22 do plus they restrict the volume of intake that they do as well.
23

24 Mr. Bluhm asked Mr. Stites if there are any meat lockers in Vermillion County that process deer.
25

26 Mr. Stites said that there is one that does wild game and some catering north of Danville but he did not know
27 the name. He said that with wild game processing, if that is all that you are doing it is not regulated by Public
28 Health or the IL. Department of Agriculture or US DA as would someone that is doing meat that is sold for
29 use for food or that is a custom processing business. He said that he would be regulated if there were issues
30 with food safety and if someone were to bring it up the public health district would investigate. He said the
31 requirements for people who are doing game processing varies by counties. He said that some county public
32 health departments get involved and some don't. Some places like lockers are already regulated by the
33 Department of Agriculture or the USDA.
34

35 Mr. Bluhm asked whether there are other wild game processors serving this area.
36

37 Mr. Stites said that there is a place in Decatur, one near Arthur, and another the Chenoa area that processes
38 deer.
39

40 Ms. Griest asked whether Mr. Stites thought that more lockers were being built.
41

42 Mr. Stites said that in the industry, meat lockers have been dying off for a number of reasons including that
43 people in the business have gotten older and have either retired or did not have any family members to

1 continue the business. He said they may have lost some of their market in the area as people who raised
2 animals decreased so the need for custom butchering had gone by the way side but for a business like that to
3 be successful they need to be more innovative than like it was in the forty's, fifties, sixties or even seventy's
4 when they were just servicing the need of farmers but as the number of farmer and livestock industry
5 decreased a lot of them were not able to continue in the meat processing business. He said that there used to
6 be a locker plant in Gifford, Hoopston and Bement but they are not there anymore.
7

8 Mr. Thorsland asked whether Mr. Stites had any plans to expand their business.
9

10 Mr. Stites said that this is a part time business and he has a full time job. He said that he started doing this
11 with his family because he wanted to have a business that the whole family could get involved in. He said
12 that he grew up on a farm and he liked that type of lifestyle as far as the children having things to do. He said
13 that his children's ages range from 9 to 21 years old and they all do things in the business. He said that this
14 business teaches them how to deal with customers and get along with other people. He said that it also
15 teaches organizational skills and how to deal with money. He said that although they may bellyache and
16 grumble about having to work out there but to hear people make positive comments about the work ethic of
17 the kids is something he takes pride in. Mr. Stites said that the growth was not planned but as the business
18 grew they put money into the business to make it more efficient but this is a part time business. Mr. Stites
19 said that the business was not growing at first but grew mainly last year due to the hunters had more of an
20 opportunity because the Department of Natural Resources expanded some of the hunting seasons to allow
21 more permits to be available which gave the hunters more of an opportunity to hunt. He said that they had
22 some new customers this year but he thinks that was due to the good weather during archery season and
23 getting the corn out of the fields so the deer were more accessible to the hunters so the hunters were more
24 successful. He said that he and his wife did not want to have a store that they would have to man five or six
25 days a week and have staff to be there so did no plan to expand their business to do beef and pork.
26

27 Mr. Irle asked Mr. Stite if the increase in his numbers could be the result of the increased deer population.
28

29 Mr. Stites said yes.
30

31 Mr. Bluhm asked Mr. Stites if he is willing to purchase the smoke filtration system or if he would like a
32 decision from the Board first.
33

34 Mr. Stites said that in order to have a smoke flavored product you have two options. You can either burn
35 hardwood sawdust and as it smolders is drawn into the smokehouse which is what gives it the characteristic
36 flavor from smoking or you can use liquid smoke which is derived from hardwood sawdust burning but in
37 liquid form. He said that with the liquid smoke, depending on the product, you may have that actual smoking
38 anywhere from two to six hours during the time the product is in the smokehouse. He said the danger of
39 burning hardwood sawdust is that with this type of process you have a fire or smoldering wood. Mr. Stites
40 said that since this is a part time business and someone is not in at the shop at all times he did not want to
41 take the chance of having a fire. He said that with the liquid smoking process you have that concentrated
42 solution and for a period of about three to five minutes during the time the product is in the smokehouse you
43 have compressed air that atomizes the liquid smoke into the oven and it is basically like spray paint and gets

1 deposited onto the product so that particular odor is there for a few minutes. Mr. Stites said that initially
2 when he received a complaint from the neighbor regarding the odor from the smokehouse he had contacted
3 the manufacturer of the smokehouse and he started to tell him that he could go to liquid smoke and he
4 reminded him that he is presently using liquid smoke so the manufacturer seemed surprised that there was a
5 problem. Mr. Stites said that he talked to another smokehouse manufacturer at the university and he was
6 surprised that somebody had a problem with that odor. He said that he had reached an agreement with the
7 neighbor that he would not be cooking anything in the smokehouse during the time when prevailing winds
8 are blowing towards his property. He said that at first he was listening to the weather radio which was pretty
9 effective but there were times when the winds would shift and catch him off guard and the neighbor would
10 complain again so he started checking the internet which would give him hourly wind directions so he could
11 better decide to cook something or not. Mr. Stites said that they try to be as accommodating as they can
12 when neighbors raise concerns and if the Board deems it is necessary they might have to come up with
13 something to eliminate that odor. He said that it does hurt their production because there are days when they
14 can do things and days when they can't and recently he found a device which he could purchase to eliminate
15 95% of the odor from the smokehouse. He said that whether the Board put this as a condition or not he may
16 consider this device to alleviate any discomfort the neighbors may have.

17
18 Ms. Griest asked Mr. Stites what was his ramp up and ramp down time for smoking related to the window of
19 opportunity you need to mitigate it.

20
21 Mr. Stites said for summer sausage it is a 12 to 14 hour window.

22
23 Ms. Griest asked Mr. Stites if he wants wind coming from the south to southwest.

24
25 Mr. Stites said that he doesn't want wind from the south to southeast, southwest because that blows to our
26 closest adjacent neighbor but rather from the east to northeast.

27
28 Ms. Griest said that the prevailing wind is southwest.

29
30 Mr. Stites said that if he has westerly or northerly winds they are able to do smoking.

31
32 Ms. Griest asked Mr. Stites if the adjacent land owner is to the east.

33
34 Mr. Stites said that he is to the north. He said that his business office to the north and his residence is to the
35 northwest so the southeast winds would blow to his house.

36
37 Ms. Griest asked Mr. Stites whether calm winds affect smoking.

38
39 Mr. Stites said that he did not know.

40
41 Mr. Miller asked Mr. Stites if the purchase of a filtration unit will create a hardship on the business.

42
43 Mr. Stites said that from what he understands a unit like that would cost approximately \$20,000.00 and if he

1 needs to invest in something like this and this is the only option then he will do it. He said that he wants to
2 do what he can and if he was in the middle of a hundred acre field this would not be an issue but they have
3 neighbors in close proximity. He said that they try to be as accommodating as best as they can although little
4 issue has come up in the past but if this is what it is going to take and this is the best complete option that
5 they have then he will do it.
6

7 Mr. Miller asked Mr. Stites if the smoke generated from the smokehouse is different from that of a
8 residential fireplace and is it that much of an offensive odor.
9

10 Mr. Stites said that for much of the time the smokehouse would be running it's mainly water vapor and
11 carrying the odor from cooking sausage. He said that the amount of liquid smoke that is used in the
12 smokehouse is eight ounces per batch and most all of that is contained in the smokehouse. He said that
13 during that process the dampers are closed and the fans start then it is vented for a few minutes but for most
14 of the cooking time it is just the aroma of the sausage cooking.
15

16 Mr. Bluhm asked whether there is any actual smoke. Mr. Stites stated that there was not, however, he does
17 have a woodstove for heat and a wood burning fireplace in his home.
18

19 Mr. Bluhm asked Mr. Stites is it the smell from the fireplace or smell from the liquid smoke.
20

21 Mr. Stites said that he could not speak for the neighbor but he has had issue with it when the stove was not
22 burning so he thinks it is the smell from the smokehouse.
23

24 Mr. Irle asked Mr. Stites if it is mainly moisture that evaporates into the air and the smoke gets trapped in the
25 smoker when using the liquid smoke.
26

27 Mr. Stites said that's correct.
28

29 Mr. Steeves asked Mr. Hall when he did a site visit did he smell smoke or odor.
30

31 Mr. Hall said that he did not smell a smoke odor it was the bone barrels.
32

33 Mr. Irle asked Mr. Stites if he was looking into putting up some type of storage area for the bone barrels.
34

35 Mr. Stites said that they were looking at a couple of options with regards to that. He said that in the warm
36 weather months they keep the barrels in the cooler because they did not want any offensive odors driving the
37 customers away. He said that during the cold weather the barrels could stay outside but he could keep it
38 inside if they need to. He said that we have a lean-to that could be modified so it could be useable or if it is
39 more appropriate to put up a storage unit that would be further from the property line we could do that, too.

40 Mr. Stites said that he had talked to his wife about putting a building up for their tractor and vehicles. He
41 said that Mr. Hall expressed concerns about the loading of the bone barrels in close proximity to the property
42 line.

43 Mr. Irle said that proximity is an issue when you are that close to a property line but if Mr. Stites can keep

1 the barrels under wraps in the future that may be a good thing to do so it sounds like Mr. Stites has some
2 alternatives.

3
4 Mr. Stites said that he is willing to be accommodating as issues come up.

5
6 Mr. Steeves said that these pictures show the barrels being stored outside.

7
8 Mr. Stites said that those pictures were taken during deer season but they were waiting to be picked up.

9
10 Mr. Steeves asked Mr. Mr. Stites how long it takes to fill those barrels and how often do the barrels get
11 picked up.

12
13 Mr. Stites said that they may have picked this up on Monday or Tuesday and cleaned it up on Wednesday.

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

16
17 Ms. Griest asked staff is there were any questions Mr. Stites.

18
19 Mr. Hall said that according to the numbers on Mr. Stites report he said that on Wednesday January 2nd there
20 were eight customers and eight cars to be parked which would make a total of sixteen trips because the car
21 would have to come and leave.

22
23 Mr. Hall asked Mr. Stites if the plans for a future cooler expansion were for a hanging cooler.

24
25 Mr. Stites said that the plan for expanding the footprint of the building would be for the hanging cooler.

26
27 Mr. Hall asked Mr. Stites whether the proposed cooler expansion on this floor plan or if we were given a
28 revised floor plan would it show something doubling the size of the hanging cooler.

29
30 Mr. Stites said yes.

31
32 Mr. Hall asked Mr. Stites if the coolers would have outside condensers.

33
34 Mr. Stites said that they would be inside.

35
36 Mr. Irle asked Mr. Stites if they have walled coolers would the lean-to disappear.

37
38 Mr. Stites said that there is a variety of options there. He said that staff had suggested that they apply for a
39 variance for the existing lean-to. He said as far as the business is concerned that structure doesn't have much
40 useable space because of the ceiling height due to it is extended past the roof line of the building so for him
41 to use it for anything other than storing barrels would not really have much application. He said that they had
42 talked about removing that non-conforming structure and replacing it with a conforming structure with the
43 proper amount of set-back. He said that as he read the packet he received the other day it shows a different

1 set-back from what he was under the impression of and had not had a chance to talk Mr. Hall about.

2
3 Ms. Griest asked Mr. Hall if there was a difference in set-back if Mr. Stites is asking for a Rural Major
4 Specialty Business versus what his requirement is under the Rural Home Occupation.

5
6 Mr. Hall said yes, the Rural Home Occupation is accessory to the residence and the side yard requirement is
7 only ten feet but the Special Use Permit actually makes the shed which is currently the accessory building the
8 principal building and the house the accessory building so the principal building needs a fifteen foot side
9 yard set-back so the side yard standard for the Special Use Permit is higher than for the Rural Home
10 Occupation.

11
12 Ms. Griest asked Mr. Stites if he understands that as it is the business becomes the primary use of the
13 property and the home becomes secondary and that is the reason for the greater set-back.

14
15 Mr. Stites said yes, it is because of the classification of the Rural Specialty Business and that in itself
16 contains that requirement and has nothing to do with the square footage of the building or site.

17
18 Ms. Griest said that it is because your business becomes the primary use of the property and the residence is
19 secondary.

20
21 Mr. Steeves said that he is getting confused about the floor plan between where Mr. Stites is showing the
22 business and the proposed storage building and inside where you are showing the hanging coolers and
23 working area.

24
25 Mr. Steeves asked Mr. Stites if the working area in the lobby where he shows the business is in the proposed
26 storage building.

27
28 Mr. Stites said yes.

29
30 Mr. Steeves asked Mr. Stites if this area is the business where the lean-to is located.

31
32 Mr. Stites said yes.

33
34 Mr. Steeves asked Mr. Stites where the proposed storage building is going to be located.

35
36 Mr. Stites said that that was something that we visited with Mr. Hall about because we were looking at any
37 potential possibility that we might have as a result of this action that the Board is taking he did not want to
38 come through and say a continuance is needed because it looks like you may need an additional building.
39 He said that it is on there in case we need a detached area away from the property lines for the barrels then
40 we would use that in addition to storing the lawn mower, tractor, and pick up truck could be stored there.

41
42 Mr. Bluhm said that putting that building out there is a good idea but it is a long way from the business.
43 Mr. Bluhm asked Mr. Stites since he does his cutting and storing of the barrels there are the barrels on pallets

1 or will he move them by fork lift.

2
3 Mr. Stites said that would not be the efficient thing for us to do but if we have to do that to accommodate the
4 needs of what we have going on there then he will do that but he realizes that the barrels would have to be
5 moved by forklift or loader.

6
7 Ms. Griest asked Mr. Stites if the reason why he is not choosing a location closer to the business building is
8 that there is some limitation that may or may not prohibit him from doing that.

9
10 Mr. Stites said that yes, because of going from behind is not accessible from the driveway and the structure
11 is situated close to the property line and that was the way it was when we moved in and that we had
12 developed from that. He said when you move out to the front of the house that is getting into the front yard
13 so we are trying to get it off to the side which is out of site for us and let us see the road from the house.

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

16
17 Ms. Griest asked staff if there were any questions for Mr. Stites and there were none.

18
19 Ms. Griest asked if there is anyone who wished to cross examine the witness.

20
21 Mr. Philip Van Ness, attorney representing the neighbors, asked Mr. Stites where the carcass scraps and
22 bones were stored last year.

23
24 Mr. Stites said that during the early part of the archery season when it was warm out they would keep those
25 in the cooler and depending if there was someone home or not they were moved out the morning the bone
26 man was coming or if it was cooler they would keep it out in that area that was shown in the pictures.

27
28 Mr. Van Ness asked Mr. Stites if he could define cooler in a sense of air temperature.

29
30 Mr. Stites said that generally not above 50 degrees during the day. He said that he would not want anything
31 out there to stink or to be offensive to our customers, ourselves or our neighbors.

32
33 Mr. Van Ness asked Mr. Stites if the barrels are open to the sun or is it in the shade.

34
35 Mr. Stites said that it is in the shade most of the time but we may or may not have covered it with a tarp at
36 the time it was out there.

37
38 Mr. Van Ness said that from the pictures Mr. Hall took he did not see any tarp.

39
40 Mr. Stites said that no there wasn't any there.

41
42 Mr. Van Ness asked Mr. Stites how long it took to accumulate those 50 plus barrels.

43

- 1 Mr. Stites said it was from that weekend of Friday, Saturday and Sunday.
2
- 3 Mr. Van Ness asked Mr. Stites how many carcasses were in house at that time between that and the previous
4 pick up.
5
- 6 Mr. Stites said 320 or so.
7
- 8 Mr. Van Ness said that after the barrels were hauled off there were still some barrels left that had animal
9 parts in them. Mr. Van Ness asked Mr. Stites how long were they there until those were emptied.
10
- 11 Mr. Stites said next day, if they were out there on Tuesday then they were cleaned on Wednesday.
12
- 13 Mr. Van Ness asked Mr. Stites how many barrels were emptied on that day.
14
15
- 16 Mr. Stites said that he was not sure.
17
- 18 Mr. Van Ness asked Mr. Stites if it would be a large number.
19
- 20 Mr. Stites said probably fewer he would guess because he gets charged by the barrel for pick up.
21
- 22 Mr. Van Ness asked Mr. Stites what happens to the barrels after they are emptied.
23
- 24 Mr. Stites said that they remain out there and turned upside down so they don't collect water. He said that if
25 they are going to be reused right away they will remain out there and get them rinsed out.
26
- 27 Mr. Van Ness asked Mr. Stites who rinses them out.
28
- 29 Mr. Stites said that the family does.
30
- 31 Mr. Van Ness said in the picture it shows the barrels being emptied which would not be attractive at that
32 time. Mr. Van Ness asked Mr. Stites who cleans those barrels out or do they get cleaned out.
33
- 34 Mr. Stites said the children do.
35
- 36 Mr. Van Ness asked Mr. Stites if it is done the same day or a few days later.
37
- 38 Mr. Stites said it depends on the temperature, if it is warm weather then it is done some but he could not give
39 an exact time frame. He said that he did not know there was cause for complaint so it may not have been as
40 urgent of an issue for us but they are willing to do what they can to make sure that these types of complaints
41 don't have any basis in the future.
42
- 43 Mr. Van Ness asked Mr. Stites if he received any complaints previously.

1

2 Mr. Stites said that the only complaint that he was aware of with regards to odor was his neighbor had said
3 something about it in September 2006 and at that time they were not in operation so they had no product on
4 site.

5

6 Ms. Griest asked Mr. Van Ness to limit the cross examination to the items covered under his testimony.

7

8 Mr. Van Ness said that he would do that.

9

10 Mr. Stites said that if there are issues that they have been negligent in accommodating in the past he is more
11 than willing to make sure they have due diligence in the future.

12

13 Mr. Van Ness said there is a customer count from January to April that was provided and asked Mr. Stites if
14 he had a customer count for November and December.

15

16 Mr. Stites said no, he does not and the reason that was given to the Board was that he understood the Board
17 had received a recent complaint in April and in that complaint was a high level of traffic sometimes in late
18 hours, all day Saturday and all day Sunday type of wording. Mr. Stites said that he was addressing that recent
19 complaint from April and he was assuming if there were to be an issue again he would have recent traffic
20 activity.

21

22 Mr. Van Ness said that in April it shows 132 customers in April which it seems to be the same in February.
23 Mr. Van Ness asked Mr. Stites if those numbers stay even or will they taper down.

24

25 Mr. Stites said that they taper down.

26

27 Mr. Van Ness asked Mr. Stites by becoming a Rural Specialty Business did he plan to expand the number of
28 animals he processed.

29

30 Mr. Stites said by them becoming a Rural Specialty Business was not anything that he saw because it would
31 give them the ability to do this, that or the other, it was suggested by staff in order to be in compliance with
32 the Zoning Ordinance. He said that staff said at first he could obtain a variance and apply for a Minor
33 Specialty Business but due to the square footage of the lot and the area available for people to park he would
34 come under the Major Rural Specialty Business classification. He said that when he saw that it sort of scared
35 him from the standpoint of the wording because they are a family business and not some big major
36 enterprise. He said that as far as the other issues like the odor and the traffic those things I would have to
37 address regardless of classification. He said that he did not have a business plan to set out to increase the
38 business but it is driven by season and how successful the hunters are. He said that it would be good to know
39 what role the economy and the gas prices would play in this and to find out if the hunters will hunt as much
40 with the gas prices like they are. He said that if they ever get to where they are at capacity he would let the
41 customers know that they are full or put a sign at the driveway saying that they are full.

42

43 Ms. Griest asked if there was anyone else who would like to cross examine Mr. Stites and there was no one.

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Ms. Griest called Co-petitioner, Mary Ellen Stites, to testify. Ms. Mary Ellen Stites, Co-owner of River Bend Wild Game said that her job is public relations. She said that she checks in all the deer and contacts the customer when it is time for pick up.

Ms. Stites said that she does not cut deer but she mainly has customer contact. She said that one thing that she and Mr. Sties do is a walk through together to make sure that their property is clean. She said that when they built the shop they built it so it would look like a European type cottage not a factory or a meat plant. She said that they have trash cans outside that the customers use to throw away their trash. She said that she also check to see if there is any offensive odors because that is what's important to them and everything is how we would want it to be.

Ms. Griest asked the Board if there were questions for Ms. Stites and there were none.

Ms. Griest asked staff if there were question for Ms. Stites and there were none.

Ms. Griest asked if anyone would like to cross examine Ms. Stites and there was no cross examination.

Ms. Griest called Attorney, Philip Van Ness to testify. Mr. Philip Van Ness said he represents Dennis Wandell and Lucy Whalley who are opposed to the authorization to allow the River Bend Wild Game and Sausage Company to operate at its present location as a Rural Specialty Business Major or Minor. He said that normally we can celebrate the success the Stites are having. He said that his client is a small businessman himself and appreciates the hard work, investment and risk that goes into operating a business but in this case the celebration is cut short because as River Bend has experienced growth it has become increasingly a bad neighbor. He said that it has inflicted its annoying odor, careless waste handling procedures, light pollution and traffic problems on the nearby residents including his clients. Mr. Van Ness said that as you remember the present application had been filed by the Stites after the operation had been caught red handed and photographed violating its permit by the Zoning Administrator and then only after a Final Notice of Violation was issued by the Department. He said that what is truly troubling is that River Bend having failed to comply with numerous permit requirements as a Rural Home Occupation in which they applied in 1998 now asks the Board to authorize an even larger and more expansive use in 2008. He said that if one carefully looks over the application material you will find numerous instances that glosses over their sorry history and are simply misleading. Mr. Van Ness quoted a part of Mr. Stites testimony saying that "The bone and scraps from fabricating the carcasses are placed in barrels waiting pick up by a rendering company. The rendering company is available to pick up those barrels two to three times a week as needed. The barrels containing these products will be kept in an enclosed building in order to control any odors." Mr. Van Ness said that he reads that differently to say that River Bend places bones and scraps from carcasses in open barrels and then leaves those barrels out in the open whenever they feel like it for extended periods during the 13 years they've been in existence even though the rendering company could have been out there pretty quickly had it been called but now that they want the Board's approval they promise to put them in doors. He said that if that sounds a little bit harsh, that is what the record before you shows to be the case. He said that the photos that Mr. Hall has taken don't lie. Deer scraps and bloody bones don't lie nor does this report that noted that after loading the barrel of contents into the company's truck some of the

1 barrels had some contents left in them and still needed to be emptied. Mr. Van Ness asked if that sounds like
2 they are being called two or three times a week or does that square with Mr. Wandell's observation that dogs
3 and wild animals are having a picnic all over the area leaving deer bones scattered in neighboring yards.
4

5 Mr. Van Ness said there are other violations of the ordinance by River Bend that he has not mentioned such
6 as too many non-family employees, insufficient parking and odors of two different kinds. He said that he
7 suggests to the Board that this does not merit their confidence. He asked the Board to carefully consider the
8 tortured logic required to make River Bend into a Rural Specialty Business at all. He said staff pointed out
9 on page 13 of the Preliminary Summary of Evidence which states River Bend is only a Rural Specialty
10 Business if you consider butchering deer carcasses a traditional handicraft, like basket weaving. He said that
11 you heard what Mr. Stites said this evening about the service that they provide. He said that the River Bend
12 website is very clear and says that it is a "Custom wild game processor." He said that River Bend processes
13 and packages meat. He said that if that sounds familiar to the Board it is because the Ordinance already
14 covers processing and packaging of meat. He said that if you look at Section 5.2 of the Ordinance you will
15 find that processing and packaging meat, poultry and fish is a species of industrial use and if you look closer
16 at Section 5.2 you'll find that kind of special use is allowed only as a special use in the I-2 Zoning District.
17 Mr. Van Ness said that perhaps if you suggest that they fall under other food preparation manufacturing
18 processing and packaging but that too is a species of industrial operations according to Section 5.2 of the
19 Ordinance. He said that either way the Ordinance says that what River Bend does now belongs in the I-2
20 Zoning District not in the CR Zoning District near homes and natural areas.
21

22 Mr. Van Ness said that River Bend at some point outgrew its status of a Rural Home Occupation just like a
23 shade tree mechanic who if successful may grow into a full fledged auto shop. Mr. Van Ness said that River
24 Bend has grown into an industrial use and has to find a more suitable location for industrial use. He said that
25 because we don't have a complete design of the facility yet, we don't know where everything is going to be
26 laid out yet nor do we know for a fact that an air filtration unit will be put on the stack or not. He said that all
27 we have heard is that they would consider it or they will think about it but the track record indicates that it
28 should be nailed down clearly by this Board.
29

30 Ms. Griest asked the Board if there were any questions for Mr. Van Ness and there were none.
31

32 Ms. Griest asked staff if there were any questions for Mr. Van Ness.
33

34 Mr. Hall asked Mr. Van Ness why he did not mention the authorization of slaughter houses in section 5.2 of
35 the Ordinance.
36

37 Mr. Van Ness said that he did not understand that they are doing any slaughtering there they are not creating
38 the carcasses there.
39

40 Mr. Hall asked Mr. Van Ness if he thought that what is being done is less intense than a slaughter house.
41

42 Mr. Van Ness said that he did not know enough about either business and certainly seems to attract the
43 language of the Ordinance because the Ordinance talks about meat, fish and poultry preparation, processing

1 and packaging and that is what they do so there is no need to go looking for other options or spins.

2
3 Mr. Van Ness said that in all the definitions in Section 3 of the Ordinance it does not include a definition for
4 “industrial use” which is probably an oversight but to the extent that it uses the term at all it could best be
5 found in the definition of agriculture because there is a paragraph or a sentence in the definition of
6 agriculture in Section 3.0 that kind of distinguishes agriculture and things that are not agriculture. He said
7 that the definition of agriculture according to Section 3.0 of the Zoning Ordinance says that it is intended by
8 this definition to include within the definition of agriculture all type of agricultural operations but to exclude
9 there from industrial operations such as a grain elevator, canning or a slaughter house wherein agricultural
10 products produced primarily by others are stored or processed. He said that there is a lack of definition but
11 there is some usage of terminology or similar terminology that suggests strongly that this is not agriculture.

12
13 Mr. Bluhm said that he believes that when the Ordinance was written they were referring to meat as beef,
14 pork, poultry and had not occurred to them to include wild game.

15
16 Mr. Van Ness said that you are probably right and also when they came up with the definition of “Major
17 Rural Specialty Business” and talked about handicrafts the last thing that came to their mind was carving
18 deer carcasses as a handicraft.

19
20 Mr. Irle said that he agrees with Mr. Van Ness that there are a lot of questions about the definitions and we
21 find ourselves in a gray area. He said that one of the distinctions of the meat packing places are the question
22 of ownership of the materials and this process is not as in depth since you don’t have a lot of the content of
23 the animal to dispose of. He said that he did not think that this was something that the Board could not deal
24 with.

25
26 Mr. Van Ness said that there has to be a place for common ground but the definitions are the definitions.

27
28 Ms. Griest asked the Board if there were any more questions for Mr. Van Ness and there were none.

29
30 Ms. Greist asked staff if there were any other questions for Mr. Van Ness and there were none.

31
32 Ms. Griest said that since Mr. Van Ness has complied with Article 6.5 he is not subject to cross examination.

33
34 Ms. Griest called for Robert Decker to testify. Mr. Robert Decker said that he resides at 907 County Road
35 900E Champaign and he is a customer of the Stites. He said that he hunted deer since 1958 and has been to
36 processing places throughout the state including Chesterville, Eldorado, Danville, and Goreville Illinois. He
37 said that Mr. Stites’ business is one of the best places overall that he has visited. He said that he has been to
38 some places and there were deer stacked up outside on the ground which he had never seen at the Stites’
39 place. He said that the Stites’ place is always neat and clean and he feels that the problem is not with the
40 Stites.

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

1 Mr. Irle asked Mr. Decker if he had been to any what would be considered meat locker plants.
2
3 Mr. Decker said that he had been to Chuck's in Ivesdale. He said that he went when he was younger and it
4 was not modernized.
5
6 Mr. Irle asked Mr. Decker if he felt what the petitioner offers falls more in line of a provided service or a
7 general meat locker.
8
9 Mr. Decker said that he did not understand the question.
10
11 Mr. Irle said that there had been discussion tonight that this may fall into the definition of a meat locker or
12 meat packing plant.
13
14 Mr. Decker said that he did not think that it was a meat packaging plant or a locker they are just providing a
15 service.
16
17 Mr. Thorsland asked Mr. Decker if he thought there was an increase or a decrease in the available places to
18 take deer.
19
20 Mr. Decker said that he does most of his hunting in the southern part of the state and it seems that there are
21 more places that advertise than in the north. He said that he had not seen any advertisements from the Stites'
22 and he received his information by word of mouth.
23
24 Mr. Thorsland asked Mr. Decker if it was positive word of mouth.
25
26 Mr. Decker said yes and he had recommended some other people to the Stites' because the product is good
27 and the place was neat and clean.
28
29 Ms. Griest asked the Board if there were any other questions for Mr. Decker and there were none.
30
31 Ms. Griest asked staff if there were questions for Mr. Decker and there were none.
32
33 Ms. Griest asked if the petitioner were any questions for Mr. Decker and there were none
34
35 Ms Griest asked if there were anyone who would like to cross examine Mr. Decker and there were no cross
36 examination.
37
38 Ms. Griest called Floyd McKeith to testify. Mr. Floyd McKeith said that he is a professor of Meat Science at
39 the University of Illinois and he has worked with Mr. Stites for 24 years and he manages the meat processing
40 facility at the university and believes that he is a well qualified individual. Mr. McKeith said that when you
41 are talking about farm animals that is an amenable product and it has to be processed under inspection. He
42 said that wild game is non-amenable and is separate from farm animals or amenable in processing. He said
43 that if Chuck's in Ivesdale wants to process deer he would have to have a separate facility or separate the

1 inspected product from the wild game. He said that wild game is handled differently and would not be
2 considered meat by the Meat and Poultry Inspection Act.
3

4 Mr. McKeith said that Mr. Stites has been trained in HACCP inspection procedures and has helped train
5 processors in slaughter sanitation procedures in HACCP and all of those activities as well as meat processing
6 activities.
7

8 Ms. Griest asked Mr. McKeith if he could define HACCP.
9

10 Mr. McKeith said that HACCP is Hazard Analysis Critical Control Point. He said that it is an additional step
11 in food safety. He said that the availability of meat processors has dropped considerably since the 1960's. He
12 said that there were approximately 1000 independent meat processors then and now it is roughly 425 today.
13

14 Ms Griest asked Mr. McKieth if his office tracked those processing facilities.
15

16 Mr. McKieth said that he works with the Department of Meat and Poultry Inspection for the State of Illinois.
17 He said that those are rough numbers of the facilities that are state inspected within the State.
18

19 Ms. Griest asked Mr. McKieth if he would define amenable.
20

21 Mr. McKieth said that amenable would be farm animals like your lamb, beef, pork, poultry, veal anything
22 you could buy in the store. He said that there are certain game farms that raise deer that would be slaughtered
23 under inspection and have an inspection stamp but that would not be called amenable that would be an
24 inspector would view the animal live and be involved in the harvest of the animal. He said that anything that
25 would be taken in the field like that would be considered non-amenable and it would not be sold it would
26 only be processed for one's own use.
27

28 Ms. Griest asked Mr. McKieth if there were any provisions under the law that would allow the Stites' to take
29 in a deer and sell that product.
30

31 Mr. McKieth said no, that they could go to jail for that.
32

33 Mr. Irle asked Mr. McKieth if one of the distinctions between a commercial locker plant and a specialty
34 business like the Stites' is that there is no special process in place under the USDA or the State of Illinois.
35

36 Mr. McKieth said that is correct wild game is handled differently in a sense of a fee for service so it would
37 only be for your own use so it does not come under inspection. He said that every packet that goes out is
38 stamped not for sale.
39

40 Ms. Griest asked Mr. McKieth if it is regulated or governed by the USDA.
41

42 Mr. McKieth said that it is not.
43

5-15-2008

APPROVED AS AMENDED 8-14-2008

ZBA

- 1 Mr. Thorsland said that a wild game and sausage company is not the same as a meat company and it is not
2 inspected as a slaughter house but basically a custom fee for service facility.
3
- 4 Mr. McKieth said that is correct.
5
- 6 Mr. Irle said that if it was a commercial meat packing plant it would have to be inspected.
7
- 8 Mr. McKieth said that is correct. He said that there is one other option but it would have to be inspected and
9 that is a custom exempt option that they have which there may be eight processing plants in the State of
10 Illinois that are custom exempt in which they can only process meat for you as an individual so if you want
11 to have beef killed it would not have to be inspected but the USDA would have to inspect the facility and
12 they have to follow the rules of the Department of Agriculture and maintain identification where the animal
13 came from and things like that.
14
- 15 Mr. Irle said that but they don't have an inspector on site.
16
- 17 Mr. McKieth said that is correct they do not.
18
- 19 Ms. Griest asked the Board if there are any more questions for Mr. McKieth and there were none.
20
- 21 Ms Griest asked staff if there any questions for Mr. McKieth and there were none.
22
- 23 Mr. Hall asked Mr. McKieth should this Board have any concerns about if they approve this Special Use
24 Permit and Mr. Stites' later retires or sells the business to someone else should they have any concerns on
25 how good a job someone else might do since it is unregulated.
26
- 27 Mr. McKieth said yes that is something that could be an issue if someone else bought it and they did not
28 want to do a good job.
29
- 30 Mr. Hall asked if there is a professional certification that they might consider as a requirement for someone
31 who would want to take over a business like this.
32
- 33 Mr. McKieth said no there isn't anything out there in the way of certification for those kinds of operations.
34
- 35 Ms. Griest asked Mr. Stites if he wanted to cross examine Mr. McKieth.
36
- 37 Mr. Stites asked Mr. McKieth if he testified that the business is unregulated by USDA.
38
- 39 Mr. McKieth said yes.
40
- 41 Mr. Stites asked Mr. McKieth if he was aware that if there were food safety concerns that there is a branch of
42 government that could get involved.
43

1 Mr. McKieth said that if there was a food bourn outbreak and it was tracked back to that facility the
2 Department of Health would step in.

3
4 Mr. Stites said that so the Department of Public Health would have a type of governing power over even
5 these unregulated facilities.

6
7 Mr. McKieth said yes.

8
9 Mr. Stites asked Mr. McKieth if he was aware in some counties the public health districts do choose to
10 regulate or govern these types of facilities.

11
12 Mr. McKieth said yes, it is a county by county decision and not mandated by any state law.

13
14 Mr. Stites asked Mr. McKieth if Champaign County Public Health District has any type of arrangement with
15 these businesses.

16
17 Mr. McKieth said not that he is aware of.

18
19 Ms. Griest asked if there was anyone else who would like to cross examine Mr. McKieth and there was no
20 other cross examination.

21
22 Ms. Griest called Mr. Dennis Wandell to testify. Mr. Dennis Wandell said that he owns the five acre lot
23 north of the Stites'. He said that Mr. Stites' meat processing plant is on the property line within three feet
24 five inches from the survey pin. Mr. Wandell said in many ways he and Mr. Stites are alike, they both grew
25 up in the country and he too had a dream. He said that his father has his master's degree in Forestry Wildlife
26 Management and spent a lot of time with wildlife. He said that there was a drainage channel that flowed
27 through their property and he fell in love with it and with all the animals that came along through there and
28 the dream he had after high school was that he would live along the Salt Fork River one day. He said that he
29 found out that was not an easy thing to do. He said that it took him twenty five years before he found a
30 property, he said that he had been there fourteen years and he said that he actually gave up and bought off the
31 river developed it and then found this property. Mr. Wandell said that the Mr. Stites he knew as a neighbor is
32 a little different than the one that he sees portrayed here especially when it comes to sanitation. Mr. Wandell
33 said that they could smell the horrendous smell of death coming from those barrels and to the south of his
34 house which is behind their building on the floodplain and in the summer we would often smell on the
35 southerly breeze a terrible smell. He said that as it turns out he believes that all of the cleaning of the
36 carcasses, shop and probably barrels too were running to a pipe that outlet there. He said that Mr. Hall came
37 out and asked him what he thought it was and he said that he did not know unless they were where Mr. Stites
38 was burying something since there was a backhoe there. He said that he would see Mr. Stites occasionally
39 and they would talk as neighbors and he did not feel like complaining to him each time they would meet
40 because then he may not want to meet. Mr. Wandell said that he and his wife have spent 14 years developing
41 this property and like Mr. Stites he is a businessman and also like Mr. Stites he works long and hard. He said
42 that he is usually in the office at 5:30am even on Sunday sometimes and that's when he gets a good dose of
43 the smoking. He said that he does run his fireplace and he sees Mr. Stites' woodstove going also but that

1 does not bother him but the odor is a pungent odor. He said that he had tried to talk to Mr. Stites about this
2 problem for two years and there were other problems that came up in which he received no help or relief at
3 all and one of which he could not keep his dogs off of their property. He said that Mr. Stites has two young
4 dogs one of which had gotten his nose stuck in one of his drainage tiles and died. He said that Mr. Stites said
5 that he would clean it up because of the smell which he did although it took six weeks. Mr. Wandell said that
6 he had talked to Mr. Stites for years about his household garbage. He said that the dogs would constantly
7 come on his property and bury bones.

8
9 Ms. Griest interrupted Mr. Wandell and said that since the issue of the dogs is not related to zoning he needs
10 to limit his testimony to items related to zoning.

11
12 Mr. Wandell said that he had been picking up trash for Mr. Stites for 14 years and there was trash out there
13 today and here is a venison package marked 'not for sale' that he had picked up. Mr. Wandell said that he
14 could not understand why a neighbor can't control his trash. Mr. Wandell said that we both have a dream and
15 he thought he met his but there is this problem next door. He said that he understood that this is a
16 conservation recreation district and five acre lots on the river and there are not a lot of them on the river. Mr.
17 Wandell said that he had been slow to complain to Mr. Stites but he started to put everything in writing so he
18 wrote him a letter in 2004 regarding the smoking and still nothing was done but now it has gotten better
19 although he did not know why maybe because he wants this approval to have a business where the sky is the
20 limit. He said that he could hear a compressor running all the time in the area but what concerns him is that
21 Mr. Stites had told him that he wanted to put two cooling units in this lean-to and put siding on it to make it
22 look better which that was ok but he did not want to listen to that on top of the present noise at all times. He
23 said that the units would be 60 feet away from his office where he spends a great deal of time. Mr. Wandell
24 said that he and his wife are outdoor people and he works outside. Mr. Wandell said that he operates a
25 landscape business and like Mr. Stites he does a great job. He said that the noise is a problem for him and he
26 feels victimized that he is in conservation recreation and they made different zoning designations to meet
27 different needs and now he is faced with having this big operation that is getting bigger and bigger and now
28 he is going to do everything by the book after dealing with this for about seven or eight years. Mr. Wandell
29 said that he had never complained to Mr. Stites saying he's making an odor and that is in the Rural Home
30 Occupation and the only time he had complained is when he said he wanted to bring in a semi truck
31 refrigeration unit and he had told Mr. Stites that he did not want to listen to that. Mr. Wandell said that if he
32 would have told Mr. Stites it would be ok then it would still be there.

33
34 **Mr. Irle moved, seconded by Mr. Thorsland to extend the meeting for fifteen minutes. The motion**
35 **carried by voice vote.**

36
37 Ms. Griest asked the Board if there were any questions for Mr. Wandell.

38
39 Mr. Irle said that it looks like Mr. Wandell is the most northern neighbor and on the Land Use Case Map, the
40 SF is on the top of his house and his house is on the north part of the property line. Mr. Irle asked Mr.
41 Wandell if the shed on the north belongs to him or the neighbor.

42
43 Mr. Wandell said that it is the neighbor's shed.

1
2 Mr. Irle asked if the shed is close to his property line as well.
3
4 Mr. Wandell said yes.
5
6 Mr. Irle said that what helps him generally is when he looks at a neighborhood and there is a lot of
7 residences that are nearby which in this case it looks like about 19, how many complaints there are from
8 those people. Mr. Irle asked Mr. Hall if there were any complaints from the other neighbors.
9
10 Mr. Hall said that all of the complaints are from one landowner.
11
12 Mr. Irle asked Mr. Wandell when Mr. Stites asked about putting in a refrigeration unit that was proposed to
13 be closest to your property, did Mr. Stites agree to move it.
14
15 Mr. Wandell said that it was never brought in.
16
17 Mr. Irle said that it does seem as though Mr. Stites is responsive to your feelings unless he is just trying to
18 clean up his act until he gets this passed then go back to his old ways.
19
20 Mr. Wandell said that is his feelings because of his past concerns as his neighbor.
21
22 Mr. Irle asked Mr. Wandell if he had any discussion with the other neighbors regarding the situation.
23
24 Mr. Wandell said the neighbors to the north saw the legal notice and alerted him to that but they expressed
25 they had issues.
26
27 Ms. Griest asked Mr. Wandell if Mr. Stites said why he wanted to bring in a semi refrigeration unit or for
28 what purpose.
29
30 Mr. Wandell said that Mr. Stites did not say.
31
32 Ms. Griest if the Board if there were any other questions for Mr. Wandell and there were none.
33
34 Ms. Griest asked staff if there were other questions for Mr. Wandell and there were none.
35
36 Ms. Griest asked if the petitioner had questions for Mr. Wandell and there were none.
37
38 Ms. Griest asked if there were any cross examination for Mr. Wandell and there was none.
39
40 Mr. Wandell said that he has respect for Mr. Stites because he is a hard worker and a go getter and like Mr.
41 Stites he had a similar situation to where there were four of us when we grew up and we had to work and
42 sadly that is not so common anymore. He said that he liked seeing the children in their hard hats, white
43 smocks and black boots.

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Ms. Griest said that this Board likes to find the common ground and asked Mr. Wandell if there is any common ground to be found.

Mr. Wandell said possibly but it would have to be etched in stone.

Ms. Griest called Ms. Lucy Whalley to testify. Ms. Lucy Whalley said that she is the wife of Mr. Wandell and they live north of the Stites property. She said that Mr. Wandell covered all of the issues of their complaints but the smell of the bones, blood and empty barrels when they are out there and it goes over half of their property and she could definitely smell them and it is overwhelming. She said that this is a residential neighborhood by and large which are five acre lots and we planned to retire on that property. She said that she has a very stressful job and spends her weekends improving the property and her garden and when she goes out and works on her yard and smells that smell it really impacts the quality of her life. Ms. Whalley said that it is not a happy experience for her to find deer bones buried in her yard when she is in her garden. She said that it has improved somewhat since they put up the fence but they are still finding the bones. Ms. Whalley said that when she stands near her potting shed which is north of the property line she could smell a blood-like metallic smell at that end of the property that persists past the processing season so she is wondering what is happening back there that is not being taken care of. She said that they do find trash on their property and she is not sure how it gets there. Ms. Whalley said that she is very much concerned about degrading more of her quality of life if she has to listen to the sounds of compressors because they moved into the country for peace and quiet and she would find the compressor intolerable for her quality of life.

Ms. Griest asked the Board if there were any questions for Ms. Whalley and there were none.

Ms. Griest asked staff if there were any questions for Ms. Whalley and there were none.

Ms. Griest asked the petitioner if there were any questions for Ms. Whalley and there were none.

Ms. Griest asked if anyone wished to cross examine Ms. Whalley and there was no cross examination.

Ms. Griest called Mr. Norm Bilsbury to testify. Mr. Norm Bilsbury said that he currently lives in Chicago but lived in Champaign longer than any place in his life. He said that he is from a military family and he lived here for eight years during that time he went to undergrad and grad school. He said that he left and went to Chicago. He said that he really liked Champaign and would have stayed because it is where he considers home. He said that what happens in this community is very important to him and he would hate to be perceived as an outsider coming and looking out for his own interest and what he considers one of the best meat packaging services in the state. He said that he received two degrees here and a doctorate in Organizational Development and has been consulting all over the country. He said that the reason why that is relevant is because he has walked the manufacturing floors of Sarah Lee, Solo Cup, Plasti-Pak and other places and during that consulting time he has seen major manufacturers and the level of cleanliness that Mr. Stite's business achieves and he manages to comply with respect to OSHA so that when he goes to the Stite's farm it is a little slice of heaven.

1 Mr. Bilsbury said that the Stite's farm has a cottage like feel and it smells good. He said that he could
2 identify with Mr. Miller's comments earlier about the odor. Mr. Bilsbury said the odor is pungent but when
3 he is watching the football game on Sunday he likes the smell of cooked sausage. Mr. Bilsbury said that if
4 you look at the days when there may be carcasses it is about nine days out of the year which is approximately
5 .3% of the entire year. He said that the point is that we live in Central Illinois and he ran cross - country for
6 the U of I and the tough time to train is during the spring because some farmer may spread manure on their
7 fields and that does not smell good at all and when he runs he sucks that air for a couple of weeks. He said
8 that his point is if we are going to talk about pungent smells manure smells a lot worst than cooked sausage
9 and that spread over two weeks is out there longer than the cooked sausage that is going on.

10
11
12 **Mr. Bluhm moved, seconded by Mr. Irlle to extend the meeting fifteen minutes. The motion carried by**
13 **voice vote.**

14
15 Mr. Bilsbury said that with respect to sanitation, everyone is wearing plastic aprons, plastic boots, they wear
16 gloves, they wear helmets, they have on eye wear when necessary and their work space is always clean. He
17 said that the product is organized and clearly packaged and you can tell when you get it it's the highest
18 quality. He said that concerning the processing capacity, their process is correlative to their capacity and it
19 doesn't look like there are things spilling over into their yard or bones lying around. He said that with respect
20 to the professionalism that the business is conducted Mr. Stites speaks to his children with a level of
21 professionalism that a foreman addresses somebody on a manufacturing floor so although it is a family
22 business it is not your average family business and by no way are they casual about the standards. Mr.
23 Bilsbury said that is important because the attorney earlier painted the picture that the Stites had been caught
24 red handed or they intended to grow this business because as you heard the Stites' say that they started this
25 business because there was a need and they did not know that the capacity would go from 600 to 1200 in two
26 years and as that happened they sought to interview their neighbor in terms of identifying what are their
27 needs, what's important to them and how could they best mitigate the conflict so that it is not heightened but
28 lessened. He said the fact that Mr. Stites went to his neighbor shows his character and true intent.

29 Mr. Bilsbury said that he refutes the accusation of the misleading nature of the Stites' intent to grow this
30 business because he had never witnessed that in his character in the eight years that he had known him.

31 Mr. Bilsbury said that there are two major issues that were talked about the smell and the noise. He said with
32 respect to the noise level, what if someone had an eighteen wheeler that they had to haul out of there every
33 morning, that's not there. He said the compressors could be mitigated and the Stites' intent here is to move
34 forward in a peaceable and positive manner as much as possible.

35
36 Ms. Griest asked the Board if there were any questions for Mr. Bilsbury and there were none.

37 Ms. Griest asked staff if there were questions for Mr. Bilsbury and there were none.

38 Ms. Griest asked the petitioner if there were any questions for Mr. Bilsbury and there were none.

39 Ms. Griest asked if anyone wished to cross examine Mr. Bilsbury and there were none.

40
41 Ms. Griest said that concludes the signatures she had that signed up to present testimony and asked if there
42 was anyone in attendance who wished to sign the witness register and present testimony at this time.

1 Kim Varnold said that she is a grad student in Meat Science and attends the U of I and is the Assistant
2 Manager of the Meat Science Lab. She said that she works closely with Mr. Stites and also helps out at their
3 business during the heavy shotgun season. She said that she wasn't going to say anything at first but after
4 hearing what was said about Mr. Stites she felt she had to say something. Ms. Varnold said that Mr. Stites
5 truly cares about his customers and he actually had more deer than he could take in and had to turn some
6 people away so he did realize he could only do so much and he put a cap on it. She said that when he turned
7 some of his customers away you can tell by his facial expressions that he didn't want to because he knew
8 that they had no other place to go. She said that when she is at the Meat Science Lab people would come to
9 her and ask her if she works at River Bend and she would tell them yes and they would tell her nothing but
10 good things about it and how good the prices are and how they have been all over Illinois and Indiana and
11 they had never had that level of service before.

12 Ms. Varnold said that she grew up on a farm and she had a meat locker plant in her family for 52 years and
13 Mr. Stite's place is much better than theirs was. She said that as far as the smell she had been there during
14 late fall and winter time and there isn't much of a smell but also during the late spring and mid-summer she
15 would not smell anything. She said that Mr. Stites' farm has a home like appearance to it where the only
16 reason she knew which one was the shop was that someone was there to tell her because the shop looks like
17 somebody's home.

18 Ms. Varnold said that Mr. Stites cares about his neighbors to the point that he is constantly checking the
19 wind so his whole processing schedule revolves around if it would affect his neighbors or not.
20

21 Ms. Griest asked the Board if there were any questions for Ms. Varnold and there were none.

22 Ms. Griest asked staff if there were any questions for Ms. Varnold and there were none.

23 Ms. Griest asked the petitioner if there were any questions for Ms. Varnold and there were none.

24 Ms. Griest asked if anyone wish to cross examine Ms. Varnold and there was no cross examination.

25 Ms. Griest asked the Board if there were any additional items that they needed to ask staff to work on that
26 were not identified.
27

28 Mr. Steeves said that we heard the interpretation of the industrial use in the I-2 zoning and testimony
29 regarding amenable and non-amenable meat and wild game being not classified as meat. He is a little
30 concerned and feels we need a legal interpretation on that question before our next meeting.
31

32 Ms. McGrath said that she could do that at the next meeting but could not do that tonight.
33

34 Mr. Miller said that Mr. McKieth spoke very professionally about it and asked if that was good enough.
35

36 Mr. Steeves said that it was good professionally but he wanted to get the legal interpretation for the
37 Ordinance purpose.
38

39 Ms. Griest said that she would like to see Mr. Stites provide the Board a little more information regarding
40 the barrel processing and cleaning operation, where the waste water goes and how that is handled.

41 Ms. Griest asked if there was anything else that needed to be clarified.
42

43 Ms. Griest asked if the Board had a date for a continuance.

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Mr. Irle said that July 14th would be the next date for an opening.

Ms. Griest said that she would not be in town.

Mr. Hall said that the Board should consider if this case should be scheduled with any other cases.

Mr. Hall said that the 100 day limit is August 14th and there are no other cases on that date.

Mr. Irle asked Mr. Hall if time is of the essence.

Mr. Stites said that if there are changes that are going to be made prior to the next hunting season then they need to be making decisions on their end as soon as they possibly can but it is up to the Board.

Mr. Bluhm asked Mr. Hall if the case could be put on July 31st with a continuance to August 14th to give time to finalize any Finding of Fact. He said that if we get a lot of testimony we would probably continue again to complete a Finding of Fact. Mr. Bluhm said that we could just limit the hearing for two cases on the 31st and then bring it back on the 14th for final action.

Mr. Hall said the Board could certainly do that but his concern is that there would be two cases on the 31st and this case is going to come first and at some point you are going to cut it off or Mr. Denby is going to show up and sit through three hours and never be heard.

Mr. Thorsland asked if we could rearrange the docket and have Case 621 first on the 31st and this Case after that then take final on this Case on August 14th.

Mr. Bluhm moved, seconded by Mr. Irle to extend the meeting for fifteen minutes. The motion carried by voice vote.

Mr. Bluhm said that Case 621 may run long and would have to be continued.

Mr. Irle asked Mr. Hall how familiar is he with Case 621.

Mr. Hall said that all he could say is that the Board recently had a Special Use Permit for a pond greater than an acre.

Ms. Griest said that it took us more than one meeting.

Mr. Irle said that we could leave the August 28th open in case we do not take final action on this case.

Mr. Hall said that there is not a lot of new information nor does he see any new information coming.

Mr. Bluhm moved, seconded by Mr. Steeves to continue cases 610-S-08 and 616-V-08 to August 14, 2008. The motion carried by voice vote.

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7. Staff Report

There was no staff report.

8. Other Business

There was no other business

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

There was no other audience participation.

10. Adjournment

Ms. Griest declared meeting adjourned at 10:38pm.

Respectfully submitted

Secretary of Zoning Board of Appeals