

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street

Urbana, IL 61801

DATE: May 13, 2010

PLACE: Lyle Shields Meeting Room
1776 East Washington Street

TIME: 7:00 p.m.

Urbana, IL 61802

MEMBERS PRESENT: Doug Bluhm, Catherine Capel, Thomas Courson, Roger Miller, Eric Thorsland, Paul Palmgren

MEMBERS ABSENT : Melvin Schroeder

STAFF PRESENT : John Hall, J.R. Knight

OTHERS PRESENT : Leslie Cooperband, Wes Jarrell, Herb Schildt, Sherry Schildt

1. Call to Order

The meeting was called to order at 7:03 p.m.

2. Roll Call and Declaration of Quorum

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

3. Correspondence

None

4. Approval of Minutes (March 25, 2010 and April 15, 2010)

Mr. Palmgren moved, seconded by Mr. Courson to approve the March 25, 2010 and April 15, 2010, minutes as submitted. The motion carried by voice vote.

Mr. Thorsland moved, seconded by Mr. Palmgren to rearrange the agenda and hear Case 667-S-10, Leslie Cooperband and Wesley Jarrell, d.b.a. Prairie Fruits Farm prior to Case 665-AT-10, Zoning Administrator. The motion carried by voice vote.

5. Continued Public Hearing

Case 665-AT-10 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning Ordinance by revising paragraph 4.3.3G. as follows: A. Increase the maximum fence height allowed in side and rear yards from six feet to eight feet for fences in Residential Zoning Districts and on

1 **residential lots in the AG-1 and AG-2 Zoning Districts; and B. Require all fencing that is in the front**
2 **yard and that is higher than four feet tall to be at least 50% transparent in Residential Zoning**
3 **Districts; and C. Increase the maximum allowed height of all fencing to allow up to three inches of**
4 **ground clearance.**

5
6 Mr. Hall distributed a new Supplemental Memorandum dated May 13, 2010, and two handouts with
7 illustrations to the Board for review. He said that recently this case was before the Board and the Board had
8 a question about allowing a solid fence in the front yard and believed that it would be wise to check with
9 Sheriff Walsh to see if there was any public safety reason to require a degree of transparency in front yard
10 fencing. He said that staff had forgotten to include in the legal advertisement the provision for a few inches
11 of adjustment so that if someone purchases a six foot high panel they could put it a couple of inches above
12 the ground to make it last longer and still be in compliance with the height. He said that staff checked with
13 Sheriff Walsh and his verbatim comments have been included in the May 7, 2010, memorandum and as new
14 Item 8.A.(3)(d) of the Summary of Evidence. He said that it is clear that the Sheriff sees some public safety
15 benefit by providing some transparency of fencing in the front yard although he does not believe that all of
16 the fencing needs to be transparent and sees no problem with the solid fence being four feet high. Mr. Hall
17 stated that the Sheriff gave enough documentation as to why it would be a good idea therefore Mr. Hall
18 informed the Sheriff that he would pass this recommendation on to the Board.

19
20 Mr. Hall stated that staff re-advertised the case providing for the 50% transparency above four feet in height
21 in the front yard. He said that with the version that went out in the mailing, Attachment A of the May 7,
22 2010, Supplemental Memorandum, staff did a poor job in following through with something that was
23 supposed to be for public safety. He said that if it is for public safety and it is on residential lots, his
24 thinking is that it should be on all lots unless the Zoning Board indicates differently, but what went out in
25 the mailing required the transparency in the residential zoning districts, on residential lots less than five
26 acres in the Ag districts and on all residential fences in the CR district. He said that the legal left out
27 residential lots which are more than five acres in area in the Ag district and this was not a comprehensive
28 change and he believed that it had been modified that way but it had not. He said that after the mailing was
29 sent out he received a call from a township plan commission which hadn't actually taken any formal action
30 on the case but in deciding whether or not to take formal action this township plan commission contacted
31 staff. Mr. Hall stated that the plan commission's comments are included in the Supplemental Memorandum
32 dated May 13, 2010, as new evidence for the Finding of Fact. He said that the following should be added as
33 new Item 8.A.(3)(e): Preliminary comments from a township plan commission were received on May 12,
34 2010, which indicated requiring all of the front yard fencing to be transparent above four feet is too
35 restrictive, and will in fact detract too much from privacy; reduce residential property owner's ability to deal
36 with any agricultural spray drift; and could also be a safety problem by allowing too much visibility of
37 children in the yard and suggested requiring transparency only for fencing directly in front of the house. He
38 said that the plan commission did not actually suggest the previous text but when he suggested it as a way of
39 dealing with those three issues it appeared that it was well received. He said that following his discussion
40 with the plan commission he checked with Sheriff Walsh to see if he would have any problems with
41 reducing the transparency down to just the fencing that is in front of the house and Sheriff Walsh checked
42 with Lt. Jones and Lt. Jones thought that this would still provide a public benefit.

43
44 Mr. Hall stated that Attachment B. of the Supplemental Memorandum dated May 13, 2010, is an alternative

1 that is revised based on the preliminary comments from the township plan commission. He said that the
2 Board may want to spend some time with the illustrations before they go through the new language.

3
4 Mr. Hall discussed the distributed illustrations as follows: Illustration A: In regards to the top figure the
5 bold line indicates the outline of the lot and illustrates that currently in the residential districts the Zoning
6 Ordinance allows a six foot high fence all the way around the lot with the exception of the area of the
7 driveway visibility triangle. He said that the bottom figure refers to the revised draft without the comments
8 from the plan commission and proposes an eight foot fence in side and rear yards but six feet in the front
9 yard, which is everything between the line of the house closest to the street and the street itself. He said that
10 that the dotted line below the house around the lot is indicating the transparent fencing above four feet
11 therefore for residential districts anything in the front yard would have to be transparent above four feet and
12 the driveway visibility triangle still applies. He said that Illustration B is an attempt to illustrate the existing
13 rules for a residential lot less than five acres in the Ag districts. He said that the drawing is roughly at a
14 scale of one inch equals 40 feet indicating a one acre lot which is 200 feet wide with a currently allowed six
15 foot fence in all yards except in the area of the driveway visibility triangle. He said that the visibility
16 triangle could go right up to the driveway but the fence would have to be a fully transparent fence, much like
17 a woven, chain-link fence, and no changes are being proposed to the visibility triangle requirements. He
18 said that Illustration C indicates the proposed draft of a residential lot less than five acres in the Ag district
19 allowing a fence with an eight foot height limit in side and rear yards, six foot height limit in front yard just
20 like currently but adding the transparency requirement above four feet in the front yard. He said that
21 Illustration C indicates an optional eight foot fencing which recognizes that fencing running from the
22 perimeter fence to the side of the house in that location, at least on the right side of the house, is allowing an
23 eight foot fence. He said that on the left side of the house part of the fence is in the side yard but there is a
24 question mark in the area in front of the house and that area or yard is undefined in the Zoning Ordinance
25 and staff's recommendation is to clarify, in regards to fencing height, that that area would be considered a
26 side yard therefore the fencing could be eight feet in height which would bring us back to the issue of
27 transparency for fencing between the house and the street. He said that Illustration D is meant to be
28 illustrate a residential lot which is greater than five acres in the Ag and CR districts indicating that there no
29 height limits in any yard in the existing Ordinance for these lots. He said that Illustration E illustrates for
30 consistency that there is no height limits on the large lots but the transparency would be required for
31 anything in the front yard and again the way that yards are defined in the Ordinance there is still a problem
32 with houses that are not simple rectangles. He said that the Alternative Illustrations C and E are the changes
33 that would address the concerns that he would expect to receive from a township plan commission and the
34 changes to require the transparency is only on the fencing that is directly in the front of the house. He said
35 that he has described these alternatives to Sheriff Walsh and Lt. Jones and they have indicated that they
36 would accept this change and there is no doubt that these alternatives would provide more public safety than
37 what the current Ordinance provides. He said that in implementing these requirements a lot of text is
38 created, as seen on Attachment B of the May 13, 2010, Supplemental Memorandum. He said that he has
39 reviewed this text with the Zoning Officer and the Zoning Technicians and he is happy to say that they all
40 understood it. He said that if the Board were ready to take action on the case tonight he would prefer that
41 the Board did not so that everyone has a chance to review this fully to assure that there are no hidden errors.
42 He said that he does not know what the Board's reaction will be to this alternative revised version but it
43 increases the height in the side and rear yards which is something that staff has been wanting to do for some
44 time and it improves public safety in the front yard. He said that it could be argued that not requiring

1 transparency everywhere intrudes less on private property rights.
2
3 Mr. Bluhm asked the Board if there were any questions for Mr. Hall.
4
5 Mr. Courson stated that the Board could require transparency fencing in the front yard and the homeowner
6 could plant vegetation right behind the fence which would eliminate the public safety benefit. He said that if
7 the homeowner really wants their privacy they can get around the requirement.
8
9 Mr. Bluhm asked Mr. Courson if he would prefer the 50% transparency in the entire front yard.
10
11 Mr. Courson stated that the transparency should not be required at all because it can be easily by-passed by
12 planting a row of trees behind the fence therefore the public safety issue is mute. He said that if the County
13 is not going to prohibit the planting of trees between the house and the road then what is the difference if a
14 fence is there.
15
16 Mr. Bluhm stated that the Board has control over the fence and public safety.
17
18 Mr. Courson stated that he dislikes fences and it is his opinion that they shouldn't be allowed at all and this
19 is just another way of the government telling people what they can and cannot do with their property.
20
21 Mr. Bluhm stated that homeowners can bypass the requirement with the planting of trees but he has friends
22 which are on the Sheriff's patrol and they have indicated that they would prefer that nothing is in the front
23 yard so that they can see.
24
25 Mr. Courson stated that again he does not like fences at all.
26
27 Mr. Hall stated that the Board could prohibit landscaping that would be a solid barrier between the structure
28 and the fence.
29
30 Mr. Courson stated he would not agree to such a requirement because it would be infringing upon the
31 property owner's rights by telling them what they can and cannot do with their property.
32
33 Mr. Hall stated that a Zoning Ordinance cannot exist that does not infringe on private property rights and the
34 reason for having a Zoning Ordinance is for public health, safety and welfare which is exactly the topic of
35 the transparency of the fencing in the front yard. He said that it isn't like the Board is bringing in some
36 weird consideration into the Zoning Ordinance.
37
38 Mr. Bluhm asked the Board if there were additional questions for Mr. Hall.
39
40 Mr. Thorsland stated that the Board is going to ponder this issue until a later date. He said that his first
41 review appeared pretty simple but now it appears more complicated with the alternatives. He said that he
42 was under the impression that the eight foot fence would be allowed in the front yard on any lots which are
43 five acres or more.
44

1 Mr. Hall stated that staff never discussed allowing an eight foot fence in the front yards and under the
2 current Ordinance there is no height limit anywhere on a lot in the Ag districts for lots which are five acres
3 or greater.
4

5 Mr. Thorsland stated that he agrees with the Sheriff on some level but he also agrees with Mr. Courson in
6 that vegetation could be planted to by-pass the transparency requirement. He said that during one of the
7 cases the Board had the homeowner did trim back some of the vegetation for public safety. He said that he
8 would appreciate additional time to review this case before a final determination is made. He said that
9 pondering the front yard issue would not affect the pending fence height variance case.

10
11 Mr. Bluhm called Mr. Herb Schildt to testify.
12

13 Mr. Herb Schildt, who resides at 398 CR 2500N, Mahomet stated that to avoid any ambiguity in the
14 memorandum, if the text included as new Item 8.A.(3)(e) is referring to the conversation that he had with
15 Mr. Hall then the text should indicate that the preliminary comments were from the Newcomb Township
16 Planning Commission Chair. He said that the Plan Commission was not able to have a meeting about this
17 issue as of this time and the feedback that he was giving Mr. Hall was from feedback and conversations that
18 occurred with the Newcomb Township Board of Trustees. He said that since the Newcomb Township Plan
19 Commission was formed there is an organizational mandate where the Newcomb Township Plan
20 Commission only reviews those cases which the Newcomb Board of Trustees request that they review. He
21 said that when the Newcomb Township Board of Trustees is concerned enough about a zoning case then
22 they vote to have the Newcomb Township Plan Commission review it. He said that the first meeting that
23 has occurred since notification of this case was mailed was on Monday, May 10, 2010. He said that the
24 problem is that the Newcomb Township Plan Commission Meeting is prior to the Newcomb Township
25 Board of Trustees meeting on the that same day and the Board of Trustees instructs the Plan Commission as
26 to what they want reviewed. He said that at the Newcomb Township Plan Commission meeting he, under
27 his general comments, mentioned that there had been a re-advertisement of this case and gave them a very
28 brief overview of the changes but it was not allowed to be business before them because it was not on the
29 agenda and it had not been requested for review by the Board of Trustees. He said that the Board of
30 Trustees voted to have the Plan Commission review the case based on the concern of the four foot
31 restriction. He said that he has been the Plan Commission Chair for a number of years and he found
32 significant concern about the restriction and one reason why he called Mr. Hall was because he believes that
33 this would be stirring up a hornet's nest. He said that he was a member of the Land Resource Management
34 Plan Steering Committee which incurred an 18 month process which helped write the recently adopted Land
35 Resource Management Plan. He said that a couple of things that are included in the LRMP bear
36 significantly on the issue of the proposed fence requirements and one of those things is spray drift. He said
37 that one of the over-arching concerns that were in the backdrop of the discussions that occurred over the 18
38 months was reducing conflict with agriculture from non-agricultural uses. He said that the second thing was
39 farmland preservation. He said that there are several policies that are in the LRMP that stressed the
40 reduction of conflicts with agriculture and one of the issues was the idea of spray drift and a four foot fence
41 that is transparent will not stop spray drift from an adjacent field. He said that anyone who farms does not
42 want their spray to go anywhere but on their field but anyone who has lived in the country for awhile
43 realizes that due to the wind they receive that spray drifts and four feet does not stop that drift. He said that
44 he can only say that he has always been pro-law enforcement and it is his opinion that security starts at

1 home and everyone has a different view as to how they want to assure security in a rural setting. He said
2 that some people like bright security lights making the house visible all of the time and some people like to
3 control their security with vision barriers. He said that children playing in pools, on trampolines, etc, in side
4 yards are not visions that many parents like being visible from the street. He said that after he received the
5 notification on this case he was working in the field and a neighbor stopped by to chat and they began
6 talking about the case at hand. He said that the neighbor's first response was that the County should not do
7 that because there are child predators that cruise the rural areas. He said that everyone balances their
8 security in different ways and what makes one person comfortable in how they want to secure their safety
9 may not be necessarily what makes another person comfortable. He said that those of us who live in rural
10 areas realize that they have different security needs than those who live in cities. He said that in the years
11 that he has been the Newcomb Township Plan Commission Chair he is surprised by the level of concern that
12 the notification caused at the Board of Trustee's level and he does believe that this concern would be shared
13 by the Plan Commission.

14
15 Mr. Bluhm asked the Board if there were any questions for Mr. Schildt and there were none.

16
17 Mr. Bluhm commented that spray drift will not be stopped by a four, six or eight foot fence. He said that he
18 has a tree in his front yard which is 18 feet high and it has crinkled leaves and is dying because of spray
19 drift. He said that he appreciates the spray drift concern but the wind is going to take it where ever it wants
20 to take it and it is his opinion that the spray drift is a limited theory.

21
22 Mr. Bluhm asked the Board if there were any additional thoughts or comments that they would like to share.

23
24 Mr. Schildt requested the opportunity to re-address the Board.

25
26 Mr. Bluhm stated that Mr. Schildt had his opportunity to testify and at this point and time it is the Board's
27 opportunity to discuss the case. He informed Mr. Schildt that he will have an opportunity to address the
28 Board regarding his additional comments at the next meeting.

29
30 Mr. Bluhm stated that he brought up the issue of visibility of the front yard and he understands the
31 viewpoint that everyone has different ideas and needs for their security but it is the Board's responsibility to
32 protect public safety and one of those public members is a policeman who is driving up to a house in a rural
33 area. He said that the Board may not be able to control this issue but the attempt has been made.

34
35 Mr. Hall stated that the case could be continued to the May 27, 2010, meeting. He said that there is a
36 petitioner that has been carried on the docket for a long time and he is not complaining about how long this
37 case has taken therefore there is no immediate deadline. He said that as long as it takes for the Board to be
38 comfortable with an approach there is time available. He said that a new text amendment is coming before
39 the Board on May 27th and staff is trying to get it done so that a future petitioner could have a case as soon
40 as possible therefore there are some timelines on that case. He said that it may be a good idea to continue
41 this case to the June 17th meeting or later.

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43 Mr. Bluhm asked Mr. Hall if there is any update on Case 645-S-09 which is scheduled for the May 27th
44 meeting.

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Mr. Hall stated that the court case is still ongoing and it is undetermined when a court decision will be made.

Mr. Bluhm asked Mr. Hall if he believes that the Board will be addressing Case 645-S-09 on May 27th.

Mr. Hall stated no.

Mr. Bluhm stated that since the Board will not be addressing Case 645-S-09 at the May 27th meeting perhaps it would be good to continue Case 665-AT-10 to the May 27th meeting.

Mr. Hall stated that the Board could continue Case 665-AT-10 to the May 27th meeting and keep it as the last case to be heard.

Mr. Thorsland agreed. He said that Case 665-AT-10 may not be finalized at the May 27th meeting but it may be a good time to exchange some new ideas and concerns.

Mr. Thorsland moved, seconded by Mr. Courson to continue Case 665-AT-10 to the May 27, 2010, meeting. The motion carried by voice vote.

Case 667-S-10 Petitioner: Leslie Cooperband and Wesley Jarrell, d.b.a. Prairie Fruits Farm Request to authorize a Major Rural Specialty Business in the AG-2 District with waivers of standard conditions including, but not limited to, the prohibition of sales of alcohol not produced on the premises. Location: Lot 1 of Jamestown Subdivision in the Northeast Quarter of the Southeast Quarter of Section 29 of Somer Township and commonly known as Prairie Fruits Farm at 4410 North Lincoln Avenue, Champaign.

Mr. Hall distributed a new Supplemental Memorandum dated May 13, 2010, to the Board for review. He said that the new memorandum includes an updated Summary of Evidence and even though he dislikes distributing a new Summary of Evidence at a meeting there were some required changes and it was worth distributing a revised document tonight. He said that the new memorandum is incorrectly dated as May 7, 2010 and should be corrected to indicate May 13, 2010. He said that Item #1 of the new memorandum carries on with the review of livestock management facilities. He said that the previous Summary of Evidence referred to rules promulgated by the IEPA but did not mention them. He said that there are rules for waste handling for livestock facilities of this size and based on testimony received from the petitioner and what has been indicated on the site plan the petitioner's are in compliance. He said that the Board has not had a livestock facility with such a small number of animal units but the review was completed and again the facility is in compliance.

Mr. Hall stated that Item #2 of the new Supplemental Memorandum is a review of the Illinois Dead Animal Disposal Act (225 ILCS610). He said that the Board received testimony, via e-mail, at the last meeting by Mr. Bates questioning what would happen if the petitioner buried dead goats. Mr. Hall stated that Co-petitioner Wesley Jarrell testified that they compost all of their deceased animals and currently those animals have only consisted of very small newborns. Mr. Hall stated that the Illinois Dead Animal Disposal Act does allow composting but not in a location that is less than one-quarter mile from the nearest occupied

1 residence and a two bin method is required, rather than the windrow method that is being currently used by
 2 the petitioners. He said that staff reviewed this information with the petitioners and the petitioners indicated
 3 that they do not have a problem complying with the Illinois Dead Animal Disposal Act, as indicated in Item
 4 9.H(8). He said that he is sure that the Board is aware of the fact that even if the petitioners were
 5 composting dead livestock it is considered an agricultural activity and is out of the realm of jurisdiction by
 6 the Zoning Board of Appeals but is also part of the proposed special use and the testimony was given during
 7 the public hearing.

8
 9 Mr. Hall stated that Item #3 of the new Supplemental Memorandum is in regard to a letter received from the
 10 City of Urbana on May 13, 2010. He said that the following should be added as new Item 3.A on page 1 of
 11 33 and new Item 8.C.(7) on page 12 of 33: A. A letter was received from the City of Urbana on May 13,
 12 2010, which indicated: (1) The subject property is located within the City’s one and one-half mile
 13 extraterritorial jurisdiction, which, per state law, applies to subdivision jurisdiction; (2) Based on their
 14 jurisdiction the City review the proposed special use permit with respect to the City of Urbana Subdivision
 15 and Land Development Code; and (3) The City noted the access to the overflow parking area as indicated on
 16 the site plan received on May 4, 2010; and (4) Under the Urbana Subdivision and Land Development Code
 17 no additional driveways would be allowed on the subject property because North Lincoln Avenue is
 18 designated a minor arterial street; and (5) However, the north 60 feet of the subject property has been
 19 dedicated as public right-of-way as part of the approval of the Illinois Farm to Table Subdivision; and (6)
 20 The City requests that a special condition of approval be included which requires the access for the overflow
 21 parking area to be within the dedicated 60 feet right-of-way on the north edge of the subject property.

22
 23 Mr. Hall noted that the existing field entrance on the north portion of the property is within the 60 feet right-
 24 of-way that has been dedicated therefore it is as the City would like it to be. He said that the Board needs to
 25 decide whether they want to include a condition so that it can be enforced over time but as it is right now
 26 and as it is being used it is in conformance with the City’s desire.

27
 28 Mr. Hall stated that after speaking with the petitioners staff discovered that the facility was visited by Chief
 29 Mike Kobel of the Eastern Prairie Fire Protection District and he gave his approval on the access therefore
 30 revised special condition 12.E should read as follows:

31 **12.E The petitioners shall abide by their agreement with Mike Kobel, Chief of Eastern**
 32 **Prairie Fire Protection District, including but not limited to the following: (1) The**
 33 **petitioners shall keep the existing driveway clear of vehicles for a width of fifteen feet**
 34 **along the entire length of the driveway; and the petitioners shall not allow vehicles**
 35 **parked south of the dining barn to interfere with emergency vehicle access to the**
 36 **subject property or fire-fighting operations on the subject property.**

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

39
 40 **Emergency vehicle access and fire-fighting operations on the subject property are**
 41 **not impeded by parking on either side of the driveway or south of the dining barn.**

42
 43 Mr. Hall stated that attached to the new Supplemental Memorandum is a letter from Kathleen and Stephen
 44 Dyson received on May 11, 2010. He said that Mr. and Mrs. Dyson owns the property that is encompassed

5/13/10

AS APPROVED MAY 27, 2010

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1 by the property of the Prairie Fruits Farm and the letter is in full support of the requested special use permit.
2 Mr. Hall stated that also attached to the new Supplemental Memorandum is the revised site plan and floor
3 plan of the indoor dining area. He said that site plan, received on May 4, 2010, is compared to the site plan
4 that was submitted at application there are some things that need to be added to the May 4, 2010, site plan to
5 make it consistent. He said that the platform, which is where the dinners are held, was included on the
6 original site plan and as far as staff knows that is still the plan and the accessible parking located on the
7 south side of the dining barn. He said that the petitioners have new information on accessibility and they are
8 still planning to have the accessible parking at the same location. He said that the petitioners are planning to
9 speak about the accessible path that is required to go from the accessible parking to the platform therefore
10 once all of these things are added to the revised site plan it will be up-to-date. He said that a photograph of
11 the dinner platform has been included for the Board's review as well as a photograph of the driveway. He
12 said that Chief Kobel is satisfied with the existing width of the driveway and wants to make sure that the
13 driveway is kept clear.

14

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

16

17 Mr. Bluhm called Mr. Wesley Jarrell to testify.

18

19 Mr. Wesley Jarrell, who resides at 4410 N. Lincoln Avenue, Champaign stated that they did contact Chief
20 Kobel on Monday and he visited the farm on Wednesday. Mr. Jarrell stated that during the visit they
21 showed Chief Kobel their plans, the dining area and the parking area in the front of the property upon which
22 he submitted a letter regarding his findings. Mr. Jarrell read Mr. Kobel's letter dated May 12, 2010, as
23 follows: Thank you for taking time to visit with me this morning. The results of my site inspection revealed
24 the following conditions. There is more than adequate space in your parking design to allow for emergency
25 vehicles to operate safely. The area just outside the dining hall is also adequate for an emergency vehicle to
26 perform a turn-around maneuver. Additionally, I see no issues with your establishment and any emergency
27 operations. If I can be of further assistance, please do not hesitate to contact me.

28

29 Mr. Jarrell stated that they contacted Doug Gamble, Accessibility Specialist with the Illinois Capitol
30 Development Board to discuss their modified accessibility plan. Mr. Jarrell stated that Mr. Gamble
31 determined that based on the number of available parking spaces, over 25 but less than 50, the facility
32 needed two 20 foot long and 16 foot wide accessible parking spaces. Mr. Jarrell stated that due to this new
33 information they will be expanding their existing concrete pad so that it will accommodate the two required
34 accessible spaces. Mr. Jarrell stated that Mr. Gamble indicated that they can use either asphalt or cement for
35 the three foot walkway therefore they will be comparing the costs of each. He said that the walkway will
36 provide accessible access across the driveway to the dining platform. Mr. Jarrell stated that the dining
37 platform is approximately six inches tall therefore they will be providing a three foot ramp from the
38 walkway to the dining platform. He said that there is a four inch threshold that goes into the building
39 therefore they will be providing a three foot ramp for access to the restroom facility. He said that based on
40 these descriptions and the modified drawings Mr. Gamble faxed a message to them indicating that the
41 modified drawings and plans look great and he was pleased that people with disabilities will be able to enjoy
42 their farm.

43

44 Mr. Bluhm asked the Board if there were any questions for Mr. Jarrell and there were none.

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2 Mr. Bluhm asked if staff had any questions for Mr. Jarrell and there were none.
3
4 Mr. Bluhm asked the audience if anyone desired to cross examine Mr. Jarrell and there was no one.
5
6 Mr. Bluhm apologized for not reading the administrative statement prior to accepting testimony from Mr.
7 Jarrell. Mr. Bluhm informed the audience that this is an Administrative Case and as such the County allows
8 anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show
9 of hands for those who would like to cross examine and each person will be called upon. He requested that
10 anyone called to cross examine go to the cross examination microphone to ask any questions. He said that
11 those who desire to cross examine are not required to sign the witness register but are requested to clearly
12 state their name before asking any questions. He noted that no new testimony is to be given during the cross
13 examination. He said that attorneys who have complied with Article 6.5 of the ZBA By-Laws are exempt
14 from cross examination.
15
16 Mr. Bluhm asked the audience if anyone desired to sign the witness register to present testimony regarding
17 this case and there was no one.
18
19 Mr. Bluhm closed the witness register.
20
21 Mr. Bluhm stated that the comments were received from the township road commissioner indicating that he
22 prefers that no parking occur on the street. He said that the petitioners have indicated in their description
23 that three “no parking” signs will be placed along the front of the property, on the east side of the road.
24
25 Mr. Hall stated that there is a proposed condition that no parking related to the special use permit shall occur
26 in the any public right-of-way. He said that a new Item 8.C(7) should be added as follows: In a memo
27 submitted on April 15, 2010, the petitioners stated their intent to post three “no parking” signs along the
28 property on the east side of the road.
29
30 Mr. Bluhm asked if the testimony included in the letter from the Chief Mike Kobel of Eastern Prairie should
31 be added as evidence.
32
33 Mr. Hall stated that a new Item 8.D(4) should read as follows: At the public hearing on May 13, 2010, the
34 petitioners submitted a letter from Chief Mike Kobel dated May 12, 2010, describing the results of his
35 inspection in which he approved the existing parking, driveway width and emergency access and turn-
36 around provisions.
37
38 Mr. Bluhm asked if the testimony included in the letter from Doug Gamble of the Capitol Development
39 Board should be added as evidence.
40
41 Mr. Hall stated that a new Item 8.L(1)(n) should read as follows: At the public hearing on May 13, 2010,
42 the petitioners submitted a fax from Doug Gamble, Accessibility Specialist with the Illinois Capitol
43 Development Board detailing necessary changes to the accessible parking, addition of an accessible path and
44 addition of a ramp at the dining platform and dining barn which will make the proposed special use

1 accessible. Mr. Hall stated that Item 8.L(1)(m) should be revised as follows: Mike Kobel, Chief of the
2 Eastern Prairie Fire Protection District has inspected the subject property and has approved the provisions
3 for emergency access and public safety.

4
5 Mr. Bluhm asked the Board if there were any additional changes to the Summary of Evidence and there
6 were none.

7
8 Mr. Thorsland asked if the special conditions would be a good place to insert a condition regarding the 60
9 foot right-of-way and the overflow parking access.

10
11 Mr. Hall stated that he intends to add a new Item 12.H.

12
13 Mr. Bluhm read the conditions as follows:

14
15 **12.A The petitioners shall ensure that no parking related to the special use permit**
16 **shall occur in any public right-of-way.**

17 The above special condition is necessary to ensure the following:

18 **There is no unreasonable risk to public safety caused by on street parking.**

19
20 **12.B The proposed Major Rural Specialty Business shall conform to all relevant**
21 **Champaign County Ordinances including the following:**

22 (1) **The Champaign county Health Ordinance, including, but not limited**
23 **to, any required licenses for food service portion of the use, and any**
24 **required permits for onsite wastewater treatment and disposal.**

25 (2) **The Champaign County Liquor Ordinance, including any required**
26 **liquor license.**

27 (3) **The Champaign County Recreation and Entertainment Ordinance,**
28 **including any required Recreation and Entertainment License.**

29 The above special condition is necessary to ensure the following:

30 **The Major Rural Specialty Business conforms to all relevant Champaign County**
31 **Ordinances.**

32
33 **12.C Any non-agricultural building or use must be fully consistent with the approved**
34 **Site plan, testimony, and evidence given in this public hearing, as required by**
35 **Section 9.1.11B.6. of the Zoning Ordinance.**

36 The above stated special condition is necessary to ensure the following:

37 **The Major Rural Specialty Business conforms to the approved site plan,**
38 **testimony, and evidence given in the public hearing for Case 667-S-10.**

39
40 **12.D The Zoning Administrator shall not authorize a Zoning Use Permit for the**
41 **proposed Special Use without documentation of compliance with the Illinois**
42 **Environmental Barriers Act and the Illinois Accessibility Code.**

43 The above stated special condition is necessary to ensure the following:

44 **The proposed Special Use complies with state accessibility requirements.**

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12.E The petitioners shall abide by their agreement with Mike Kobel, Chief of Eastern Prairie Fire Protection District, including, but not limited to the following:

- (1) The petitioners shall keep the existing driveway clear of vehicles for a width of fifteen feet along the entire length of the driveway; and**
- (2) The petitioners shall not allow vehicles parked south of the dining barn to interfere with emergency vehicle access to the subject property or fire-fighting operations on the subject property.**

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

Emergency vehicle access and fire-fighting operations on the subject property are not impeded by parking on either side of the driveway or south of the dining barn.

Mr. Hall stated that due to the letter received from Chief Kobel the special condition indicated in Item 12.F of the Supplemental Memorandum is no longer required.

Mr. Bluhm read new Item 12.F as follows:

12.F The petitioner shall submit a Zoning Use Permit Application for a Change of Use with fees and a revised site plan that indicates all changes required to comply with the special conditions of approval within 30 days of the Zoning Board of Appeals approval of Case 667-S-10.

The special condition stated above is required to ensure the following:
The Major Rural Specialty Business complies with the approval in Case 667-S-10 in a reasonable and timely manner and the petitioners submit a complete site plan.

12.G The site plan is currently in conformance with the Urbana Land Development Code based on the location of existing access to the overflow parking area and the City of Urbana has requested a special condition to ensure that any new private drive or access, if it occurs, would remain in the existing dedicated right of way.

Access to the overflow parking area shall remain in the north 60 feet of the property that is already a dedicated right-of-way.

The special condition stated above is required to ensure the following:
The proposed special use permit remains in conformance with the Urbana Land Development Code.

Mr. Hall stated that Urbana is the only municipality in the County that has a combined zoning ordinance and

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1 subdivision ordinance. He said that it is a land development code and no one else has that but it does
2 require, in an instance like this normally subdivision issues are separate from zoning issues, but in Urbana
3 where their land development code is more than just a subdivision regulation it does require a little more
4 coordination. He said that it works out great in this instance because the driveway access is already in the
5 appropriate location and it could be moved around anywhere within that 60 feet but Urbana would like it to
6 stay within that 60 feet and this condition would do that. He said that this condition would allow a new
7 entrance be constructed, even in a different location, provided that it is within that 60 feet.

8
9 Mr. Bluhm asked Mr. Jarrell if he is in agreement with all of the special conditions.

10
11 Mr. Jarrell stated that he is in agreement.

12
13 **Mr. Thorsland moved, seconded by Ms. Capel to accept the special conditions as read. The motion**
14 **carried by voice vote.**

15
16 Mr. Hall stated that the following new items should be added to the Documents of Record: #9: Letter dated
17 May 13, 2010, from Chief Mike Kobel of the Eastern Prairie Fire Protection District; and #10: Fax from
18 Doug Gamble received on May 13, 2010; and #11: Letter dated May 12, 2010, from Robert Myers, City of
19 Urbana Planning Manager. He said that this is the shortest list of Documents of Record for any Major Rural
20 Specialty Business that the Board has ever reviewed. He said that it probably seems like a huge project to
21 the petitioners but this has gone so much easier than most previous Rural Specialty Business.

22
23 Mr. Courson stated that he does not believe that lighting issues have been addressed.

24
25 Mr. Bluhm stated that the petitioners included lighting plans in their description as follows: Candle light
26 and oil lamps at dusk for outdoor dinners; no other lighting is required.

27
28 Mr. Courson stated that the picture of the dining platform appears to be a potential dangerous area for people
29 with disabilities that could fall off that six inch platform. He said that someone in a wheelchair that is
30 backing away from the table could easily fall off of the platform and cause injury. He asked if there should
31 be a curb or railing around the platform.

32
33 Mr. Hall stated that he had the same concerns and he assumes that the petitioners mentioned to Mr. Gamble
34 that the platform is raised and in fact they did because he informed them that a ramp was required. He said
35 that the accessibility standards require that when a ramp is more than a certain height that a curb must be
36 placed so that someone could not roll off by accident. He asked Mr. Courson if his concern is mainly to
37 ensure that the petitioners comply with the accessibility standards.

38
39 Mr. Courson stated yes.

40
41 Mr. Bluhm stated that it could be as simple as a 2 x 4 being nailed to the platform to prevent such an
42 occurrence.

43
44 Ms. Cooperband requested the opportunity to present testimony.

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Mr. Bluhm called Ms. Cooperband to testify.

Ms. Cooperband stated that they can accommodate a wheelchair person in an area where if they do have to push back there is no danger of them falling off of the platform. She said that there are various locations for seating which are not close to the platform. She said that she would assume that it would be more of a risk for the other guests of tripping over a 2 x 4 than someone falling off of the platform in a wheelchair.

Mr. Thorsland asked Ms. Cooperband if Mr. Gamble reviewed the photographs of the platform.

Ms. Cooperband stated no, but the platform was described to Mr. Gamble. She said that the platform can be seen on their website.

Mr. Thorsland stated that Mr. Gamble signed off on the platform providing that a ramp was installed.

Mr. Courson stated that he just wanted to make the petitioners aware that there is a potential liability with the platform and they may want to check with their insurance company to make sure that they are protected.

Mr. Jarrell stated that he appreciates Mr. Courson’s suggestion.

Finding of Fact for Case 667-S-10:

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 667-S-10 held on April 15, 2010, and May 13, 2010, the Zoning Board of Appeals of Champaign County finds that:

- 1. The requested Special Use Permit, subject to the special conditions imposed herein, IS necessary for the public convenience at this location.**

Mr. Thorsland stated that the requested Special Use Permit, subject to the special conditions imposed herein is necessary for the public convenience at this location because it provides unique local employment and an outlet for citizens to partake in locally produced meals produced in an on-farm setting which is not readily available in Champaign County.

- 2. The requested Special Use Permit, subject to the 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 shall be located or otherwise detrimental to the public health, safety, and welfare.**

- a. The street has ADEQUATE traffic capacity and the entrance location has ADEQUATE visibility.**

Mr. Courson stated that the street has adequate traffic capacity and the entrance location has adequate visibility.

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b. Emergency services availability is ADEQUATE.

Mr. Courson stated that emergency services availability is adequate because the site was visited by the Chief of the Eastern Prairie Fire Protection District and he sent a letter approving the accessibility to the site.

c. The Special Use will be designed to CONFORM to all relevant County ordinances and codes.

Mr. Thorsland stated that the Special Use will be designed to conform to all relevant County ordinances and codes.

d. The Special Use WILL be compatible with adjacent uses.

Mr. Thorsland stated that the Special Use will be compatible with adjacent uses.

e. Surface and subsurface drainage will be ADEQUATE.

Ms. Capel stated that surface and subsurface drainage will be adequate.

f. Public safety will be ADEQUATE.

Ms. Capel stated that public safety will be adequate.

g. The provisions for parking will be ADEQUATE.

Ms. Capel stated that the provisions for parking will be adequate.

Mr. Courson stated that the requested Special Use Permit, subject to the 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 shall be located or otherwise detrimental to the public health, safety, and welfare.

3a. The requested Special Use Permit, subject to the special conditions imposed herein, DOES conform to the applicable regulations and standards of the DISTRICT in which it is located.

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

3b. The requested Special Use Permit, subject to the special conditions imposed 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. Thorsland stated 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. Courson stated that the Special Use will be compatible with adjacent uses.

c. Public safety will be ADEQUATE.

Ms. Capel stated that public safety will be adequate.

Mr. Courson stated that the requested Special Use Permit, subject to the special conditions imposed Herein, does preserve the essential character of the DISTRICT in which it is located.

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

a. The Special Use is authorized in the district.

b. The requested Special Use Permit IS necessary for the public convenience at this location.

Ms. Capel stated that the requested Special Use Permit is necessary for the public convenience at this location.

c. The requested Special Use Permit, subject to the 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 shall be located or otherwise detrimental to the public health, safety, and welfare.

Ms. Capel stated that the requested Special Use Permit, subject to the 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 shall be located or otherwise detrimental to the public health, safety and welfare.

d. The requested Special Use Permit, subject to the special conditions imposed herein, DOES preserve the essential character of the DISTRICT in which it is located.

Mr. Thorsland stated that the requested Special Use Permit, subject to the special conditions imposed herein, does preserve the essential character of the DISTRICT in which it is located.

Mr. Thorsland stated that the requested Special Use Permit, subject to the special conditions imposed herein,

1 is in harmony with the general purpose and intent of the Ordinance.

2
3 **5. The requested Special Use IS an existing nonconforming use.**

4
5 Mr. Thorsland stated that the requested Special Use is an existing nonconforming use.

6
7 **6. The special conditions imposed herein are required to ensure compliance with**
8 **the criteria for Special Use Permits and for the particular purposes described below:**

9
10 **A. The petitioners shall ensure that no parking related to the special use permit**
11 **shall occur in any public right-of-way.**

12 The above special condition is necessary to ensure the following:

13 **There is no unreasonable risk to public safety caused by on street parking.**

14
15 **B. The proposed Major Rural Specialty Business shall conform to all relevant**
16 **Champaign County Ordinances including the following:**

17 **(1) The Champaign county Health Ordinance, including, but not limited**
18 **to, any required licenses for food service portion of the use, and any**
19 **required permits for onsite wastewater treatment and disposal.**

20 **(2) The Champaign County Liquor Ordinance, including any required**
21 **liquor license.**

22 **(3) The Champaign County Recreation and Entertainment Ordinance,**
23 **including any required Recreation and Entertainment License.**

24 The above special condition is necessary to ensure the following:

25 **The Major Rural Specialty Business conforms to all relevant Champaign**
26 **County Ordinances.**

27
28 **C. Any non-agricultural building or use must be fully consistent with the approved**
29 **Site plan, testimony, and evidence given in this public hearing, as required by**
30 **Section 9.1.11B.6. of the Zoning Ordinance.**

31 The above stated special condition is necessary to ensure the following:

32 **The Major Rural Specialty Business conforms to the approved site plan,**
33 **testimony, and evidence given in the public hearing for Case 667-S-10.**

34
35 **D. The Zoning Administrator shall not authorize a Zoning Use Permit for the**
36 **proposed Special Use without documentation of compliance with the Illinois**
37 **Environmental Barriers Act and the Illinois Accessibility Code.**

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

39 **The proposed Special Use complies with state accessibility requirements.**

40
41 **E. The petitioners shall abide by their agreement with Mike Kobel, Chief of**
42 **Eastern Prairie Fire Protection District, including, but not limited to the**
43 **following:**

44 **(1) The petitioners shall keep the existing driveway clear of**

vehicles for a width of fifteen feet along the entire length of the driveway; and

- (2) **The petitioners shall not allow vehicles parked south of the dining barn to interfere with emergency vehicle access to the subject property or fire-fighting operations on the subject property.**

The above stated special condition is necessary to ensure the following:
Emergency vehicle access and fire-fighting operations on the subject property are not impeded by parking on either side of the driveway or south of the dining barn.

- F. The petitioner shall submit a Zoning Use Permit Application for a Change of Use with fees and a revised site plan that indicates all changes required to comply with the special conditions of approval within 30 days of the Zoning Board of Appeals approval of Case 667-S-10.**

The special condition stated above is required to ensure the following:
The Major Rural Specialty Business complies with the approval in Case 667-S-10 in a reasonable and timely manner and the petitioners submit a complete site plan.

- G. Access to the overflow parking area shall remain in the north 60 feet of the property that is already a dedicated right-of-way.**

The special condition stated above is required to ensure the following:
The proposed special use permit remains in conformance with the Urbana Land Development Code.

- 7. The requested waiver of the standard condition in Section 6.1.3. that requires that alcoholic beverages not produced on the premises shall not be sold IS in accordance with the general purpose and intent of the Zoning Ordinance and WILL NOT be injurious to the neighborhood or to the public health, safety and welfare.**

Mr. Thorsland stated that the requested waiver of the standard condition in Section 6.1.3. that requires that alcoholic beverages not produced on the premises shall not be sold is in accordance with the general purpose and intent of the Zoning Ordinance and will not be injurious to the neighborhood or to the public health, safety and welfare.

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

Mr. Courson moved, seconded by Mr. Palmgren to close the public hearing for Case 667-S-10. The motion carried by voice vote.

Mr. Bluhm informed Mr. Jarrell that one Board member is absent from tonight's meeting therefore it is at

1 his discretion to either continue Case 667-S-10 until a full Board is present or request that the present Board
2 move forward to the Final Determination. He informed Mr. Jarrell that four affirmative votes are required
3 for approval.

4
5 Mr. Jarrell requested that the present Board move to the Final Determination at tonight’s meeting.

6
7 **Final Determination for Case 667-S-10:**

8
9 **Mr. Thorsland moved, seconded by Ms. Capel that the Champaign County Zoning Board of Appeals**
10 **finds that, based upon the application, testimony, and other evidence received in this case, that the**
11 **requirements of Section 9.1.11B. HAVE been met, and pursuant to the authority granted by Section**
12 **9.1.6B of the Champaign County Zoning Ordinance, determines that the Special Use requested in**
13 **Case 667-S-10 is hereby GRANTED WITH SPECIAL CONDITIONS to the petitioners Leslie**
14 **Cooperband and Wesley Jarrell to authorize a Major Rural Specialty Business in the AG-2 District**
15 **with a waiver of standard conditions including the prohibition of sales of alcohol not produced on the**
16 **premises, subject to the following special conditions:**

- 17
18 **A. The petitioners shall ensure that no parking related to the special use permit**
19 **shall occur in any public right-of-way.**
20 The above special condition is necessary to ensure the following:
21 **There is no unreasonable risk to public safety caused by on street parking.**
22
- 23 **B. The proposed Major Rural Specialty Business shall conform to all relevant**
24 **Champaign County Ordinances including the following:**
 - 25 (1) **The Champaign county Health Ordinance, including, but not limited**
26 **to, any required licenses for food service portion of the use, and any**
27 **required permits for onsite wastewater treatment and disposal.**
 - 28 (2) **The Champaign County Liquor Ordinance, including any required**
29 **liquor license.**
 - 30 (3) **The Champaign County Recreation and Entertainment Ordinance,**
31 **including any required Recreation and Entertainment License.**
32 The above special condition is necessary to ensure the following:
33 **The Major Rural Specialty Business conforms to all relevant Champaign**
34 **County Ordinances.**
- 35
36 **C. Any non-agricultural building or use must be fully consistent with the approved**
37 **Site plan, testimony, and evidence given in this public hearing, as required by**
38 **Section 9.1.11B.6. of the Zoning Ordinance.**
39 The above stated special condition is necessary to ensure the following:
40 **The Major Rural Specialty Business conforms to the approved site plan,**
41 **testimony, and evidence given in the public hearing for Case 667-S-10.**
42
- 43 **D. The Zoning Administrator shall not authorize a Zoning Use Permit for the**
44 **proposed Special Use without documentation of compliance with the Illinois**

Environmental Barriers Act and the Illinois Accessibility Code.

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

The proposed Special Use complies with state accessibility requirements.

E. The petitioners shall abide by their agreement with Mike Kobel, Chief of Eastern Prairie Fire Protection District, including, but not limited to the following:

(1) The petitioners shall keep the existing driveway clear of vehicles for a width of fifteen feet along the entire length of the driveway; and

(2) The petitioners shall not allow vehicles parked south of the dining barn to interfere with emergency vehicle access to the subject property or fire-fighting operations on the subject property.

The above stated special condition is necessary to ensure the following: **Emergency vehicle access and fire-fighting operations on the subject property are not impeded by parking on either side of the driveway or south of the dining barn.**

F. The petitioner shall submit a Zoning Use Permit Application for a Change of Use with fees and a revised site plan that indicates all changes required to comply with the special conditions of approval within 30 days of the Zoning Board of Appeals approval of Case 667-S-10.

The special condition stated above is required to ensure the following: **The Major Rural Specialty Business complies with the approval in Case 667-S-10 in a reasonable and timely manner and the petitioners submit a complete site plan.**

G. Access to the overflow parking area shall remain in the north 60 feet of the property that is already a dedicated right-of-way.

The special condition stated above is required to ensure the following: **The proposed special use permit remains in conformance with the Urbana Land Development Code.**

The roll was called:

Courson – yes	Palmgren – yes	Miller – yes
Schroeder – absent	Thorsland – yes	Capel – yes
Bluhm – yes		

Mr. Hall informed Ms. Cooperband and Mr. Jarrell that they have received approval of their Special Use and Mr. Knight will be contacting them soon regarding their next step.

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6. New Public Hearings

None

7. Staff Report

A. Monthly Report for April, 2010

Mr. Hall distributed the Monthly Report for April, 2010, to the Board for review. He said that staff distributes these reports to the County Board for review and believes that the Zoning Board of Appeals should also receive a copy so that they can review the general level of activity and how things are going in the office. He said that staff has seen a greater percentage of residential permits lately but it is no where near the historic numbers. He said that there are more new residences being built than there has been for some time but permitting numbers are still down. He said that there hasn't been an application for a zoning case since March 30th and that application was for an Administrative Variance. He said that the lack of zoning case applications is a good thing because the upcoming text amendment, Case 668-AT-10, has had staff's time to work on it. He said that this text amendment has been needed for some time and now is a good time to get it finalized. He said that there are few more critical text amendments which have not been proposed to the County Board yet and staff is trying to take advantage of this slow time as much as possible.

He said that the County Board did make a preliminary recommendation of the small wind text amendment although there were some doubters but they did accept the Board's recommendation. He said that the County Board had followed the wind farm amendment fairly closely and they were up-to-date on it when they received it and it is fair to say that the County Board knew nothing about the small wind text amendment and trying to get them informed about something as extensive as the small wind text amendment is a real challenge. He said that it is a good thing that some members of the County Board really wants to think about things and have their own informed opinion but starting out from scratch at a Committee of the Whole meeting is a real challenge to get them up to speed. He said that the County Board made a preliminary recommendation and it will be back before them in June for hopefully a final recommendation. He said that the same this is true with Case 664-AT-10 regarding Wind Farm Shadow Flicker and ZBA votes. He said that the wind farm separation for RLA's was adopted on April 22, 2010. He said that the County Board has been seeing more text amendments every month than they have for a long time and that is going to continue. He said that the LRMP was approved with a vote of 20 to 6. He said that having 20 of the County Board members on board with the LRMP was fantastic.

8. Other Business

Mr. Hall noted that every ZBA member will be receiving their own copy of the adopted LRMP.

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

None

10. Adjournment

ZBA

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1 The meeting adjourned at 8:35 p.m.

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9 Respectfully submitted

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14 Secretary of Zoning Board of Appeals

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