

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street

Urbana, IL 61801

DATE: July 14, 2011

PLACE: Lyle Shields Meeting Room  
1776 East Washington Street

TIME: 7:00 p.m.

Urbana, IL 61802

MEMBERS PRESENT: Catherine Capel, Thomas Courson, Melvin Schroeder, Eric Thorsland, Paul Palmgren

MEMBERS ABSENT : Brad Passalacqua, Roger Miller

STAFF PRESENT : Connie Berry, John Hall

OTHERS PRESENT : Herb Schildt, Sherry Schildt, Barbara Thompson

1. Call to Order

The meeting was called to order at 7:00 p.m.

2. Roll Call and Declaration of Quorum

The roll was called and a quorum declared present with two members absent.

3. Correspondence

None

4. Approval of Minutes (June 16, 2011)

Mr. Hall stated that the June 16, 2011, minutes were not available for the Board's approval tonight.

Ms. Capel moved, seconded by Mr. Courson to re-arrange the agenda and hear Case 693-S-11 prior to Cases 683-AT-11, 684-AT-11, and 685-AT-11. The motion carried by voice vote.

5. Continued Public Hearing

Case 683-AT-11 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning Ordinance as follows: 1. Add definitions for 'by-right,' 'discretionary,' 'discretionary development,' 'parcel,' 'best prime farmland,' 'suited overall and well-suited overall.'; and 2. Revise paragraph 5.4.3C.2. as follows: (a) In subparagraph a., add 'and infrastructure to support the development' and give examples of relevant infrastructure; and (b) In

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1 **subparagraph h. add ‘to support the proposed development’ and give examples of relevant**  
2 **services; and (c) In subparagraph j., delete ‘effects on’ and replace with ‘the amount of**  
3 **disturbance to.’ 3. Revise paragraph 9.1.11.B. by adding criteria that apply to special use**  
4 **permits in the AG-1, AG-2, and CR zoning districts in addition to the existing criteria for any**  
5 **special use permit as follows: (a) the property is either best prime farmland and the property**  
6 **with proposed improvements is well suited overall or the property is not best prime farmland**  
7 **and the property with proposed improvement is suited overall; and (b) the existing public**  
8 **services are adequate to support the proposed special use effectively and safely without undue**  
9 **public expense; and (c) the existing public infrastructure together with proposed**  
10 **improvements is adequate to support the proposed development effectively and safely without**  
11 **undue public expense.**

12  
13 Mr. Hall apologized to the Board for the condition of the Draft Finding of Fact for Case 683-AT-11  
14 because it was mailed with several incomplete recommendations. He said that the Draft Finding of  
15 Fact for Case 683-AT-11 is intended to be identical to the Summary of Evidence for Case 684-AT-  
16 11 because both of the amendments are implementing policies that were adopted in the LRMP. He  
17 said that both cases are necessary to achieve the LRMP. He said that as he has been doing with  
18 previous text amendments he reviewed whether or not the two cases furthered the purpose of the  
19 Zoning Ordinance and he believes that both cases do further the purpose of the Zoning Ordinance.  
20 He said that the Draft Finding of Fact for Case 683-AT-11 and Case 684-AT-11 are identical  
21 therefore the items which did not make sense in Case 683-AT-11 can be replaced with the  
22 corresponding items in Case 684-AT-11. He said that Susan Monte has always been present for  
23 these cases because she is acting as the consultant on these cases but given that Cases 683-AT-11  
24 and 684-AT-11 are ready for action and there are no changes she is not present.

25  
26 Mr. Hall stated that the items which need to be changed begin on page 4 of the Draft Finding of Fact  
27 for Case 693-AT-11. He said that item #9 indicates that the proposed amendment IS NECESSARY  
28 TO ACHIEVE Goal 4 for the following reasons, and the three lettered non-statements should be  
29 deleted and replaced with item #9.A. from the Draft Finding of Fact for Case 684-AT-11 as follows:  
30 A. Objective 4.4 states that Champaign County will update County regulations that pertain to rural  
31 residential discretionary developments to best provide for site specific conditions by 2010 and the  
32 proposed amendment IS NECESSARY TO ACHIEVE Object 4.4 because the special use permit is  
33 the best way to provide for site specific conditions.

34  
35 Mr. Hall stated that the sentence beginning with the asterisk in item #16.A on page 6 of the Draft  
36 Finding of Fact for Case 683-AT-11 should be stricken and revised to indicate the following: The  
37 proposed amendment should result in a more thorough overall consideration of public safety in some  
38 land resource management decisions related to rural discretionary development. He said that this

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1 statement is because one of the changes relates to public safety. He said that the sentence beginning  
2 with the asterisk in item #16.C, also on page 6, should be stricken and replaced with the following:  
3 The proposed amendment should result in a more thorough overall consideration of traffic  
4 considerations in some land resource management decisions related to rural discretionary  
5 development. He said that this statement is because one of the changes relates to the consideration  
6 of traffic. He said that the sentence beginning with the asterisk in item #16.D, also on page 6, should  
7 be stricken and replaced with the following: The proposed amendment should result in a more  
8 thorough overall consideration of drainage issues in some land resource management decisions  
9 related to rural discretionary development. He said that this statement is because one of the changes  
10 relates to infrastructure such as drainage systems. He said that the sentence beginning with the  
11 asterisk in item #16.E, also on page 6, should be stricken and replaced with the following: The  
12 proposed amendment should result in a more thorough overall consideration of public safety issues  
13 in some land resource management decisions related to rural discretionary development. He said  
14 that the recommendation for item #16 is that the proposed amendment appears to HELP ACHIEVE  
15 the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance.

16  
17 Mr. Hall stated that staff did not make a recommendation for item #17 in Case 683-AT-11 and item  
18 #17 is identical in Case 684-AT-11. He said that the Board may not agree with how item #17 is  
19 worded but he felt that by providing more detail on the criteria for these discretionary decisions is  
20 that the petitioner is aware of ahead of time and it is inevitable that the petitioner will have a better  
21 understanding of the actual basis for the decision. He said that it is up to Board to determine the  
22 recommendation for item #17 or the Board could eliminate item #17 although he believes that item  
23 #17 is useful.

24  
25 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present  
26 testimony regarding Case 683-AT-11 and there was no one.

27  
28 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

29  
30 Mr. Hall stated that the Summary Finding of Fact is indicated on page 10 which reviews that the  
31 recommendation is that the proposed Zoning Ordinance text amendment IS NECESSARY TO  
32 ACHIEVE Goal 4 and it will HELP ACHIEVE Goals 1, 2 and 3 and WILL NOT IMPEDE the other  
33 LRMP Goals. He said that if the Board decides to strike item #17 then item #2.B. of the Summary  
34 Finding of Fact should also be stricken.

35  
36 Mr. Thorsland briefly reviewed the recommended findings with the Board. He said that item #6  
37 indicates that the proposed amendment is not directly related to Goal 1 but should HELP ACHIEVE  
38 Objective 1.1. He said that item #7 indicates that the proposed amendment is not directly related to

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1 Goal 2 but should HELP ACHIEVE Goal 2 because it should HELP ACHIEVE Objective 2.1 that  
2 stated that Champaign County will coordinate land resource management planning with all County  
3 jurisdictions and, to the extent possible, in the larger region. He said that item #7.A. indicates that  
4 the proposed amendment should HELP ACHIEVE policy 2.1.3. He said that item #8 indicates that  
5 the proposed amendment is not directly related to Goal 3 but should HELP ACHIEVE Goal 3. He  
6 said that item #9 indicates that Goal 4 has 9 objectives and 22 policies. The proposed amendment is  
7 directly related to Goal 4 and IS NECESSARY TO ACHIEVE Goal 4. He said that item #9.A.  
8 indicates that Objective 4.4 states that Champaign County will update County regulations that pertain  
9 to rural residential discretionary developments to best provide for site specific conditions by 2010  
10 and the proposed amendment IS NECESSARY TO ACHIEVE Objective 4.4. He said that item #10  
11 indicates that the proposed amendment should NOT BE RELEVANT to Goal 5. He said that item  
12 #11 indicates that the proposed amendment should NOT BE RELEVANT to Goal 6. He said that  
13 item #12 indicates that the proposed amendment should NOT BE RELEVANT to Goal 7.

14  
15 Mr. Hall stated that even though the recommendation for items #11 through #15 is NOT BE  
16 RELEVANT the text does explain that it should help therefore it is entirely consistent with the  
17 recommendation under purpose but even though it is not directly relevant to the goal it is directly  
18 relevant to the purpose. He said that the purpose is somewhat broader than the goal.

19  
20 Mr. Thorsland continued to review the recommendations. He said that item #13 indicates that the  
21 proposed amendment should NOT BE RELEVANT to Goal 8. He said that item #14 indicates that  
22 the proposed amendment should NOT BE RELEVANT to Goal 9. He said that item #15 indicates  
23 that Goal 10 is NOT RELEVANT to the proposed amendment. He said that item #16, with its  
24 various revisions and additions, indicates that the proposed amendment appears to HELP ACHIEVE  
25 the purpose of the Zoning Ordinance as established in Section 2. He said that the Board needs to  
26 make a recommendation for item #17. He read item #17 as follows: The proposed text amendment  
27 WILL/WILL NOT improve the text of the Zoning Ordinance because it WILL/WILL NOT provide a  
28 better understanding of the actual basis for some land resource management decisions related to rural  
29 discretionary development decisions.

30  
31 **Ms. Capel moved, seconded by Mr. Palmgren, that the proposed text amendment WILL**  
32 **improve the text of the Zoning Ordinance because it WILL provide a better understanding of**  
33 **the actual basis for some land resource management decisions related to rural discretionary**  
34 **development decisions. The motion carried by voice vote.**

35  
36 **Summary Finding of Fact for Case 683-AT-11:**

37  
38 From the documents of record and the testimony and exhibits received at the public hearing

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1 conducted on March 24, 2011; May 26, 2011; and July 14, 2011, the Zoning Board of Appeals of  
2 Champaign County finds that:

- 3 1. The proposed Zoning Ordinance text amendment IS NECESSARY TO ACHIEVE  
4 the Land Resource Management Plan because:
- 5 A. The proposed Zoning Ordinance text amendment IS NECESSARY TO  
6 ACHIEVE the following LRMP goal(s):  
7 • Goal 4 Agriculture  
8
- 9 B. The proposed Zoning Ordinance text amendment will also HELP ACHIEVE  
10 the following LRMP goal(s):  
11 • Goal 1 Planning and Public Involvement  
12 • Goal 2 Governmental Coordination  
13 • Goal 3 Prosperity  
14
- 15 C. The proposed Zoning Ordinance text amendment WILL NOT IMPEDE the  
16 achievement of the other LRMP goals.  
17
- 18 2. The proposed text amendment WILL improve the Zoning Ordinance because it will:  
19 A. HELP ACHIEVE the purpose of Zoning Ordinance.  
20 B. WILL improve the text of the Zoning Ordinance because it WILL provide a  
21 better understanding of the actual basis some land resource management  
22 decisions related to rural discretionary development decisions.  
23

24 **Ms. Capel moved, seconded by Mr. Palmgren that the proposed text amendment WILL**  
25 **improve the Zoning Ordinance because it will HELP ACHIEVE the purpose of the Zoning**  
26 **Ordinance and it WILL improve the text of the Zoning Ordinance because it WILL provide a**  
27 **Better understanding of the actual basis some land resource management decisions related to**  
28 **rural discretionary development decisions. The motion carried by voice vote.**  
29

30 **Mr. Palmgren moved, seconded by Mr. Schroeder to adopt the Summary of Evidence,**  
31 **Documents of Record and Finding of Fact as amended. The motion carried by voice vote.**  
32

33 Mr. Hall stated that this case was re-advertised with the added definitions. He said that he does not  
34 believe that re-advertisement was absolutely necessary yet since there was a change staff went ahead  
35 and re-advertised.  
36

37 Mr. Thorsland informed Mr. Hall that a full Board is not present at tonight's meeting therefore it is  
38 at Mr. Hall's discretion whether to proceed to the final determination or request a continuance until

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1 a full Board is present.

2  
3 Mr. Hall stated that the Board should proceed if they are comfortable with doing so or continue the  
4 Case until such time that they can hear and approve Case 685-AT-11. He said that he does hope  
5 that Case 685-AT-11 is continued to July 28, 2011. He said that Cases 683-AT-11 and 684-AT-11  
6 should move forward together.

7  
8 Mr. Thorsland asked Mr. Hall if it would be better to send all three cases to the County Board at one  
9 time.

10  
11 Mr. Hall stated that he believes it would be better to get something to the County Board that was  
12 directly required by the LRMP.

13  
14 **Final Determination for Case 683-AT-11:**

15  
16 **Ms. Capel moved, seconded by Mr. Schroeder that pursuant to the authority granted by**  
17 **Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of**  
18 **Champaign County determines that the Zoning Ordinance Amendment requested in Case**  
19 **683-AT-11 should BE ENACTED by the County Board in the form attached hereto.**

20  
21 The roll was called:

22			
23	<b>Palmgren-yes</b>	<b>Schroeder-yes</b>	<b>Passalacqua-absent</b>
24	<b>Capel-yes</b>	<b>Courson-yes</b>	<b>Miller-absent</b>
25	<b>Thorsland-yes</b>		

26  
27  
28 **Case 684-AT-11 Petitioner: Zoning Administrator Request to amend the Champaign County**  
29 **Zoning Ordinance as follows: 1. Revise Section 5.2 by indicating that a subdivision in the CR,**  
30 **AG-1, or AG-2 zoning districts that totals more than three lots or with new streets or private**  
31 **access ways requires a County Board approved special use permit for Rural Residential**  
32 **Development in addition to the Rural Residential Overlay District; and 2. Revise Section 5.4.3**  
33 **as follows: (a) Add a requirement for a County Board approved special use permit for Rural**  
34 **Residential Development in accordance with Section 9.1.11.; and (b) Add a requirement that**  
35 **the public hearing for a map amendment for a Rural Residential Overlay and the public**  
36 **hearing for the related special use permit for Rural Residential Development must be**  
37 **concurrent.**

38

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1 Mr. Hall stated that something that has been bothering him since the beginning of this case is that it  
2 had been formatted assuming that other amendments would be progressing with it and staff left it  
3 that way even though those other amendments did not progress with it. He said that during the  
4 period since the last meeting he and Ms. Monte reviewed this case and simplified the text so that it is  
5 actually changing the text less than what had been indicated and the subsequent effect is the same.  
6 He said that the legal advertisement merely described the changes and did not actually indicate the  
7 specific changes. He informed the Board that the text is different than what the Board has seen  
8 previously and it is consistent with the legal and it is an improvement because it actually changes less  
9 in the Ordinance. He said that the recommendation on the Finding of Fact is identical to what the  
10 recommendation was for Case 683-AT-11. He said that the recommendation is that it is necessary to  
11 ACHIEVE Goal 4 and it WILL HELP ACHIEVE Goals 1, 2 and 3 for the same reasons and it WILL  
12 NOT IMPEDE the achievement of the other goals. He said that the recommendation is that it will  
13 HELP ACHIEVE the purpose of the Zoning Ordinance for the same reasons and again there is the  
14 item #17 regarding the text of the Ordinance and the Board must make a recommendation for that  
15 item. He said that this is a critical amendment because the RRO should have required a special use  
16 permit from the beginning. He said that this amendment will put the Zoning Ordinance and the RRO  
17 approach on much sounder footing with the special use permit.

18  
19 Mr. Thorsland briefly reviewed the recommended findings with the Board. He said that item #6  
20 indicates the proposed amendment is not directly related to Goal 1 but should HELP ACHIEVE  
21 Objective 1.1. He said that item #7 is in regards to LRMP Goal 2 which states the following:  
22 Champaign County will collaboratively formulate land resource and development policy with other  
23 units of government in areas of overlapping land use planning jurisdiction. He said the proposed  
24 amendment is not directly related Goal 2 but it should HELP ACHIEVE Goal 2 because it should  
25 HELP ACHIEVE Objective 2.1 and it should HELP ACHIEVE Policy 2.1.3. He said that item #8 is  
26 in regards to LRMP Goal 3 which states the following: Champaign County will encourage economic  
27 growth and development to ensure prosperity for its residents and the region. He said that Goal 3 has  
28 three objectives and no policies and the proposed amendment is not directly related to Goal 3 but  
29 should HELP ACHIEVE Goal 3. He said that item #9 is in regards to Goal 4 which states the  
30 following: Champaign County will protect the long term viability of agriculture in Champaign  
31 County and its land resource base. He said that Goal 4 has 9 objectives and 22 policies and the  
32 proposed amendment is directly related to Goal 4 and IS NECESSARY TO ACHIEVE Goal 4 and  
33 IS NECESSARY TO ACHIEVE Objective 4.4. He said that item #10 is in regards to LRMP Goal 5  
34 which states the following: Champaign County will encourage urban development that is compact  
35 and contiguous to existing cities, villages, and existing unincorporated settlements. He said that the  
36 proposed amendment should NOT BE RELEVANT to Goal 5 in general, because Goal 5 relates  
37 primarily to urban land use.

38

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1 Mr. Thorsland stated that item#11 is in regards to LRMP Goal 6 which states that Champaign  
 2 County will ensure protection of the public health and public safety in land resource management  
 3 decisions. He said that the proposed amendment should NOT BE RELEVANT to Goal 6. He said  
 4 that item #12 is in regards to LRMP Goal 7 which states the following: Champaign County will  
 5 coordinate land use decisions in the unincorporated area with the existing and planned transportation  
 6 infrastructure and services. He said that the proposed amendment should NOT BE RELEVANT to  
 7 Goal 7. He said that item #13 is in regards to LRMP Goal 8 which states the following: Champaign  
 8 County will strive to conserve and enhance the County’s landscape and natural resources and ensure  
 9 their sustainable use. He said that the proposed amendment should NOT BE RELEVANT to Goal 8.  
 10 He said that item #14 is in regards to LRMP Goal 9 which states the following: Champaign County  
 11 will encourage energy conservation, efficiency, and the use of renewable energy sources. He said  
 12 that the proposed amendment should NOT BE RELEVANT to Goal 9. He said that item #15 is in  
 13 regards to LRMP Goal 10 which states the following: Champaign County will promote the  
 14 development and preservation of cultural amenities that contribute to a high quality of life for its  
 15 citizens. He said that Goal 10 is NOT RELEVANT to the proposed amendment. He said that item  
 16 #16 indicates that the proposed amendment appears to HELP ACHIEVE the purpose of the Zoning  
 17 Ordinance as established in Section 2.

18  
 19 Mr. Thorsland stated that the Board needs to make a recommendation for item #17. He read item  
 20 #17 as follows: The proposed text amendment WILL/WILL NOT improve the text of the Zoning  
 21 Ordinance because it WILL/WILL NOT provide a better understanding of the actual basis for some  
 22 land resource management decisions related to rural discretionary development decisions.

23  
 24 **Ms. Capel moved, seconded by Mr. Palmgren, that the proposed text amendment WILL**  
 25 **improve the text of the Zoning Ordinance because it WILL provide a better understanding of**  
 26 **the actual basis for some land resource management decisions to rural discretionary**  
 27 **development decisions. The motion carried by voice vote.**

28  
 29 **Summary Finding of Fact for Case 684-AT-11:**

30  
 31 From the documents of record and the testimony and exhibits received at the public hearing  
 32 conducted on March 24, 2011; May 26, 2011; and July 14, 2011, the Zoning Board of Appeals of  
 33 Champaign County finds that:

- 34 1. The proposed Zoning Ordinance text amendment IS NECESSARY TO ACHIEVE  
 35 the Land Resource Management Plan because:  
 36 A. The proposed Zoning Ordinance text amendment IS NECESSARY TO  
 37 ACHIEVE the following LRMP goal(s):  
 38 • Goal 4 Agriculture

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- B. The proposed Zoning Ordinance text amendment will also HELP ACHIEVE the following LRMP goal(s):
  - Goal 1 Planning and Public Involvement
  - Goal 2 Governmental Coordination
  - Goal 3 Prosperity
  
- C. The proposed Zoning Ordinance text amendment WILL NOT IMPEDE the achievement of the other LRMP goals.
  
- 2. The proposed text amendment WILL improve the Zoning Ordinance because it will:
  - A. HELP ACHIEVE the purpose of Zoning Ordinance.
  - B. WILL improve the text of the Zoning Ordinance because it WILL provide a better understanding of the actual basis some land resource management decisions related to rural discretionary development decisions.

**Ms. Capel moved, seconded by Mr. Schroeder that proposed text amendment WILL improve the Zoning Ordinance because it will HELP ACHIEVE the purpose of the Zoning Ordinance and it WILL improve the text of the Zoning Ordinance because it WILL provide a better understanding of the actual basis some land resource management decisions related to rural discretionary development decisions. The motion carried by voice vote.**

Mr. Thorsland informed Mr. Hall that a full Board is not present at tonight’s meeting therefore it is at Mr. Hall’s discretion whether to proceed to the final determination or request a continuance until a full Board is present.

Mr. Hall requested that the present Board proceed to the final determination.

**Final Determination for Case 684-AT-11:**

**Ms. Capel moved, seconded by Mr. Schroeder that pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that the Zoning Ordinance Amendment requested in Case 684-AT-11 should BE ENACTED by the County Board in the form attached hereto.**

The roll was called:

<b>Palmgren-yes</b>	<b>Schroeder-yes</b>	<b>Passalacqua-absent</b>
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	Capel-yes	Courson-no	Miller-absent
	Thorsland-yes		

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**Case 685-AT-11 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning Ordinance by revising Section 6.1 by adding standard conditions required for any County Board approved special use permit for a Rural Residential Development in the Rural Residential Overlay district as follows: (1) Require that each proposed residential lot shall have an area equal to the minimum required lot area in the zoning district that is not in the Special Flood Hazard Area; and (2) Require a new public street to serve the proposed lots in any proposed RRO with more than two proposed lots that are each less than five acres in area or any RRO that does not comply with the standard condition for minimum driveway separation; and (3) Require a minimum driveway separation between driveways in the same development; and (4) Require minimum driveway standards for any residential lot on which a dwelling may be more than 140 feet from a public street; and (5) Require for any proposed residential lot not served by a public water supply system and that is located in an area other than the Mahomet Aquifer, that the petitioner shall conduct groundwater investigations and contract the services of the Illinois State Water Survey (ISWS) to conduct or provide a review of the results; and (6) Require for any proposed RRO in a high probability area as defined in the Illinois State Agency Historic Preservation Agency (ISHPA) about the proposed RRO development undertaking and provide a copy of the ISHPA response; and (7) Require that for any proposed RRO that the petitioner shall contact the Endangered Species Program of the Illinois Department of Natural Resources and provide a copy of the agency response.**

Mr. Thorsland stated that only one signature, the petitioner's, is on the witness register and asked the audience if anyone desired to sign the witness register at this time to present testimony regarding Case 685-AT-11 and there was no one.

Mr. Hall stated that he was unsuccessful in getting new evidence for Case 685-AT-11 and was also unsuccessful in getting the evidence from the May 26, 2011, memorandum included in the Finding of Fact. He said that at the May 26, 2011, meeting the Board reviewed all of the approved RRO's to date and discussed how these conditions would or would not affect those RRO's and it is imperative to have that evidence included in the Finding of Fact. He encouraged the Board to not take action on this case at tonight's meeting and continue the case to at least the July 28<sup>th</sup> meeting. He said that todate staff's workload is somewhat overwhelming but he will attempt to have all of the pertinent evidence included in the Finding of Fact on July 28<sup>th</sup>.

Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present evidence for Case 685-AT-11 and there was no one.

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Mr. Thorsland closed the witness register.

**Mr. Schroeder moved, seconded by Mr. Courson to continue Case 685-AT-11 to July 28, 2011. The motion carried by voice vote.**

**6. New Public Hearings**

**Case 693-S-11 Petitioner: Fisher Community School District Number One Request: Authorize a School Transportation Facility as a Special Use Permit in the AG-1 Zoning District. Location: A 33 acre tract in the Northwest Quarter of the Southwest Quarter of Section 36 of Brown Township and commonly known as the barn and farmland at 3032 CR 500E, Fisher.**

Mr. Thorsland informed the audience that this is an Administrative Case and as such the County allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show of hands for those who would like to cross examine and each person will be called upon. He requested that anyone called to cross examine go to the cross examination microphone to ask any questions. He 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. He noted that no new testimony is to be given during the cross examination. He said that attorneys who have complied with Article 6.5 of the ZBA By-Laws are exempt from cross examination.

Mr. Hall distributed a new Supplemental Memorandum dated July 14, 2011, and two separate attachments to the Board for review. He said that the new memorandum reviews a story which was in the *News Gazette* on July 9, 2011, and the article is included as one of the attachments. He said that the article discusses the drainage detention basin which is included in the memorandum. He said that the other attachment is a drainage map which is basically the land use map with the topographic contours overlay from the zoning map. He said that this map indicates information about how where the drainage flows. He said that the new memorandum includes two conditions, one regarding the compliance with the Stormwater Management Policy. He said that the petitioner has a revised site plan to present to the Board tonight. He said that the new site plan indicates less impervious area and that is not due to response to any drainage issues per se but it does help with drainage issues. He said that the condition provides for compliance with the Stormwater Management Policy either by documentation from the municipality that the basin has adequate capacity or by means of a variance or by means of reducing the impervious area and if need be by means of a Stormwater Management Plan. He said that there are no outstanding drainage issues and the Board could take action tonight on the information that is front of the Board and the Board can feel comfortable that everything is being addressed.

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1 Mr. Hall stated that the other condition is in regards to the fueling station pad that was on the site  
2 plan and that condition requires documentation that the fuel station pad with fuel tanks meets any  
3 applicable State Fire Marshall requirements. He said that such documentation would be required to  
4 issue a Zoning Compliance Certificate.

5  
6 Mr. Hall stated that the petitioner's representative did not receive a copy of the Preliminary  
7 Memorandum therefore the petitioner could request a continuance. He said that there are no  
8 outstanding issues and as previously mentioned the petitioner will submit a new site plan tonight for  
9 the Board's review.

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

12  
13 Mr. Thorsland informed the audience that anyone who desires to present testimony must sign the  
14 witness register. He reminded the audience that when they sign the witness register they are  
15 signing an oath.

16  
17 Mr. Thorsland called Ms. Barbara Thompson to testify.

18  
19 Ms. Barbara Thompson, who resides at 519 W. Sangamon Street, Fisher stated that she had a  
20 conversation with Mr. Hall earlier today and after the conversation it occurred to her that she was  
21 missing documentation. She said that the history of the proposed transportation building is what  
22 brings her before the Board tonight. She said that six years ago she was hired as the  
23 Superintendent of Fisher Schools and her first priority was to get the bus barn replaced. She said  
24 that six years later the school district purchased the subject property because they felt that the  
25 property would serve the school's needs for a transportation facility and also give the school  
26 flexibility for school related programs, such as the new agricultural program. She said that there  
27 are approximately 22 tillable acres on the subject property which would be ideal for the new  
28 agriculture program. She said that the major use of the subject property is for the transportation  
29 department.

30  
31 Mr. Thorsland asked the Board if there were any questions for Ms. Thompson and there were  
32 none.

33  
34 Mr. Thorsland asked if staff had any questions for Ms. Thompson.

35  
36 Mr. Hall asked Ms. Thompson if she desired to submit the revised site plan at this time for the  
37 Board's review.

38

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1 Ms. Thompson stated yes. She said that the new transportation facility is part of a project that is  
2 a renovation of the school's junior and senior high school to make it energy efficient. She said  
3 that with the use of the 1% sales tax funds they are hoping to be able to address a needed space  
4 issue and update a very dated boiler. She said that a few weeks ago the school rejected all bids  
5 because everything came back too high for the school to deal with so they had to go back to the  
6 drawing board. She said that the school has a great need for the transportation shed because they  
7 have to provide transportation but the more that the school could cut out of the transportation  
8 project would maintain the junior and senior high project. She said that the revised drawing of the  
9 subject property containing the transportation shed indicates a reduced impervious area. Ms.  
10 Thompson submitted the revised site plan to the Board for review.

11  
12 Ms. Thompson stated that the revised plan indicates that the entry drive from the west was  
13 previously able to accommodate three buses at a time allowing one bus to be fueled and two buses  
14 to pass through the drive. She said that the drive was cut down to a two bus width and as much  
15 as possible will be taken off of the curve of the circle drive as possible to still allow a bus to make  
16 the turn. She said that the parking spaces on the northwest side, currently five spaces are  
17 indicated, will be removed and along the south side there is a significant area that will be  
18 eliminated. She said that the previous plan indicated this significant area along the south side  
19 would be utilized for the parking of six buses through the day. She said that such an area would  
20 have been nice but it is not necessary and the school is down to only requesting what is necessary  
21 at this point.

22  
23 Mr. Hall stated that it appears that the new impervious area is below the 10,000 square feet  
24 threshold.

25  
26 Mr. Thorsland asked Ms. Thompson if she had an opportunity to review the draft conditions.

27  
28 Ms. Thompson stated yes.

29  
30 Mr. Thorsland asked Ms. Thompson if she agreed to the conditions.

31  
32 Ms. Thompson stated yes.

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

36  
37 Mr. Thorsland asked the audience if anyone desired to sign the witness register to present  
38 testimony regarding Case 693-S-11 and there was no one.

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Mr. Thorsland closed the witness register.

Mr. Hall recommended a new item #5.B(7) indicating the fueling station pads on the south side of the parking area. He said that new item #5.C. should be added indicating the revised site plan submitted at the July 13, 2011, public hearing. The revised site plan is similar to the site plan received on June 15, 2011, except that there is less proposed paving.

Mr. Thorsland asked Ms. Thompson if the site plan indicates any lighting.

Ms. Thompson stated that there are two lights on the existing building which will remain. She said that there is a light over the fueling station and a pole light. She said that a pole light also exists at the entrance of the property.

Mr. Thorsland stated that item 6.B of the Preliminary Draft Summary of Evidence is in regards to the standard conditions for lighting.

Ms. Thompson stated that the school's architect is aware of the lighting requirements and this is an issue that he is very alert to although she will check with the architect to make sure that all lighting requirements are met.

Mr. Hall stated that the Preliminary Memorandum proposes a new item #9.C(1)(e) to Page 8 of the Summary of Evidence which should actually be item #9.C(1)(d) indicating the following: A revised site plan with less proposed impervious area was submitted at the July 14, 2011, public hearing. If the revised site plan indicates 10,000 square feet or more of new impervious area a special condition will ensure compliance with the Stormwater Management Policy. Mr. Hall stated that the revised site plan indicates less than 10,000 square feet of new impervious area but his recommendation would be to keep the condition and get the documentation from the Village of Fisher, and when the school has the funds to expand the pavement there will be no issues. He said that new item #9.C(1)(d) only talks about if 10,000 square feet or more impervious area is added so the Board can either revise the new item or leave it stand.

Mr. Hall stated that item #9.C(1)(c) should be revised as follows: The subject property is tributary to a stormwater detention facility in the Heritage Estates Subdivision in the Village of Fisher. He said that the text, "and the design of the detention facility provided for the drainage of the agricultural area," should be stricken. He said that a new Item #9.B.(2)(d) should be added as follows: The proposed parking area also complies with the requirements for screening in paragraph 7.4.1.C.4. He said that if the Board accepts the two new conditions the conditions need

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1 to be added to the Summary of Evidence.

2  
3 Mr. Hall stated that a new item #3 should be added to the Documents of Record indicating the  
4 following: 3. Supplemental Memorandum for Case 693-S-11 with attachments: A. Drainage Map;  
5 and B. *News Gazette* article published July 9, 2011. He said that a new item #4 should be added  
6 to the Documents of Record indicating the following: 4. Revised site plan received on July 14,  
7 2011.

8  
9 Mr. Thorsland noted that item #2 of the Documents of Record should be revised to indicate the  
10 following: Preliminary Memorandum for Case 693-S-11 with attachments.

11  
12 Mr. Schroeder stated that when there are buses involved there are people who will require parking  
13 spaces for their personal vehicles therefore where will these parking spaces be located on the  
14 property.

15  
16 Ms. Thompson stated that the personal parking spaces will be located in front of the building.

17  
18 Mr. Thorsland requested a motion to approve the special conditions.

19  
20 **Mr. Palmgren moved, seconded by Mr. Courson to approve the special conditions for Case**  
21 **693-S-11. The motion carried by voice vote.**

22  
23 Mr. Hall stated that items #8.K.1(k) and (l) should be stricken.

24  
25 Mr. Courson asked if a loading berth should be indicated on the site plan.

26  
27 Mr. Hall stated that the loading berth will be required on the site plan although there is plenty of  
28 room for the loading berth. He said that the way that the Ordinance is written a loading berth can  
29 actually be in an aisle way and it usually is. He said that due to the tremendous size of the existing  
30 building there would probably be three or four loading berths required but there is enough space to  
31 accommodate those.

32  
33 Mr. Thorsland asked the Board if there were any further questions before moving to the Finding of  
34 Fact.

35  
36 **Finding of Fact for Case 693-S-11:**

37  
38 From the documents of record and the testimony and exhibits received at the public hearing for

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1 zoning case 693-S-11 held on July 14, 2011, the Zoning Board of Appeals of Champaign County  
2 finds that:

3  
4 **1. The requested Special Use Permit, subject to the special conditions imposed**  
5 **herein, IS necessary for the public convenience at this location.**  
6

7 Mr. Palmgren stated that the requested Special Use Permit, subject to the special conditions imposed  
8 herein, IS necessary for the public convenience at this location because the old location may not be  
9 available any longer for the school’s use. He said that the proposed lot is convenient to the rural  
10 route roads and the vehicles will be kept indoors preventing less vandalism and downgrading of the  
11 vehicles from winter weather.

12  
13 Ms. Capel stated that the subject property presents an affordable option for the school district.

14  
15 **2. The requested Special Use Permit, subject to the special conditions imposed**  
16 **herein, is so designed, located and proposed to be operated so that it WILL**  
17 **NOT be injurious to the district in which it shall be located or otherwise**  
18 **detrimental to the public health, safety and welfare.**

19  
20 **a. The street has ADEQUATE traffic capacity and the entrance location**  
21 **has ADEQUATE visibility.**  
22

23 Ms. Capel stated that the street has ADEQUATE traffic capacity and the entrance location has  
24 ADEQUATE visibility.

25  
26 **b. Emergency services availability is ADEQUATE.**  
27

28 Mr. Capel stated that emergency services availability is ADEQUATE.

29  
30 **c. The special use will be designed to CONFORM to all relevant County**  
31 **Ordinances and codes.**  
32

33 Mr. Courson stated that the special use will be designed to CONFORM to all relevant County  
34 Ordinances and codes.

35  
36 **d. The special use WILL be compatible with adjacent uses.**  
37

38 Ms. Capel stated that the special use WILL be compatible with adjacent uses.

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**e. Surface and subsurface drainage will be ADEQUATE.**

Mr. Courson stated that surface and subsurface drainage will be ADEQUATE.

**f. Public safety will be ADEQUATE.**

Mr. Courson 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.

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.

**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. Courson 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.**

Ms. Capel 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.**

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1 Ms. Capel stated that the Special Use WILL be compatible with adjacent uses.

2

3 (c) Public safety will be ADEQUATE.

4

5 Ms. Capel stated that public safety will be ADEQUATE.

6

7 Ms. Capel stated that the requested Special Use Permit, subject to the special conditions imposed  
8 herein, DOES preserve the essential character of the DISTRICT in which it is located.

9

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

12

13 a. The Special Use is authorized in the District.

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

16

17 Mr. Courson stated that the requested Special Use Permit IS necessary for the public convenience at  
18 this location.

19

20 c. The requested Special Use Permit, subject to the special conditions  
21 imposed herein, is so designed, located, and proposed to be operated so  
22 that it WILL NOT be injurious to the district in which it shall be located  
23 or otherwise detrimental to the public health, safety and welfare.

24

25 Ms. Capel stated that the requested Special Use Permit, subject to the special conditions imposed  
26 Herein, is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the  
27 district in which it shall be located or otherwise detrimental to the public health, safety and welfare.

28

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

32

33 Ms. Capel stated that the requested Special Use Permit, subject to the special conditions imposed  
34 herein, DOES preserve the essential character of the DISTRICT in which it is located.

35

36 Ms. Capel stated that the requested Special Use Permit, subject to the special conditions imposed  
37 herein, IS in harmony with the general purpose and intent of the Ordinance.

38

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1           **5.     The requested Special Use IS NOT an existing nonconforming use.**

2  
3 Ms. Capel stated that the requested Special Use IS NOT an existing nonconforming use.

4  
5           **6.     The special conditions imposed herein are required to ensure compliance with**  
6 **the criteria for Special Use Permits and for the particular purposed described**  
7 **below:**

- 8
- 9           **A.     A complete Stormwater Drainage Plan that conforms to the**
- 10 **requirements of the Stormwater Management Policy shall be submitted**
- 11 **and approved as part of the Zoning Use Permit application including all**
- 12 **required as-built certifications that shall be submitted prior to issuance**
- 13 **of the Zoning Compliance Certificate, unless one of the following occurs:**
- 14           **(1)    documentation is provided that the downstream municipal**
- 15 **detention basin has adequate capacity; or**
- 16           **(2)    a variance for a stormwater drainage plan is approved; or**
- 17           **(3)    the amount of new impervious area is reduced such that a**
- 18 **stormwater drainage plan is not required.**

19  
20           The special condition is necessary to ensure the following: **The subject**

21 **property is in compliance with the requirements of the Champaign**

22 **County Stormwater Management Policy.**

- 23
- 24           **B.     Documentation that the proposed fueling station with fuel tanks meet**
- 25 **any applicable Illinois State Fire Marshal requirements, as constructed,**
- 26 **shall be submitted prior to the issuance of the Zoning Compliance**
- 27 **Certificate.**

28  
29           The special condition is necessary to ensure the following: **The subject**

30 **property is in compliance with any applicable requirements of the**

31 **Illinois State Fire Marshal and does not impose any undue risk to the**

32 **public safety.**

33  
34 **Ms. Capel moved, seconded by Mr. Palmgren to adopt the Summary of Evidence, Documents**

35 **of Record and Finding of Fact as amended. The motion carried by voice vote.**

36  
37 Mr. Thorsland informed the petitioner that two Board members are absent from tonight’s meeting.

38 He said that it is at the petitioner’s discretion to request a continuance until a full Board is present

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1 or request that the present Board move to the Final Determination.

2  
3 Ms. Thompson requested that the present Board move to the Final Determination tonight.

4  
5 **Final Determination for Case 693-S-11:**

6  
7 **Mr. Courson moved, seconded by Ms. Capel that the Champaign County Zoning Board of**  
8 **Appeals finds that, based upon the application, testimony, and other evidence received in this**  
9 **case, that the requirements for approval of Section 9.1.11B. HAVE been met, and pursuant to**  
10 **the authority granted by Section 9.1.6B. of the Champaign County Zoning Ordinance,**  
11 **determines that the Special Use requested in Case 693-S-11 is hereby GRANTED WITH**  
12 **SPECIAL CONDITIONS to the petitioner Fisher Community Unit School District Number**  
13 **One to authorize a School Transportation Facility as a Special Use Permit in the AG-1 Zoning**  
14 **District, subject to the following special conditions:**

15  
16 **A. A complete Stormwater Drainage Plan that conforms to the requirements of the**  
17 **Stormwater Management Policy shall be submitted and approved as part of the**  
18 **Zoning Use Permit application including all required as-built certifications that**  
19 **shall be submitted prior to issuance of the Zoning Compliance Certificate,**  
20 **unless one of the following occurs:**

- 21 (1) **documentation is provided that the downstream municipal**
- 22 **detention basin has adequate capacity; or**
- 23 (2) **a variance for a stormwater drainage plan is approved; or**
- 24 (3) **the amount of new impervious area is reduced such that a**
- 25 **stormwater drainage plan is not required.**

26  
27 The special condition is necessary to ensure the following: **The subject**  
28 **property is in compliance with the requirements of the Champaign**  
29 **County Stormwater Management Policy.**

30  
31 **B. Documentation that the proposed fueling station with fuel tanks meet**  
32 **any applicable Illinois State Fire Marshal requirements, as constructed,**  
33 **shall be submitted prior to the issuance of the Zoning Compliance**  
34 **Certificate.**

35  
36 The special condition is necessary to ensure the following: **The subject**  
37 **property is in compliance with any applicable requirements of the**  
38 **Illinois State Fire Marshal and does not impose any undue risk to the**

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1 public safety.

2  
3 The roll was called:

4			
5	<b>Palmgren-yes</b>	<b>Schroeder-yes</b>	<b>Capel-yes</b>
6	<b>Courson-yes</b>	<b>Thorsland-yes</b>	<b>Miller-absent</b>
7	<b>Passalacqua-absent</b>		

8  
9 Mr. Hall informed the petitioner that they have received an approval of their request. He said that  
10 staff will mail the appropriate documentation as soon as possible.

11  
12 Mr. Thorsland stated that the Board will not return the original format of the agenda and hear Case  
13 683-AT-11.

14  
15 7. Staff Report

16 **A. June, 2011 Monthly Report**

17 Mr. Hall stated that there is no monthly report. He said that staff has received three new zoning  
18 cases in June and one in July already which brings us up to a total of 15 new cases in fiscal year 2011  
19 which is the same as we had in fiscal year 2010. He said that the one new case that was received in  
20 July is the California Ridge Wind Farm and the case is docketed for August 25<sup>th</sup>. He said that  
21 recommends that special meetings be scheduled for the California Ridge Wind Farm case as follows:  
22 September 1<sup>st</sup> and September 8<sup>th</sup>. He said that he hopes that the wind farm case can be wrapped up  
23 on September 29<sup>th</sup> but if the Board finds that even more special meetings are necessary to complete  
24 that case in September then staff will investigate meeting room options. He said that he would have  
25 reserved the Lyle Shields Meeting Room for additional meetings but the meeting room was not  
26 available for any other Thursdays and is only available for a few other nights in September. He said  
27 that there is a good chance that all of the cases between now and August 25<sup>th</sup> can be given their due  
28 and he would hope that they could even be completed by August 25<sup>th</sup>.

29  
30 Mr. Hall stated that he is not sure how the permit intake for this fiscal year compares to fiscal year  
31 2010 but he does believe that fiscal year 2011 was just as busy as fiscal year 2010.

32  
33 Mr. Hall stated that staff has advertised for an Associate Planner but unfortunately staff will not have  
34 an Associate Planner before October 13<sup>th</sup>. He said that staff is receiving a good response to the  
35 position advertisement.

36  
37 Mr. Schroeder asked if there has been any input received regarding the pros and cons of the wind  
38 farm. He asked if there was any direction for the Board from staff.

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Mr. Thorsland stated that the Board should assure their attendance at each meeting. He requested that each Board member attend the meetings so that everyone who comes to testify has the benefit of the full board and if the case can be completed in four meetings then that would be wonderful but if it cannot be completed then the Board must make sure that it gave the case its best shot.

Mr. Schroeder stated that he has heard discussions from other communities indicating that some of the meetings went smoothly and others encountered huge arguments. He said that the Board may have its hands full.

Mr. Thorsland stated that the Board will be dealing with one particular case therefore it will be a more direct case and less complicated.

**8. Other Business**  
**A. Proposed ZBA Bylaws Amendments**

Mr. Hall stated that the Bylaws will be sent to the State's Attorney within the next few days. He said that the Board has not made any further recommendations or changes therefore it has not changed from what the Board reviewed on May 18<sup>th</sup>. He said that he will impress upon the State's Attorney that the Board would like to have the Bylaws before August 25<sup>th</sup> which will mean that the Bylaws will have to meet the State's Attorney's review and be available for one meeting before the Board votes upon them. He said that if the Board is to vote on the Bylaws at the August 11<sup>th</sup> meeting the Bylaws will be before the Board on July 28<sup>th</sup> with no more changes and the State's Attorney's blessing. He said that even if the Bylaws do not have the State's Attorney's blessing on July 28<sup>th</sup> the Board can make it clear that they intend to take final action on the Bylaws at the August 11<sup>th</sup> meeting. He said that when the Board reviews the Bylaws on July 28<sup>th</sup> the Bylaws will have the corrected table and the Administrative Statement as an appendix.

Mr. Thorsland stated that he will be absent at the August 11<sup>th</sup> meeting therefore it would be beneficial to have the rest of the Board present.

Mr. Thorsland reminded the Board that if they anticipate an absence at a meeting to please contact staff as soon as possible.

Mr. Hall stated that the case that was originally scheduled for July 28<sup>th</sup> has been rescheduled to August 11<sup>th</sup>. He said that the petitioner's attorney called to indicate that he is not available for the July 28<sup>th</sup> meeting and Mr. Hall called Mr. Thorsland to verify that staff could reschedule the case to the August 11<sup>th</sup> meeting and Mr. Thorsland agreed. Mr. Hall stated that notices have been mailed to

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1 everyone who attended the previous meeting indicating the rescheduled date.

2

3 Mr. Thorsland reminded the Board that the meeting information is posted to the website therefore if  
4 the Board does not receive their packet in the mail they should check the County's website for packet  
5 information or call staff immediately.

6

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

9

10 None

11

12 **10. Adjournment**

13

14 **Ms. Capel moved, seconded by Mr. Schroeder to adjourn the meeting at 8:24 p.m. The motion**  
15 **carried by voice vote.**

16

17

18 Respectfully submitted

19

20

21

22

23 Secretary of Zoning Board of Appeals

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