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MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

**1776 E. Washington Street
Urbana, IL 61801**

**DATE: February 16, 2006 PLACE: 1776 East Washington Street
Meeting Room 1
TIME: 6:30 p.m. Urbana, IL 61802**

MEMBERS PRESENT: Dennis Goldenstein, Debra Griest, Joseph L. Irle, Richard Steeves, Melvin Schroeder, Roger Miller

MEMBERS ABSENT : Doug Bluhm

STAFF PRESENT : Lori Busboom, John Hall, Leroy Holliday

OTHERS PRESENT : Louis Schwing Jr., Jack Murray, Warren Gerdes, Mark Thompson, William Cotter, John Heiser, Ken Hieser, Kurt Kesler, Gene Shields, Mike Nugent, Mark Thompson

1. Call to Order

The meeting was called to order at 6:34 p.m.

2. Roll Call and Declaration of Quorum

The roll was called and a quorum declared present.

3. Correspondence

None

4. Approval of Minutes

None

Mr. Irle moved, seconded by Mr. Schroeder to hear Case 530-AM-05: Fisher Farmers Grain & Coal and Louis Schwing, Jr. prior to Case 461-S-04: Mark Thompson and Case 517-AT-05: Zoning Administrator. The motion carried by voice vote.

5. Continued Public Hearing

Case 461-S-04 Petitioner: Mark Thompson. Request to authorize the establishment and use of an

1 **Organized Camp as a Special Use in the CR, Conservation Recreation Zoning District, and to waive,**
2 **as described in the application, the standard conditions for an Organized Camp requiring a 100 feet**
3 **setback from the centerline of the public street. Location: Approximately 96 acres of land located in**
4 **the West ½ of the Southwest ¼ and the West ½ of the Northeast ¼ of the Southwest ¼ of Section 17 of**
5 **East Bend Township that is bordered on the west of CR 700E and on the south by CR 3300N and that**
6 **is commonly known as the farm located at 3333 CR 700E, Fisher.**

7
8 Mr. Hall distributed a Supplemental Memorandum dated February 16, 2006, for the Board’s review. He
9 stated that this is a complicated proposal which includes hiking trails, shooting ranges, the site is located on
10 two sides of a river, and the site abuts the property line for the East Bend Mennonite Church. He reviewed
11 the proposed conditions included in the Supplemental Memorandum. He said that from February 1st through
12 September 30th the Petitioner has not proposed any limits on the number of field trips that can visit the
13 subject property.

14
15 Mr. Steeves asked what would be considered as “special hunts.”

16
17 Mr. Hall stated that the Petitioner is proposing to have “special hunts” for young or disabled people but only
18 two “special hunts” are proposed for any given year.

19
20 Ms. Griest asked if the “special hunts” were limited to the seasonal permit time period.

21
22 Mr. Hall asked Mr. Thompson if the facility is to only be used during February 1st through September 30th
23 does that accommodate the hunting season.

24
25 Mr. Mark Thompson stated no. He said that when he decided that he wanted to create this camp his intent
26 was to keep the hunting ground sacred. He said that he has compassion for handicapped hunters therefore he
27 would like to allow them to come to his property to hunt and he believes that he has that right since this is
28 private property.

29
30 Mr. Hall stated that he agrees that the subject property is private property and to a certain degree Mr.
31 Thompson has the right to allow people to hunt on his property but it is very important to clarify what is to
32 be included in the Special Use Permit versus what is allowed “by-right.” He said that if Mr. Thompson is
33 going to invite handicapped hunters to the property and they utilize the facilities which are there by virtue of
34 the Special Use Permit then the event should be included under the Special Use Permit so that there is no
35 confusion in the future.

36
37 Mr. Thompson stated that he is going to install asphalt trails so that the facility is handicapped accessible
38 therefore he is sure that the handicapped hunters will be using those trails.

39
40 Mr. Hall asked Mr. Thompson if there would be a fee to hunt on the property.

41
42 Mr. Thompson stated no. He said that if he charges for the “special hunts” then he will be considered an
43 outfitter and he does not want to do that.

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1 Mr. Hall stated that the scale of the proposed special hunting is very modest and he cannot conceive that it
2 will be a problem whether it is included in the Special Use Permit or not.

3
4 Ms. Griest asked if the Board could limit the “special hunts” to only 2 per year.

5
6 Mr. Thompson stated that the condition regarding the special hunts should be eliminated.

7
8 Mr. Hall stated that the reason why the “special hunts” apply to the Special Use is because as the Zoning
9 Administrator if he receives complaints from neighbors he wants to be crystal clear about what was allowed
10 in the Special Use and what was not. He said that if everything is included under the Special Use Permit
11 then there is no question in the future.

12
13 Mr. Thompson stated that he allows a lot of his friends to hunt on his property now and just because some of
14 his friends may be in wheelchairs does not mean that their hunting activities should be included in the
15 Special Use Permit request. He said that in many respects what he has is a conservation camp with an
16 emphasis on hunting and education but outside of the camp season it is his private property which he hunts
17 with his friends. He said that generally speaking if you are from the State of Illinois and you purchase a deer
18 permit and you have a hunting license you are legal to hunt anywhere in the State, if permission is granted.
19 He said that he would to put the word out that his private property is available to the Disabled Hunter’s of
20 America of Illinois to hunt upon.

21
22 Mr. Irle stated that perhaps the limitation of two events per year should be eliminated.

23
24 Mr. Steeves stated that during the time frame between February and September the Petitioner is asking for
25 two scheduled hunts. He asked what type of game would be hunted during this time period if it does not
26 include the hunting season.

27
28 Ms. Griest stated that there will be general operations from February 1st through September 30th plus two
29 special hunts.

30
31 Mr. Hall stated that Mr. Thompson will be using the subject property as his private hunting property and
32 separate from the window of operation for the camp he will also be using some or all of the facilities for a
33 limited number of “special hunts.” He said that the “special hunts” do not have to be included with the
34 Special Use Permit but it would be a cleaner approach if they were included and perhaps with no limit. He
35 said that if Mr. Thompson agrees with the limit of two “special hunts” then that is fine but if he feels that it
36 would not be problematic to have no limit on the “special hunts”, and the Board agrees, then so much the
37 better.

38
39 Ms. Griest stated that this would indicate that the special part is limited to hunting not an additional event at
40 the facility unless it is within the February through September time period. She said that the additional
41 hunting could not include a breakfast or dinner at the facility.

42
43
44 Mr. Steeves asked Mr. Thompson what would be considered as a special event.

1
2 Mr. Thompson stated that the Kicking Bear Camp is a mentored, overnight camping event. He said that
3 there are normally 125 kids with 60 adult mentors which spend the night, attend a bonfire, shoot archery the
4 next morning, attend lunch and then leave. He said that he is not aware what will be considered as a special
5 event at this point because he is making them up as he goes. He said that he would like to invite
6 organizations like Pheasants Forever or Ducks Unlimited to utilize his facility. He said that he would like
7 kids to be exposed to the woods and learn about conservation and how they have a roll in basic conservation.
8
9 Mr. Hall stated that Mr. Thompson's explanation of the Kicking Bear Camp does not match the Mission
10 Statement which was previously submitted. He stated that perhaps the Mission Statement should be revised.
11
12 Mr. Thompson stated that he would love to have a scout jamboree at the facility which could include a few
13 hundred young men and 60 adults spending the night camping on the property.
14
15 Mr. Hall stated that all of the overnight facilities must be approved by the Illinois Department of Health
16 therefore they must review the same information that the ZBA is reviewing.
17
18 Mr. Thompson stated that the IDPH indicated that one toilet facility must be available per 20 kids and a hand
19 washing station must be provided. He said that bottled water would also be provided to the campers. He
20 said that he hates to have restrictions because he does not know what the future holds although he
21 understands the reasoning.
22
23 Mr. Hall stated that the conditions were created from the mission statement and if they appear to be
24 restrictive then perhaps the mission statement requires revision.
25
26 Mr. Thompson asked if he had the opportunity to accommodate 600 kids at the facility could he obtain a
27 Special Use Permit for that one event.
28
29 Mr. Hall stated that there are Temporary Use Permits available but the basic requirement is that everything
30 must be accommodated on site. He said that provided that those events do not happen more than what the
31 Zoning Ordinance allows he would not see a problem unless it became a regular event.
32
33 Mr. Thompson stated that he would prefer the highest cap possible and then work within those limits.
34
35 Ms. Griest asked Mr. Hall if a Boy Scout Jamboree of 420 patrons qualify as a special event if they were to
36 stay at the facility for one or two nights or is it restricted as an overnight camp.
37
38 Mr. Hall stated that special events are not adequately explained. He said that a Boy Scout Jamboree would
39 be a special event given the size that Mr. Thompson has used. He said that it is his understanding that Boy
40 Scout Jamborees are normally overnight camps and if it lasts for a week the impact to the neighborhood is
41 unknown.
42
43 Mr. Irle stated that perhaps Condition 3(a) could indicate that there shall be no more than 10 special events
44 that last for no more than 7 consecutive days.

1
2 Mr. Schroeder asked if Mr. Thompson's patrons could stay at the church if needed.
3
4 Mr. Thompson stated that he hopes to work with the church so that they will also utilize his property.
5
6 Ms. Griest stated that perhaps Condition 3(a) and 3(b) could be combined and revised. She requested that
7 staff work with Mr. Thompson to establish a schedule of events that accommodates the quantity and capacity
8
9 in a reasonable manner that accomplishes what is being requested in 3(a) and 3(c). She said that she would
10 like to see a disclaimer in the special use that clearly states that Mr. Thompson's personal use of the property
11 is not restricted. She said that specific language should also be included indicating that the facility is not to
12 be considered an outfitter.
13
14 Mr. Hall reviewed the conditions regarding the PA System. He said that Mr. Thompson must review these
15 conditions to see if they are acceptable.
16
17 Mr. Hall reviewed the conditions related to the East Bend Mennonite Church.
18
19 Ms. Griest asked if the conditions related to the East Bend Mennonite Church.
20
21 Mr. Goldenstein stated that the Church Council President will have to be consulted during the scheduling of
22 the shooting events and times. He said that the events will have to be altered to accommodate funerals, etc.
23 and a consistent contact method must be utilized.
24
25 Mr. Hall reviewed the Conditions related to the Shotgun and Rifle Shooting ranges.
26
27 Mr. Thompson asked if caution tape could be used to block the trails in lieu of the proposed gates.
28
29 Mr. Goldenstein stated that a sign indicating that the trail is closed due to a shooting event should be required
30 so that people do not ignore the rope, gate or chain and walk the trails anyway.
31
32 Mr. Hall informed the Board that he has ordered a copy of the National Rifle Association's Range Manual
33 for the staff's reference and will be placed in the Department's library.
34
35 Mr. Goldenstein suggested that the last sentence in Condition #2 of the Conditions related to the Shotgun
36 and Rifle Shooting Ranges be edited as follows: The filing is merely to ensure compliance with this
37 condition and Champaign County and its employees shall assume no responsibility for safety.
38
39 Mr. Thompson asked if this case is to the point where he can build the backstop and request approval by the
40 Zoning Administrator.
41
42
43 Ms. Griest stated that Mr. Thompson would not want to build the backstop until the plan had been approved
44 by the Zoning Administrator.

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Mr. Thompson stated that the telephone pole backstop is sufficient for the type of use that is proposed and it is more economical. He said that the backstop would consist of four, staggered rows of 30 foot telephone poles laid horizontally. He said that he is assuming that the recommended height of the backstop would be 10 foot.

Mr. Goldenstein asked if there would be any ricochet effects.

Mr. William Cotter, Retired Instructor with the NRA for rifle and pistol instruction stated that during construction of firing ranges it is common to use telephone poles. He said that the poles will either be laid horizontally or will be placed vertically and staggered followed by a stone rubble, sand and dirt. He said that he has never had a ricochet issue with the telephone pole backstop nor has he had a bullet penetrate the backstop.

Mr. Hall asked Mr. Cotter if there has ever been a concern regarding all of the lead which accumulates in the ground.

Mr. Cotter stated that the accumulation of lead in the ground has not been a concern at other outdoor locations. He said that an indoor range has a recovery system to maintain the lead concerns.

Mr. Steeves asked Mr. Cotter what type of guns would be used at the outdoor range.

Mr. Cotter stated that if a demonstration is scheduled military type rifles may be shot at the firing range. He said that a 2" x 4" piece of pressurized lumber could be shot at from a distance of 10 feet with 20 rounds of 22 caliber ammunition and the lumber would not be penetrated.

Mr. Thompson stated that he may have a 12 gauge (slug) shotgun event scheduled where hunters come and sight in their weapons. He said that when a 12 gauge (slug) hits the backstop it will open up like a pie and the backstop is more than sufficient.

Mr. Cotter stated that he would be happy to prepare a design drawing for the Board to review.

Mr. Hall stated that a drawing will be required.

Mr. Goldenstein asked Mr. Thompson if alcohol will be served during special events.

Mr. Hall stated that alcohol was not proposed in the request.

Mr. Thompson stated that any time firearms are being handled no alcohol is permitted.

Mr. Hall asked Mr. Thompson if a condition prohibiting alcohol would be a problem.

Mr. Thompson stated that it would not be a problem as long as it was directed to the shooting facility. He

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1 said that he may have an event or two which may have alcohol but these events will not include firearms.

2
3 Ms. Griest asked Mr. Hall if Mr. Thompson has an event which involves alcohol would he be required to
4 obtain a special liquor license.

5
6 Mr. Hall stated that clubs are exempt from the requirements for a liquor license therefore this becomes an
7 instance of whether this would be considered a club or sale of alcohol. He said that the Liquor Ordinance is
8 a separate process with its own terminology and requirements. He asked Mr. Thompson if he was speaking
9 about an event where people could bring their own beverage or would he be providing or selling the
10 beverages.

11
12 Mr. Thompson stated that he would not be providing nor selling the beverages to the attendees of the event.

13
14 Mr. Hall stated that he would review the Liquor Ordinance to see what rules apply to an event like this.

15
16 Mr. Hall asked if there were special requirements regarding the location of the Range Officer during shooting
17 events.

18
19 Mr. Cotter stated that if there is a long firing range the Range Officer would be located on a two foot
20 platform to watch the shooting event. He said that if kids are shooting during the event there should be one
21 adult supervisor for every two kids.

22
23 Mr. Hall asked Mr. Cotter if the adult supervisors are the Range Officers.

24
25 Mr. Cotter stated no. He said that the adult supervisors may be coaches but the Range Officer rules over
26 everyone at the shooting event.

27
28 Ms. Griest asked Mr. Cotter what qualifications are required to become a Range Officer.

29
30 Mr. Cotter stated that the Range Officers are certified by the National Rifleman's Association. He said that
31 there are several certified Range Officers in the area.

32
33 Mr. Hall asked Mr. Thompson how many shooting events are anticipated over the course of a year.

34
35 Mr. Thompson stated that Whitetails Unlimited would like to hold a shotgun program. He said that he would
36 like offer Ducks Unlimited and Pheasants Forever to hold an event focusing on the youth and then to return
37 with an event for the entire family. He said that if Ducks Unlimited and Pheasants Forever would agree there
38 could possibly be five or six events scheduled throughout the year.

39
40
41 Mr. Hall stated that it hadn't occurred to him that the pond may be used for swimming purposes but on a hot
42 summer day this would be a very attractive occurrence. He said that if the pond was used for swimming the
43 pond would have to conform to the Illinois Department of Health's requirements for a bathing beach. He
44 said that he did draft a condition for the Board's review. He said that if the pond is to be over one acre in

1 size a Special Use Permit will be required.
2
3 Mr. Thompson stated that the pond will be in combination with wetlands and the bulk of the pond will dry
4 out. He said that he had only considered canoeing and row boating but not swimming.
5
6 Mr. Hall stated that if the dam is located in the floodplain then a Floodplain Development Permit will be
7 required.
8
9 Mr. Thompson stated that the dam will not be located in the floodplain.
10
11 Mr. Hall asked Mr. Thompson if he discussed the shooting range with Mr. Doug Gamble, Disability
12 Specialist, for the Illinois Capital Development Board.
13
14 Mr. Thompson stated that did not discuss the shooting range with Mr. Gamble.
15
16 Mr. Hall stated that Mr. Thompson should contact Mr. Gamble and discuss what requirements should be met
17 for the shooting range.
18
19 Ms. Griest stated that Condition #29 should be revised to indicate that an NRA certified Range Officer will
20 always be present during functions at both the youth range and the shooting range.
21
22 Mr. Thompson stated that he understands why the NRA certified Range Officer should be present during the
23 adult sessions but not the youth. He said that the youth will only be shooting BB guns, archery or sling shots
24 therefore he believes that adult supervision should be sufficient. He said that sessions which require a Range
25 Officer should be sessions which include firearms which require a permit.
26
27 Mr. Hall stated that these two events could be separated. He said that the arc which was drawn on the
28 diagram which was included with the February 16, 2006, Supplemental Memorandum was based on NRA
29 recommendations for skeet and trap shooting fields.
30
31 Mr. John Heiser, who resides at 458 CR 3100N, Foosland stated that he is a member of the East Bend
32 Mennonite Church although he is only representing his family and himself. He said that the church is used
33 several times during the week. He said that his son attends Bible School as well as other events at the church
34 therefore he has a problem with the shooting events. He said that he farms behind the Foosland Sportsman's
35 Club and has found many slugs and bullets have ricocheted onto his property therefore he is concerned with
36 the same thing happening on the church's property.
37
38 Ms. Griest asked Mr. Heiser if he had reviewed the conditions regarding scheduling. She asked him if the
39 church schedules activities in advance so that the special events do not conflict.
40
41
42 Mr. Heiser stated that the church operates everyday. He said that the Pastor, Associate Pastor and Secretary
43 are present at the church on a daily basis as well as church patrons.
44

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1 Mr. Thompson stated that the line of fire is directed 90 degrees from the church at an easterly, southeasterly
2 angle. He said that anytime there is a ricochet there is a tremendous loss in energy. He said that bullets will
3 always be shot directly towards the east and they would have to bounce 180 degrees and then travel the
4 distance to the church.

5
6 Mr. Steeves asked Mr. Heiser what type of backstop is used at the Foosland Sportman's Club.

7
8 Mr. Heiser stated that he does not know what type of backstop is used at the Foosland Sportsman's Club.

9
10 Mr. Cotter stated that they would probably use an eight foot berm backstop.

11
12 Mr. Ken Heiser, who resides at 741 CR 3450N, Foosland stated that CR 700E is not a major thoroughfare
13 and when 150 vehicles are discussed parking would be an issue. He said that he lives one mile north and
14 farms south of the subject property. He said that he travels CR 700E daily and during the farming season and
15 it would be very dangerous to have vehicles parked along the road.

16
17 **Mr. Irle moved, seconded by Mr. Steeves to continue Case 461-S-04: Mark Thompson to the April 13,**
18 **2006, meeting.**

19
20 Mr. Hall stated that the detailed plans for the shooting ranges using NRA standards must be submitted.

21
22 Mr. Thompson stated that finances would determine the design plan of the shooting ranges.

23
24 Mr. Hall stated that the design should include the number of shooting stations, a total footprint of the
25 shooting range, an estimate on the amount of shooting sessions that will take place at the facility. He said
26 that he would like to have detailed sketches and photographs of the proposed backstop.

27
28 **The motion carried by voice vote.**

29
30 **The Board recessed at 8:32 p.m.**

31 **The Board resumed at 8:38 p.m.**

32
33 **Case 517-AT-05 Petitioner: Zoning Administrator. Request to amend the Ordinance to allow lots in**
34 **platted subdivisions between 5/17/77 and 2/18/97 to have access by means of easement (if included as**
35 **part of original plat). (Related to Cases 508-V-05 and 509-V-05).**

36
37 Mr. Hall distributed a Supplemental Memorandum dated February 16, 2006, for the Board's review. He said

38
39 that the proposed amendment has not changed from what the Board has previously reviewed. He said that
40 the memorandum has the annotated version and the non-annotated version of the amendment and the
41 Finding of Fact has been brought up to date with the addition of Items #11; #12; and #13. He said that Item
42 #11 indicates that the proposed amendment will "roll back" the requirements established by Ordinance No.
43 #527 by allowing lots in plats of subdivision that were duly approved and recorded between May 17, 1977 and
44

1 and February 18, 1997, to have access to a public street by something less than a “private accessway: (a
2 private street built to the same standards as a public street). He said that Item #12 establishes why the “roll
3 back” is justified and Item #13 discusses the duly effects of the proposed amendment on nonconforming lots
4 that were not created by a duly approved and recorded plat of subdivision.

5
6 Mr. Steeves asked if the lots which will be affected by the proposed amendment are vacant lots.

7
8 Mr. Hall stated that the lots which will be affected are vacant lots.

9
10 **Mr. Goldenstein moved, seconded by Mr. Steeves to adopt the Summary of Evidence, Finding of Fact
11 and Documents of Record as submitted. The motion carried by voice vote.**

12
13 **Mr. Irle moved, seconded by Mr. Schroeder to close the public hearing for Case 517-AT-05. The
14 motion carried by voice vote.**

15
16 **Determination for Case 517-AT-05:**

17
18 **Mr. Goldenstein moved, seconded by Mr. Steeves that pursuant to the authority granted by Section
19 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County
20 determines that the Zoning Ordinance Amendments requested in Case 517-AT-05 should be enacted
21 by the County Board in the form attached hereto.**

22
23 **The roll was called:**

24			
25	Irle-yes	Miller-yes	Schroeder-yes
26	Steeves-yes	Goldenstein-yes	Bluhm-absent
27	Griest-yes		

28
29 **6. New Public Hearings**

30
31 **Case 530-AM-05 Petitioner: Fisher Farmer’s Grain and Coal and Louis Schwing, Jr., Mgr. Request
32 to amend the zoning district designation from AG-1, Agriculture to I-1, Light Industry. Location:
33 Approximately 3.50 acres in the North ½ of the Northeast ¼ of the Southwest ¼ of Section 34 of East
34 Bend Township and commonly known as land on either side of the Fisher Farmer’s Grain and Coal
35 Company.**

36
37 Mr. Hall distributed a Supplemental Memorandum dated February 16, 2006, for the Board’s review. He
38
39 stated that a new Item #30A(2) had been added to the Revised Draft Finding of Fact indicating the site
40 specific concerns included in the Natural Resource Report from the Champaign County Soil and Water
41 Conservation District. He said that the Preliminary Memorandum dated February 9, 2006, outlined the three
42 goals on which staff could not make a recommendation and those three goals have to do with land use
43 compatibility. He said that Items #26, #30 and #31 of the Revised Finding of Fact are the areas that the
44 Board needs to concentrate upon.

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Mr. Louis Schwing, Jr., Manager of Fisher Farmers Grain & Coal stated that Fisher Farmers Grain & Coal does not have any additional land available on the site on which to develop bins therefore they need to expand. He said that they recently purchased ground from Mr. and Mrs. Cummings to allow for development of a new grain bin and any future bins that may be required.

Mr. Irle stated that the two parcels will adjoin the current site and both will be utilized as agriculture. He said that both of the parcels abut AG-1 uses.

Mr. Schwing stated that Mr. Irle was correct. He said that the proposed site is located on the south side of the railroad tracks and the grain elevator is adjacent to the railroad tracks. He said that the grain elevator is between the proposed site for the bin and the existing homes.

Mr. Irle asked Mr. Hall what other issues would be a concern since the proposed site does not abut a residential area.

Mr. Hall stated that he did not discuss in the Preliminary Memorandum the type of bins that are proposed. He said that the Board has had some notable cases dealing with temporary storage facilities and it is unknown if the bins will be temporary or permanent.

Mr. Schwing stated that the bins will be permanent. He said that they have a signed contract with GrainFlo Incorporated, Heyworth, Illinois to construct a 105 foot diameter grain storage tank that will hold in excess of 700,000 bushels. He said that at this time Fisher Farmers Grain & Coal does not have any additional proposals for additional grain storage tanks.

Mr. Schroeder asked Mr. Schwing if the fans will be pointed away from the residences.

Mr. Schwing stated that he is very familiar with the regulations. He said that last year a new grain storage tank was built in Thomasboro equipped with a new designed aeration fan with silencers and no complaints have been received from the nearby residents.

Mr. Irle stated that Item #30.A(2)(a) indicates that the area has existing farm drainage tile that will need to be addressed.

Mr. Schwing stated that within the contract with Mr. and Mrs. Cummings it is stated that if Fisher Farmers Grain & Coal comes into contact or damage any of their existing drain tiles they are to terminate the tile at the property line. He said that at the present time there is some existing drainage that the water will flow in to and there is surface drainage along the railroad tracks as well as catch basins and tiles surrounding the elevator which will take care of the drainage.

Mr. Hall stated that Mr. Schwing's testimony is relevant to Item #26, #30 and #31 of the Finding of Fact.

Ms. Griest stated that Mr. Schwing also presented testimony that the proposed site is separated from the

1 adjacent residents by the existing elevator.

2
3 Mr. Schwing indicated on the site map the specific location of the existing elevator, adjacent residents and
4 the proposed bin site.

5
6 Mr. Jack Murray, President of the Board for Fisher Farmers Grain & Coal stated that he was available to
7 answer any questions that the Board may have. He said that added storage is greatly needed at the facility
8 and this is the best location for the expansion.

9
10 Mr. Warren Gerdes, Representative for GrainFlo Incorporated stated that his company is the contractor for
11 the proposed project. He said that the proposed structure is 128 feet tall and the existing elevator is 140 feet
12 tall therefore the new bin will sit below the roof line of the existing concrete structure. He said that the
13 concrete structure does act as a natural sound barrier for any noise to the residences to the north. He said that
14 the fans will be faced to the south towards the farm area. He said that the large fans which are used on the
15 top and the bottom of the bins are 1750 RPM which is a low RPM fan and are fairly quiet fans. He said that
16 these are the same types of fans that are used at the Thomasboro facility and to date no complaints have been
18 received. He noted that the big fans at the bottom of the storage bin are centrifugal fans.

19
20 Mr. Hall stated that the following text should be added to Item #26.C of the Summary of Evidence:
21 Testimony at the February 26, 2006 meeting regarding land use compatibility was as follows: 1) Louis
22 Schwing Jr., manager testified that the bins will be permanent storage bins that will have a new type of fan
23 with silencer; and 2) Warren Gerdes, Representative for GrainFlo Incorporated testified that the new bin will
24 be shorter than the existing concrete bin which would provide some sound buffering and the new bin will
25 have a low RPM, centrifugal fans and these types of fans have been successful at the new Thomasboro
26 facility with no complaints received to date.

27
28 Mr. Schwing stated that he has not discussed the location of the fans with GrainFlo therefore it has not been
29 determined if they will be placed on the north or south side of the bin. He said that he would like to have the
30 fans with silencers located on the north side of the bin but if it becomes an issue he will place the fans on the
31 south side of the bin although he does not feel that it is necessary since it has been proven that the fans are
32 very quiet. He said that the bin will be filled by a totally enclosed in-mass conveyor.

33
34 Mr. Hall stated that Item #30.A(1) should have the following text added: The aerial photo and the Natural
35 Resources Report illustrate a separation of existing bins between the subject property and residential areas to
36 the north. He said that a new Item #30.A(2)(c) should read as follows: Louis Schwing, manager testified at
37
38 the February 16, 2006, meeting that existing tiles will be kept so that elevator drainage will not burden the
39 tiles. He said that a new Item 30.A(3)(a) read as follows: Louis Schwing, manager testified at the February
40 16, 2006, meeting that there is sufficient surface drainage capacity for the elevator expansion.

41
42 **Mr. Irle moved, seconded by Mr. Goldenstein that Items #26; #30.A; #30.B; #30.C; and #31 have been**
43 **achieved. The motion carried by voice vote.**

44

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ZBA

1 Mr. Goldenstein moved, seconded by Mr. Irle that Item #34 conforms. The motion carried by voice
2 vote.

3
4 Mr. Irle moved, seconded by Mr. Goldenstein to adopt the Summary of Evidence and Documents of
5 Record as amended. The motion carried by voice vote.

6
7 Mr. Irle moved, seconded by Mr. Steeves to close the public hearing for Case 530-AM-05. The motion
8 carried by voice vote.

9
10 **Determination for Case 530-AM-05:**

11
12 Mr. Goldenstein moved, seconded by Mr. Irle that pursuant to the authority granted by Section 9.2 of
13 the Champaign County Zoning Ordinance, the Zoning Board of appeals of Champaign County
14 determines that the Map Amendment requested in Case 530-AM-05 should be enacted by the County
15 Board.

16
17 **The roll was called:**

18			
19	Goldenstein-yes	Irle-yes	Miller-yes
20	Schroeder-yes	Steeves-yes	Griest-yes
21	Bluhm-absent		

22
23 **7. Staff Report**

24
25 Mr. Hall requested the Board's permission to move Case 536-V-06: Scott Adair to the March 16, 2006,
26 meeting. He said that this is an instance where staff error lead to someone spending money on a subdivision
27 plat for a lot that was less than five acres in area.

28
29 **Mr. Irle moved, seconded by Mr. Goldenstein to move Case 536-V-06: Scott Adair to the March 16,**
30 **2006, meeting. The motion carried by voice vote.**

31
32 Mr. Miller indicated that he will not be present at the March 02, 2006, meeting.

33
34 Mr. Hall reviewed the docket with the Board.

35
36
37 **8. Other Business**

38
39 Ms. Griest stated that it appears that the Board will not be able to hold a Study Session for the
40 Comprehensive Zoning Review Phase One. She said that she has requested that the materials for the March
41 2, 2006, indicate that the Board will only be accepting new testimony and their comments will be limited to
42 no more than two minutes and any additional information can be submitted in writing. She said that after the
43 new testimony is heard the public testimony portion of the hearing will be closed.

1 Mr. Steeves stated that if new testimony is going to be submitted during the meeting how will the Board
2 come to a final conclusion.

3
4 Mr. Hall stated that staff intends to provide the Board with a Finding of Fact for each case which will be
5 analyzed as well as it can be done for all parts of the proposed amendment. He said that it will benefit the
6 Board to review all of the submitted written testimony.

7
8 Ms. Griest asked if the Board can close the public testimony before the Board completes the Summary of
9 Evidence and Documents of Record.

10
11 Mr. Hall stated that the Petitioner can indicate that they require a final determination within two meetings.

12
13 Ms. Griest stated that she anticipates that the Board will close the public testimony at the March 2, 2006,
14 meeting and proceed through the Findings of Fact. She requested that the Board come prepared to the March
15 2nd meeting to move forward.

16
17 Mr. Hall stated that the Board will receive critiqued Finding of Facts for Parts A-M. He said that the ZBA is
18 welcome to send any concerns regarding the Land Use Regulatory Policies to the County Board.

19
20 Ms. Griest stated that sometimes the LURP does not provide a good basis for the best recommendation. She
21 said that the Policy may match the LURP very well but the Board may decide that the product is flawed due
22 to other factors. She said that there may be Findings of Facts where the Board agrees completely but there
23 may also be others which the Board totally disagrees.

24
25 Mr. Hall stated that Mr. Fletcher, Senior Assistant State’s Attorney would probably advise that artificial time
26 limits are always suspect but in fact most of the testimony takes no longer than three minutes.

27
28 Ms. Griest requested that a timing device be supplied at the March 2nd meeting.

29
30 **9. Audience Participation with respect to matters other than cases pending before the Board**

31
32 None

33
34 **10. Adjournment**

35
36 The meeting adjourned at 9:20 p.m.

37
38
39 Adjournment

40
41
42 Respectfully submitted

43
44

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Secretary of Zoning Board of Appeals

ZBA //

DRAFT SUBJECT TO APPROVAL DRAFT

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