

**MINUTES OF REGULAR MEETING**

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**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

**1776 E. Washington Street**

**Urbana, IL 61802**

**DATE: May 28, 2015**

**PLACE: Lyle Shield's Meeting Room**

**1776 East Washington Street**

**Urbana, IL 61802**

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

**MEMBERS PRESENT:** Catherine Capel, Debra Griest, Marilyn Lee, Brad Passalacqua, Jim Randol

**MEMBERS ABSENT :** Eric Thorsland

**STAFF PRESENT :** Connie Berry, John Hall, Susan Chavarria

**OTHERS PRESENT :** Joyce Hudson, Thomas Drysdale

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**1. Call to Order**

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

Mr. Hall informed the Board that due to the absence of Mr. Thorsland, Chair, the Board needs to appoint an Acting Chair for tonight's meeting.

**Mr. Randol moved, seconded by Ms. Lee to appoint Catherine Capel as the Acting Chair for the May 28<sup>th</sup> meeting. The motion carried by voice vote.**

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

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

Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must sign the witness register for that public hearing. She reminded the audience that when they sign the witness register they are signing an oath.

**3. Correspondence**

None

**4. Approval of Minutes (April 16, 2015)**

Ms. Capel entertained a motion to approve the April 16, 2015, minutes.

**Ms. Lee moved, seconded by Ms. Griest to approve the April 16, 2015, minutes.**

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Ms. Capel asked the Board if there were any additions or corrections to the minutes.

Ms. Capel stated that she has given staff two minor grammatical edits.

**The motion carried.**

**5. Continued Public Hearing**

**Cases 799-AM-15, 800-S-15 and 801-V-15 Petitioner: Joyce Hudson d.b.a. Hudson Farm Weddings and Events, LLC Requests: Case 799-AM-15: Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to operate the proposed Special Use in related Zoning Case 800-S-15 and subject to the requested variance in related case 801-V-15; and Case 800-S-15: Part A. Authorize the remodeling of existing farm buildings for the establishment and use of an Event Center as a combination “Private Indoor Recreational Development” and Outdoor Commercial Recreational Enterprise” as a Special Use on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current Ag-1 Agriculture Zoning District in related zoning case 799-AM-15 and subject to the requested variance in related zoning case 801-V-15; and Part B. Authorize the following waiver to the standard conditions of the “Outdoor Commercial Recreational Enterprise” special use as per Section 6.1.3 of the Zoning Ordinance: A separation distance of 50 feet in lieu of the required 200 feet between any Outdoor Commercial Recreational Enterprise and any adjacent residential structure and/or use; and Case 801-V-15: A variance from Section 7.1.2.E.4.c(1) of the Zoning Ordinance that requires onsite parking to allow off-premises parking on the shoulder of County Road 1800 East during special events held at the proposed Private Indoor Recreational Facility that is also the subject of related cases 799-AM-15 and 800-S-15. Location: A 3.67 acre tract in Urbana Township in the Northeast Quarter of the Southeast Quarter of Section 25 of Township 19N, Range 9E of the Third Principal Meridian and commonly known as the farmstead located at 1341 CR 1800E, Urbana.**

Ms. Capel called Cases 799-AM-15, 800-S-15 and 801-V-15 concurrently.

Ms. Capel informed the audience that Cases 800-S-15 and 801-V-15 are Administrative Cases and as such the County allows anyone the opportunity to cross examine any witness. She said that at the proper time she will ask for a show of hands for those who would like to cross examine and each person will be called upon. She requested that anyone called to cross examine go to the cross-examination microphone to ask any questions. She said that those who desire to cross examine are not required to sign the witness register but are requested to clearly state their name before asking any questions. She noted that no new testimony is to be given during the cross examination. She said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross examination.

1 Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must sign the  
2 witness register for that public hearing. She reminded the audience that when they sign the witness register  
3 they are signing an oath. She asked the audience if anyone desired to sign the witness register at this time.  
4

5 Ms. Capel asked the petitioners if they would like to make a brief statement regarding their request.  
6

7 Mr. Thomas Drysdale, attorney for the petitioner, stated that at the last hearing a lot of testimony was  
8 presented and a lot of discussion occurred but there were a few things that were left outstanding and the  
9 Board's biggest concern was the parking issue. He said that tonight he would like to distribute an aerial  
10 photograph indicating a box on the southern end of the property which encompasses .40 acres and that area  
11 is the proposed area that has been sketched out accommodating 68 parking spaces. He said that they have  
12 also provided a small area for ingress from the road. He said that the proposed 68 spaces will be on the tract  
13 of farmland that runs adjacent to the grass and should satisfy the Board's concern. He said that the other  
14 document that he distributed to the Board is a floor plan of the barn, which was also requested by the Board  
15 at the last hearing, and indicates the general setup and dimensions of the inside of the barn.  
16

17 Mr. Drysdale stated that he does not have paper documentation but a few weeks ago he did speak to Doug  
18 Gamble on the phone regarding the accessibility features on the farm. He said that he and Mr. Gamble had a  
19 half hour conversation and Mr. Drysdale informed Mr. Gamble about the nature of the business and what  
20 goes on during events and currently what accessibility features exist on the farm and what is being used and  
21 done to create accessibility. Mr. Drysdale said that Mr. Gamble indicated that he was fine with everything  
22 that was out there currently as long as handicap parking spaces are put in, which is Ms. Hudson's plan. Mr.  
23 Drysdale said that Mr. Gamble also said that he would like to see a hard surface installed from the shed to  
24 the barn so that handicapped guests could have easy access to the barn. Mr. Drysdale stated that the barn is  
25 where the weddings are held and the shed is where the receptions are held and a hard surface would  
26 accommodate people in wheelchairs, motorized scooters or walkers to and from the two buildings. He noted  
27 that the hard surface area will be constructed during the same time as the handicap parking spaces. He said  
28 that according to his conversation with Doug Gamble, once these issues were taken care of he could not see  
29 any additional problems regarding accessibility.  
30

31 Mr. Drysdale stated that the last concern by the Board was related to the septic tank situation. He said that as  
32 of last week or so the septic system situation has become confusing on their part and to make a long story  
33 short the proposed septic system that Mr. Flanagan is telling Ms. Hudson that she needs at Hudson Farms is  
34 entirely too big and is overkill for the amount of waste, events and guests that Ms. Hudson is having at her  
35 premises. He said that Ms. Hudson wanted to use port-a-potties or portable bathrooms at the premises for  
36 the limited purposes of her events and she was told by the Board that it was not a problem and Mr. Flanagan  
37 indicated that it also was not problem but the Illinois State Plumbing Inspector became involved and he  
38 indicated that it was a problem on his end. Mr. Drysdale stated that the Illinois State Plumbing Inspector  
39 indicated that according to his regulations port-a-potties or portable bathrooms are not allowed for the type

1 of venue that Ms. Hudson holds. Mr. Drysdale stated that the next suggestion was to place a holding tank on  
2 the premises known as the Hudson Farms and Mr. Flanagan is of the opinion that a holding tank is not  
3 allowed on the Hudson Farm property but Mr. Drysdale is of the opinion that *Illinois Private Sewage*  
4 *Disposal Code*, specifically Section 905.140(a) authorizes the use of a holding tank on Ms. Hudson's  
5 property if the proposed septic system or the septic system that is being proposed does not fit or is  
6 inappropriate for the conditions or the site that the septic tank is proposed for. He said that Mr. Flanagan has  
7 informed Ms. Hudson that she needs a septic tank that will hold the waste capacity of 225 people on 365  
8 days a year. Mr. Drysdale stated that the septic tank that Mr. Flanagan has suggested is incredibly large and  
9 is unbelievably expensive and is unduly burdensome on Ms. Hudson because she should not have to put in a  
10 septic system with a tank that holds the waste of 225 people for 365 days a year when she only has 21 events  
11 per year. He said that he has placed a few calls to Mr. Flanagan but it is his understanding that Mr. Flanagan  
12 is out of the office for a couple of weeks. Mr. Drysdale stated that he is in the process of trying to work with  
13 Mr. Flanagan to gain approval for the holding tank at which point it would hold the waste of 225 people,  
14 which is the capacity of Hudson Farms, and then that holding tank would be serviced by a licensed  
15 contractor after the weddings and events at the premises. He said that this would eliminate Ms. Hudson  
16 from having to put in such a large and expensive septic system on her property that is not going to get a  
17 fraction of the use in which it is designed for. Mr. Drysdale stated that currently this where he and Ms.  
18 Hudson stand in regards to what the Board requested them to provide based on the testimony presented at the  
19 last public hearing. He said that he would be happy to answer any questions that the Board may have.

20

21 Ms. Capel asked the Board if there were any questions for Mr. Drysdale.

22

23 Ms. Lee asked Mr. Drysdale to indicate what size septic system the State Plumbing Inspector recommended  
24 versus the holding tank.

25

26 Mr. Drysdale stated that to be honest he does not know a ton about septic systems but what Mr. Flanagan  
27 told him on the phone and the price that was quoted was very expensive. Mr. Drysdale stated that Mr.  
28 Flanagan told him that because Hudson Farms has the capacity of 225 people that they have to have septic  
29 tank that will hold the waste capacity of 225 people on an everyday basis and not just a septic tank that  
30 would hold the waste capacity of 225 people on Saturday when Ms. Hudson had a wedding and then cleaned  
31 out for the next event. Mr. Drysdale stated that the size and price difference between the holding tank that  
32 Ms. Hudson had originally looked at and the septic tank that Mr. Flanagan indicated was necessary was  
33 astronomical.

34

35 Mr. Hall stated that he thought the cost problem was for the septic system and not just the septic tank.

36

37 Mr. Drysdale stated yes, it is the system.

38

39 Mr. Randol asked Mr. Drysdale if he knew the gallon capacity of each of these proposed systems.

1  
2 Mr. Drysdale stated that he does not have that information with him tonight but the contractors that Ms.  
3 Hudson has contacted to complete the work could provide that information to the Board for review.  
4

5 Ms. Capel asked if staff had any questions for Mr. Drysdale.  
6

7 Mr. Hall asked Mr. Drysdale if his client would be willing to accept a limit of no more than 21 events per  
8 year.  
9

10 Mr. Drysdale stated that he will defer answering Mr. Hall's question therefore allowing Ms. Hudson to  
11 respond.  
12

13 Mr. Hall stated that the Board needs the full picture of what has happened and the full picture is that Ms.  
14 Hudson, on her own and with no encouragement from staff, proposed to build restrooms and install a septic  
15 system. He said that the *Illinois Private Sewage Code* provides no reduction for the size of a septic field  
16 based on the frequency of use and sometimes this is a problem for facilities that are not used continuously  
17 because surges occur with the system. He said that the Hindu Cultural Center addressed the surge problem  
18 by installing smaller multiple septic tanks because the surge had less effect on multiple tanks than a single  
19 tank. He said that the Hindu Cultural Center installed a septic system to accommodate their capacity for  
20 every day of a year even though they only planned to be at the Center on their religious days. He said that  
21 the L.A. Gourmet Event Center installed a system to accommodate 500 people every day of the year even  
22 though they do not host events every day of the year and certainly not all of their events are for 500 people.  
23 He said that this whole process did not start with someone proposing something for 21 events per year with  
24 no construction of toilet facilities but did start with someone proposing something during certain months  
25 with the construction of restrooms. He said that if someone proposes to install restrooms they will have to  
26 install a septic system therefore when Mr. Flanagan was faced with installing restrooms without a septic  
27 system he had to determine how much construction had already begun on the proposed restrooms. Mr. Hall  
28 stated that Mr. Flanagan requested the assistance of the State Plumber and he identified some things that are  
29 not quite up to par with the code and that is not terribly surprising and is why every jurisdiction that has a  
30 code does inspections to make sure that things are done correctly. He said that it was not Larry Luka, the  
31 State Inspector, who made the determination that Ms. Hudson had to go ahead and do the whole kit and  
32 caboodle to install the restrooms and toilets and it was someone above Mr. Luka. Mr. Hall stated that he  
33 believes that the person who did determine this requirement is above Mr. Luka and Mr. Hall believes that  
34 this person is misinterpreting his own Illinois Plumbing Code and everyone in our office believes that he is  
35 misinterpreting the *Illinois Plumbing Code* although our own Champaign County Health Department is not  
36 interested whether or not he is misinterpreting the *Illinois Plumbing Code*. Mr. Hall stated that the  
37 Champaign County State's Attorney told him that the Zoning Board of Appeals cannot overrule the Illinois  
38 Department of Health when it comes to public health. Mr. Hall stated that this is not an ideal situation  
39 because it is crystal clear that there is an individual at IDPH that believes that a facility like this requires a

1 septic system and that is how they are interpreting their code. He said that he and Ms. Chavarria are in the  
2 process of revising the condition related to septic systems to make sure that if there is a septic system  
3 installed it had better be according to a permit issued by our own health department. He said that he does not  
4 know if limiting the amount of events would cause IDPH to reconsider their position but it might be a  
5 reasonable thing to request provided that they are at least willing to talk to Mr. Drysdale because they were  
6 not willing to talk to Mr. Hall.

7  
8 Mr. Passalacqua stated that he does not know how they are going to care about the number of events if they  
9 are looking at a size based on a maximum capacity for one event.

10  
11 Mr. Hall stated that when they are approached by an attorney perhaps they will change their mind.

12  
13 Mr. Passalacqua asked Mr. Hall if there are any more specifics as to what the problem is regarding the  
14 current install and the concrete.

15  
16 Mr. Hall stated that he did not receive the specifics and there really is not much installed. He said that his  
17 question to Mr. Flanagan was if all of the concrete and everything else is removed to where there is no  
18 plumbing why could they not use port-a-potties because it is explicitly provided for in the *Illinois Private*  
19 *Sewage Disposal Code*.

20  
21 Mr. Drysdale stated that he was specifically told that because there is a roof on the building which is why  
22 port-a-potties were not allowed but if Ms. Hudson was merely using a tent or a roofless building then port-a-  
23 potties would be perfectly acceptable but since her facility is inside a facility with four walls and a roof then  
24 she has to have restrooms and not port-a-potties.

25  
26 Mr. Passalacqua stated that it appears that the Board has their hands tied regarding any decisions until the  
27 Board receives documentation that these things have been worked out.

28  
29 Mr. Hall stated that once the Board has the information that has been requested and has reviewed that  
30 information the Board could decide whether or not to approve it. He said that the only thing the Zoning  
31 Ordinance requires the Board to do is to ensure that any new septic system complies with the *Illinois Private*  
32 *Sewage Disposal Code* and the Board has to find that there is no risk to public safety. He said that whether a  
33 roof is over someone's head or not, if they can use port-a-potties for a tent why can't they use port-a-potties  
34 if a farm building has been remodeled, provided that the port-a-potties are properly cleaned out by the  
35 appropriate technicians. He said that it is up to the Board but if the Board waits for this to be resolved  
36 between the Petitioner and the other code bodies then it is undetermined when a decision will happen.

37  
38 Mr. Randol asked if part of the problem is because this is a private facility with all kinds of parties then, sort  
39 of speaking, the facility is open to the public. He asked if there is a different code for a public venue versus

1 a private venue.

2  
3 Mr. Drysdale stated that it is his understanding that there is no difference. He said that Ms. Hudson's events  
4 are not open to the public and not just anyone can come on the property to partake in the facility. He said  
5 that the guests would be invited by the clients who are holding the event at Ms. Hudson's property.

6  
7 Mr. Hall stated that the *Illinois Plumbing Code* is the worst enforced code in the State of Illinois because  
8 staff knows that people construct buildings every day of the year with no toilets and this is due to Champaign  
9 County deciding years ago that they were not going to make sure that the *Illinois Plumbing Code* is enforced.  
10 He said that he does not understand why Champaign County made this decision and he does not agree with it  
11 but that is the decision that we have. He said that the decision that Champaign County made many years ago  
12 was not during his tenure. He said that frankly Champaign County has a problem with dealing with codes  
13 but that is the situation that we have today.

14  
15 Ms. Lee asked Mr. Hall if he means state codes.

16  
17 Mr. Hall stated that he means providing for people's health, safety and welfare on a daily basis.

18  
19 Ms. Lee asked Mr. Drysdale who he spoke with at the Illinois Department of Health.

20  
21 Mr. Drysdale stated that he has talked to several offices and he apologizes if he gets them mixed up. He said  
22 that he spoke with Mike Flanagan at the Illinois Department of Health.

23  
24 Ms. Chavarria stated that Mike Flanagan is with the Champaign County Department of Health.

25  
26 Mr. Drysdale stated that he spoke with Larry Luka and his assistant and this is the department where he  
27 spoke back and forth about roofs being on buildings and the need for restroom facilities. He said that Larry  
28 Luka's department indicated that they believed that Mike Flanagan's determination was incorrect which  
29 created a tangent conversation. He said that Larry Luka's office stated that they are going to enforce a  
30 provision from the *Illinois Plumbing Code* on his client and they will have a meeting to decide what exactly  
31 needs to be done and someone will get back with him about the meeting's results. Mr. Drysdale stated that  
32 he left his information with Mr. Luka and has yet to hear from him regarding the meeting's results.

33  
34 Mr. Hall asked Mr. Drysdale if he still has not received a final decision.

35  
36 Mr. Drysdale stated no. He said that no one has called him back to indicate the steps that are needed to  
37 comply with the *Illinois Plumbing Code* and the only thing that they told him was that they will not allow his  
38 client to have port-a-potties on the property. He said that this was the last conversation that he had with  
39 them and Mr. Luka indicated that they would speak again after they had whatever meeting they needed to

1 have and to date he has heard nothing.

2  
3 Mr. Hall stated that Mr. Luka would not even speak to him about it and referred him to his supervisor.

4  
5 Mr. Drysdale stated that he did not get past Mr. Luka. He said that he is certainly willing and will make  
6 more calls to continue to work on this issue.

7  
8 Mr. Hall informed Mr. Drysdale that he needed to ask for Mr. Mark Kuechler and he wishes him better luck  
9 than he had.

10  
11 Ms. Lee stated that during Mr. Drysdale's initial presentation he quoted a section from the *Illinois State*  
12 *Plumbing Code*. She asked Mr. Drysdale if his conversation with Mr. Luka dealt with that section.

13  
14 Mr. Drysdale stated that the section that he quoted from was the section that Mr. Flanagan had initially told  
15 them that a holding tank for the Hudson Farm was not an option. Mr. Drysdale stated that he quoted the  
16 section out of the *Illinois Private Sewage Disposal Code* which is the section of the *Illinois Private Sewage*  
17 *Disposal Code* that specifically deals with holding tanks and it indicates that holding tanks are approved for  
18 private sewage disposal under the following circumstances: where site conditions, such as lack of size, or  
19 other conditions are not suitable to achieve compliance with this part for installing a private sewage disposal  
20 system.

21  
22 Ms. Lee asked Mr. Drysdale if this is Illinois Statute.

23  
24 Mr. Drysdale stated yes.

25  
26 Ms. Lee asked Mr. Drysdale if he has had time to look up any case law regarding this issue.

27  
28 Mr. Drysdale stated that there is a distinct lack of court cases regarding the *Illinois Private Sewage Disposal*  
29 *Code*. He said that the only case interpretation that he found was the difference between a public facility and  
30 a private facility and was unable to find anything else.

31  
32 Ms. Griest stated that Mr. Drysdale is classifying this venue as private even though it is a commercial  
33 venture.

34  
35 Mr. Drysdale stated yes. He said that according to an opinion that he found by the Illinois Attorney General  
36 the difference in classifying it as a "public facility," there is a difference between "public facilities" and  
37 "private facilities," the Attorney General classifies things like theatres, restaurants and stadiums as "public  
38 facilities" and are open to the general public. He said that the general public can flow freely in and out of  
39 these events as opposed to what Ms. Hudson is running in which the general public cannot freely flow in and



1 out. He said that if the Board is interested in the Attorney General's opinion he would be happy to provide it  
2 as evidence.

3  
4 Mr. Randol asked Mr. Hall what happens if the ZBA approves the requests and the State comes back with  
5 their plumbing requirements. He said that the State of Illinois' plumbing requirements are out of the ZBA's  
6 hands.

7  
8 Mr. Hall stated that he is not an attorney, but at a minimum that would be an enforcement action by the  
9 IDPH or perhaps the CCDPH against Ms. Hudson. He said that he does believe that it would involve the  
10 Champaign County Department of Planning and Zoning.

11  
12 Ms. Lee asked Mr. Hall if there are other cases that the Board has heard with provisions that were out of the  
13 Board's hands for compliance.

14  
15 Ms. Capel stated that those provisions are included in a special condition.

16  
17 Mr. Hall stated that for this case he would recommend a reduced version of that special condition but still  
18 require conformance with the Zoning Ordinance.

19  
20 Mr. Drysdale stated that the previous testimony regarding installation of two small septic systems has never  
21 been suggested to his client as an option. He said that he and his client would be willing to investigate the  
22 cost of such a system.

23  
24 Mr. Hall stated that option would be more expensive because two tanks with more connections would be  
25 more expensive but ultimately it may be a better system. He said that as he understands it, cost is an issue,  
26 and Ms. Hudson has plenty of land which is being farmed which could be converted for a septic system  
27 therefore land is not an issue.

28  
29 Ms. Griest stated that the statute that was cited did not include cost as one of the prohibitive factors that  
30 allowed that holding tank. She said that just because it is expensive to do, the other does not give an out for  
31 the installation of a holding tank whereas if they did not have an adequate footprint on the land an  
32 opportunity would be given to exercise that clause but cost was not in that statute.

33  
34 Ms. Lee stated that a tile cannot be placed in the agricultural field.

35  
36 Mr. Hall stated that his point was that on this parcel there is land available for a septic system.

37  
38 Mr. Randol stated that perhaps this case should be tabled until more definitive answers are provided by the  
39 State. He said that if the ZBA approves the requests and there are issues with the State it is not being ethical

1 for the ZBA to approve a use of the land and the use is ceased because the Petitioner cannot meet the septic  
2 requirements. He said that there is more to it than just the ZBA making adjustments and amendments to  
3 ordinances.

4  
5 Mr. Hall asked Mr. Randol what it would take for him to be comfortable that the events at Ms. Hudson's  
6 property, whether they build a new septic system or not, would not harm public health or safety. He asked  
7 Mr. Randol what information would be required.

8  
9 Mr. Randol stated that the avenue that he is looking at regarding health and safety is, if the ZBA approves  
10 the changes and the variances and a venue is held which results with a sewage issue, would there be any  
11 recourse on staff or the ZBA because they approved it without an adequate septic system.

12  
13 Mr. Hall stated that any approval that the ZBA gives will absolutely require that any new septic system be  
14 approved by the Health Department with a duly approved permit.

15  
16 Mr. Randol stated that the Board could approve the requests and if Ms. Hudson does not comply with the  
17 State requirements that will be an issue with Ms. Hudson and the State and not with Ms. Hudson, the State  
18 and the ZBA.

19  
20 Mr. Hall stated that Mr. Randol was correct, as long as the Board is convinced that knowing that there is this  
21 issue, if the Board has any concerns regarding public health and safety which is one of the findings that the  
22 Board has to make, then this is a problem that must be resolved even with the condition requiring that any  
23 new septic system be approved by the Health Department.

24  
25 Mr. Randol stated that there is a kitchen.

26  
27 Mr. Hall stated that there is no kitchen which is part of this approval.

28  
29 Mr. Randol stated that this is strictly a restroom issue.

30  
31 Mr. Drysdale stated that the food is catered and there is no kitchen proposed.

32  
33 Ms. Griest stated that the site plan indicates that each room is 35' x 41'. She said that the large building is  
34 not 35' x 41' therefore she requested that Mr. Drysdale put the site plan into context. She said that the plan  
35 that was submitted appears to be more of a seating chart rather than a floor plan. She said that she would  
36 like to see a floor plan that indicates where the doors are located for ingress and egress and a site plan with  
37 individual floor plans of each building and an explanation of where the activities take place.

38  
39 Mr. Drysdale stated that a floor plan was provided of the shed but one was not provided for the barn.

1  
2 Mr. Hall stated that a revised site plan was requested at the previous meeting. He said that a floor plan of the  
3 shed indicating the restrooms was provided and is included as Attachment F. on page 5 of 5 of the  
4 Preliminary Memorandum dated April 9, 2015. He said that the Board also requested a floor plan of the barn  
5 at the previous hearing.

6  
7 Ms. Griest stated that she believed that the barn is where the actual ceremonies occur and there was line-up  
8 seating in the barn therefore the submitted floorplan is confusing.

9  
10 Mr. Hall stated that the submitted floor plan is better than what the Board sees in most instances but it does  
11 indicate restrooms and restrooms cannot exist if there is no septic system.

12  
13 Ms. Lee stated that the plan only indicates one doorway plus the overhead door. She asked Mr. Hall how  
14 many doors are required for a building of this size.

15  
16 Mr. Hall stated that at least two doors located at opposite ends and the width of each door is a function of the  
17 capacity. He said that there is a very detailed method for determining that.

18  
19 Ms. Chavarria stated that she has completed a site visit and can confirm that there is a second door on the  
20 back end of the Farm Shed Hall which is diagonally across from the doorway that is shown for the Farm  
21 Shed Hall. She said that the opposite door does not appear on the floor plan.

22  
23 Ms. Capel asked Ms. Chavarria if the door is a walk-through door.

24  
25 Ms. Chavarria stated yes. She said that this does not help with how many doors are actually required for  
26 accessibility purposes but there is another door that is not indicated on the floor plan.

27  
28 Mr. Randol asked if the doors are overhead doors or are they on a track.

29  
30 Ms. Chavarria stated that there are two regular doors and there are three overhead doors, two on the north  
31 side and one on the east.

32  
33 Mr. Drysdale noted that the doors are sliding doors not overhead doors.

34  
35 Mr. Randol stated that if the doors are sliding doors on a track there would be no issue with opening them  
36 when there is no electricity available.

37  
38 Mr. Passalacqua stated that he was unclear what the client was agreeing to regarding parking. He said that  
39 the Board wanted dimensions on the site plan and the location of the septic system, if required.

1  
2 Mr. Drysdale stated that the Board wanted to see 68 parking spaces. He said that the 68 parking spaces  
3 would be in the field to avoid the parking around the actual venue, which is what was being avoided with the  
4 variance to begin with, and that excludes the mapped out handicapped parking spaces which will be located  
5 near the shed. He said that the proposed location of the septic system is to the left of the shed where the field  
6 is located.

7  
8 Mr. Passalacqua stated that the 68 parking spaces shown are in the tilled acres. He asked Mr. Drysdale if his  
9 client has indicated that she is willing to convert the tilled area into the parking area for this facility.

10  
11 Mr. Drysdale stated yes. He said that his client wanted to find a way that would both satisfy what they  
12 wanted to do, which was not park vehicles on the site, and what the Board wanted to do, which was not park  
13 vehicles on the street. He said that the result was to convert the tilled farmland into the parking area for the  
14 venue.

15  
16 Mr. Passalacqua asked Mr. Drysdale if, during the Board's review they propose a condition that indicates  
17 that this will be the parking area for the facility, his client will agree to that condition.

18  
19 Mr. Drysdale stated yes.

20  
21 Ms. Lee asked Mr. Drysdale if Alternative 1 is out of the question.

22  
23 Mr. Drysdale stated that Alternative 1 is their less favorite alternative and would prefer Alternative 2.

24  
25 Mr. Hall stated that staff can provide this same aerial view without the lettering so that he or Ms. Hudson  
26 could sketch in the proposed parking area and label it as parking and they could sketch in where any new  
27 septic system might go and call it "location of any new septic system" and indicate where the handicapped  
28 spaces are proposed with required dimensions. He said that the handicapped parking area has very specific  
29 dimensional requirements, striping requirements and signage requirements that could just be noted. He said  
30 that the Board would probably like to see an accurate and detailed floor plan for both buildings. He said that  
31 if staff provided a clean copy of the aerial photograph he is confident that a complete and accurate site plan  
32 could be submitted by Mr. Drysdale and Ms. Hudson.

33  
34 Mr. Passalacqua stated that the hard surface path that Doug Gamble required should also be indicated on the  
35 site plan.

36  
37 Mr. Hall stated that if staff could obtain a site plan one week before the next meeting the Board could review  
38 it and be very comfortable with it.

39

1 Mr. Passalacqua noted that the sanitary aspect of this venue is going to be extremely difficult but he is very  
2 comfortable in moving forward as long as the Board's findings indicate that the Board is requiring  
3 compliance with someone else's ordinance or regulations that is out of the Board's control.  
4

5 Mr. Hall asked Mr. Passalacqua to explain what he is referring to when he states requiring compliance.  
6

7 Mr. Passalacqua stated that the Board has previously required compliance by other entities.  
8

9 Ms. Lee stated that the approval could be subject to both the Champaign County Health Department and the  
10 Illinois Department of Health.  
11

12 Mr. Hall stated that Ms. Hudson would have to agree with that condition.  
13

14 Mr. Passalacqua asked Mr. Hall how the Board has written such a condition in the past.  
15

16 Mr. Hall stated that in the past the Board would state that a septic system will be installed but this Board has  
17 never had something like this, the use of port-a-potties, proposed. He said that if the Board believes that it  
18 can make findings that this will not be damaging to public health and safety, even though the Board is not  
19 certain that port-a-potties will or will not be used and the Board is comfortable if the port-a-potties are used  
20 and is comfortable with only requiring that any new septic system be approved by the Health Department,  
21 then the condition would only call out that any new septic system must be approved by the Health  
22 Department.  
23

24 Mr. Passalacqua stated that this is what he was alluding to.  
25

26 Ms. Capel stated that the Board is not requiring them to provide a new septic system but if they were to  
27 provide a new septic system it would comply. She said that the finding that the Board would need to make  
28 with that condition is that it will not be injurious to the public health and safety.  
29

30 Mr. Passalacqua stated that he would be comfortable in saying that it is not injurious to public health if  
31 whatever item is constructed, whether the use of port-a-potties or a new septic system, complies.  
32

33 Ms. Capel stated that the Board cannot make a recommendation that is against the codes but the Board can  
34 make a recommendation that basically recognizes that if a septic system is installed it has to comply.  
35

36 Mr. Passalacqua agreed.  
37

38 Ms. Lee asked if that compliance has to be with Champaign County and the State of Illinois.  
39

- 1 Mr. Passalacqua stated that it is out of the Board's hands.  
2
- 3 Ms. Griest stated that the Board is not saying that they have to have a septic system but they do have to have  
4 a waste disposal system of some type which could be port-a-potties or a septic system.  
5
- 6 Mr. Randol stated that it could even be the holding tank.  
7
- 8 Ms. Griest stated that the Board is kicking the ball back to public health and stating that it is their game. She  
9 said that they have to be in compliance for their special use to be valid but the Board has no jurisdiction over  
10 how public health makes it happen.  
11
- 12 Mr. Hall stated that this finding is going to be very silent about public health and safety and the only thing  
13 that the Board can do is require that any new septic system be approved by the health department and that is  
14 exactly how he would word it.  
15
- 16 Mr. Passalacqua stated that the use of port-a-potties is not a violation of our ordinance.  
17
- 18 Mr. Hall stated that port-a-potties are consistent with the *Illinois Private Sewage Disposal Code* which is  
19 what the Zoning Ordinance references.  
20
- 21 Ms. Lee stated that the Board is supposed to make a finding that this is okay for AG-2. She said that the  
22 AG-2 Zoning District has requirements that it is supposed to be beneficial to agriculture. She asked how the  
23 Board is supposed to do that.  
24
- 25 Ms. Griest stated that the use provides agri-tourism.  
26
- 27 Mr. Hall stated that AG-2 does not say anything about being beneficial to agriculture. He said that the AG-2  
28 Zoning District is intended to prevent scattered indiscriminate urban development and to preserve the  
29 AGRICULTURAL nature within areas which are predominately vacant and which presently do not  
30 demonstrate any significant potential for development.  
31
- 32 Mr. Passalacqua stated that it is keeping with agriculture because it is the use of existing agricultural barns in  
33 a rural setting.  
34
- 35 Mr. Hall stated that if there were opposing neighbors present they would say that the Board better also find  
36 that it preserves the character of the surrounding AG-1 Zoning District.  
37
- 38 Mr. Passalacqua stated that it does.  
39

1 Mr. Hall stated that it certainly does not harm it. He said that the Board has done this before and can do it  
2 again because this is actually even more so not harming the AG-1 District and he believes that the Board can  
3 make those findings.

4  
5 Mr. Passalacqua stated that if the Board receives a detailed site plan and floor plan and the Petitioner is in  
6 agreement with the Board's proposal for the parking in getting vehicles off of the street the Board should be  
7 able to move forward.

8  
9 Mr. Hall stated that there have been no neighboring farmers who have voiced opposition and that they  
10 coordinate with Hudson Farms is great evidence.

11  
12 Mr. Passalacqua asked Mr. Drysdale and Ms. Hudson if they clearly understood what the Board is requiring  
13 before the next meeting.

14  
15 Mr. Drysdale stated yes. He said that Mr. Hall indicated that staff would provide him and Ms. Hudson with  
16 a clean aerial photograph of the subject property. He said that he understands what needs to go on the aerial  
17 photograph and understands that a detailed floor plan of the barn and shed are required for the Board's  
18 review. He said that he will get this information to staff within the next few weeks.

19  
20 Ms. Capel asked Mr. Drysdale if he understands that the Board needs dimensions on the site plans.

21  
22 Ms. Griest stated that the doors should be indicated on the floor plans. She said that a directional arrow  
23 would also be helpful.

24  
25 Mr. Drysdale stated that there could probably never be too much information on the floor plans and site plan.

26  
27 Ms. Griest stated that if an area will be used as a multi-use purpose area then, for clarity, it should be  
28 indicated on the floor plan. She said that it is not necessary for the Board to see how the chairs and tables  
29 are set up. She asked Mr. Hall if it would be helpful for the floor plan for the shed to indicate the area for  
30 the band or music, food, seating area, etc. She said that Mr. Drysdale indicated that the septic system was  
31 sized for the capacity of 225 people but if the number of people were limited it might help with the costs of  
32 the septic system. She said that during previous cases the Board has limited the number of guests or clients  
33 for a facility or venue on a given day.

34  
35 Mr. Hall stated that it would help but the Board spent a lot of time determining that a maximum capacity of  
36 225 people was a desirable number.

37  
38 Mr. Hall informed Mr. Drysdale that the Board is not asking that there be any further resolution of this  
39 disagreement between the Petitioner and the Health Department, at least for purposes of this public hearing.

1  
2 Mr. Passalacqua stated that the Board only needs to consider the information and requirements of the  
3 Champaign County Zoning Ordinance.  
4  
5 Ms. Griest stated that the only thing that impacts this Board is the floor plan and whether there will be  
6 bathrooms and where they will be placed and if there are no bathrooms proposed they should not be  
7 indicated on the floor plan.  
8  
9 Mr. Hall stated that for the future it might be good to know where bathrooms might be installed if a new  
10 septic system is installed.  
11  
12 Ms. Griest stated that Mr. Hall was correct as this would prevent the Petitioner from having to come back  
13 before the Board for a second approval.  
14  
15 Ms. Capel asked if the location of the port-a-potties was important information for the site plan.  
16  
17 Mr. Hall stated that having the information on the site plan would be the evidence that indicates that the  
18 Board knows this is not going to be no worse for public health than any other facility that uses port-a-potties.  
19  
20 Mr. Drysdale stated that it would not be a problem to sketch in where hypothetical port-a-potties would go if  
21 they were hypothetically placed on the property.  
22  
23 Ms. Lee asked if the hypothetical holding tank should be indicated in a hypothetical area on the site plan.  
24  
25 Mr. Hall stated no. He said that he disagrees with Mr. Drysdale regarding the holding tank because the  
26 *Illinois Private Sewage Disposal Code*, as Ms. Griest previously pointed out, does not allow the use of a  
27 holding tank just because the septic system is expensive.  
28  
29 Mr. Randol asked Mr. Hall if the Board approves the variance with a limit of 21 events per year the  
30 Petitioner could come back within one year and request a new variance for an unlimited number of events  
31 per year.  
32  
33 Mr. Hall stated that such a request would be a new Special Use Permit.  
34  
35 Mr. Randol stated that just because the Board approves one issue the Petitioner could come back in one year  
36 to change their request.  
37  
38 Ms. Hall stated yes, but right now there has been no suggestion that the number of events would be limited.  
39



1 Ms. Griest stated that even if the number of events were limited it would not be a limitation by variance but  
2 by Special Use Permit. She said that the only thing that the Petitioner was asking to be varied was to allow  
3 for the on-street parking and when they return to the next meeting with the new site plan indicating off-street  
4 parking the variance will go away and the Special Use will not be affected. She said that what Mr. Randol is  
5 discussing regarding the limitation of 21 events per year is within the Special Use Permit and is not part of  
6 any variance request.

7

8 Ms. Capel asked Ms. Hudson if she desired to testify.

9

10 Ms. Joyce Hudson, who resides at 1341 CR 1800E, Urbana, stated that she had no new information to add  
11 but would answer any questions that the Board may have.

12

13 Ms. Capel requested a continuance date.

14

15 Ms. Griest reminded the Board that she will not be present at the June 11, 2015, meeting.

16

17 Mr. Hall recommended that that Cases 799-AM-15, 800-S-15 and 801-V-15 be continued to the June 25,  
18 2015, meeting. He said that there should be a full Board present at the June 25<sup>th</sup> meeting and there should be  
19 plenty of time to consider these cases. He asked Ms. Hudson if she would be available for the June 25,  
20 2015, meeting.

21

22 Ms. Hudson stated yes.

23

24 Ms. Capel entertained a motion to continue Cases 799-AM-15, 800-S-15 and 801-V-15 to the June 25, 2015,  
25 meeting.

26

27 **Mr. Passalacqua moved, seconded by Ms. Griest to continue Cases 799-AM-15, 800-S-15 and 801-V-15**  
28 **to the June 25, 2015, meeting. The motion carried by voice vote.**

29

30 Ms. Capel asked the audience if anyone else desired to present testimony regarding these cases and there was  
31 no one.

32

33 Ms. Capel closed the witness register.

34

35 **6. New Public Hearings**

36

37 None

38

39 **7. Staff Report**

1  
2 None

3  
4 **8. Other Business**

5 A. Review of Docket

6  
7 Mr. Hall stated that staff received a new case application in time for advertising for the June 11<sup>th</sup> meeting.  
8 He said that there will be a meeting on June 11<sup>th</sup> for a variance case. He said that some might say that the  
9 County pays so much for per diem for only one case but no one wants to wait any longer than necessary to  
10 have their case heard so staff scheduled the case on the June 11<sup>th</sup> meeting. He said that if the Board has  
11 concerns about using the County's per diem more efficiently staff will keep that in mind but when there is an  
12 opening and somebody wants their case decided this is staff's response.

13  
14 Mr. Passalacqua stated that if he was a petitioner he would not want to wait to have his case heard.

15  
16 Ms. Lee asked Mr. Hall to indicate any progress regarding the Petitioner who did not show up for the public  
17 hearing therefore the case was dismissed.

18  
19 Mr. Hall stated that a letter was sent to the Petitioner the very next day advising him that the case was  
20 dismissed but the variance was still needed and if the variance is not approved enforcement action will be  
21 taken. He said that it will be two weeks tomorrow and staff has not heard from the Petitioner.

22  
23 Mr. Passalacqua asked Mr. Hall if there has been an improvement in enforcement with the help of the interns  
24 hitting the streets.

25  
26 Mr. Hall stated yes and the interns have been very good in doing inspections and as suspected when they  
27 write their First Notice of Inspection either the Zoning Officer or himself have to review them. He said that  
28 if any Board member has driven up or down Highway 45 recently between Thomasboro and Rantoul they  
29 will notice a dramatic change in the landscape. He said that enforcement actions are starting to clear up the  
30 landscape of the Cherry Orchard area and the Jones' building, which is the easternmost building of the  
31 complex, was burned either last weekend or the week before.

32  
33 Ms. Griest stated that she did notice that the grass had been mowed.

34  
35 Mr. Hall stated that the grass has been mowed and the buildings have been secured. He said that staff does  
36 know that a prominent local civil engineering firm has been hired to design an extension of sewer for the  
37 property and staff is just waiting to hear whether or not the Board will receive a Special Use Permit  
38 Application for the property because it is a nonconforming use that requires a Special Use Permit if it is to be  
39 rebuilt. He said that this case may be coming before the ZBA soon but not so soon that it has been placed on

1 the docket.  
2  
3 Ms. Lee asked if the venue that was advertised in the newspaper has been contacted by staff.  
4  
5 Mr. Hall stated yes.  
6  
7 Ms. Lee asked if staff has heard anything back.  
8  
9 Mr. Hall stated that staff never asks anyone to do anything in less than two weeks.  
10  
11 Ms. Lee asked Mr. Hall if anyone else has applied for the vacant position on the ZBA.  
12  
13 Mr. Hall stated no.  
14  
15 Ms. Capel asked Mr. Hall if Champaign Township is represented on this Board.  
16  
17 Mr. Hall stated no. He said that the Board has not ever had anyone from Champaign Township on the  
18 Board. He said that there was a recent applicant but the County Board did not move quickly enough.  
19  
20 Ms. Lee stated that she is scheduled to have surgery soon but she is not sure of the specific date. She said  
21 that she will contact staff as soon as a date has been scheduled.  
22  
23 **9. Audience Participation with respect to matters other than cases pending before the Board**  
24  
25 None  
26  
27 **10. Adjournment**  
28  
29 Ms. Capel entertained a motion to adjourn the meeting.  
30  
31 **Ms. Griest moved, seconded by Ms. Lee to adjourn the meeting. The motion carried by voice vote.**  
32  
33  
34 The meeting adjourned at 8:16 p.m.  
35  
36  
37 Respectfully submitted  
38  
39

1  
2 Secretary of Zoning Board of Appeals  
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