

## WOODFORD COUNTY ZONING BOARD OF APPEALS

Woodford County Board Room  
6:00 P. M. Tuesday, July 23, 2019

### Minutes

- Call to Order:

Ms. Gauger called the meeting to order at 6:00 pm

- Roll Call: Teresa Gauger, Jerry Lay, and Kim Holmes were present.

Ms. Gauger declared a quorum present and asked for a nomination for acting Chairman.

Ms. Holmes made the nomination of Ms. Gauger, seconded by Mr. Lay. *Motion Carried.*

Others present: Blake Parsons, Charles Nagel, Barry Logan, Greg Minger

- Approval of minutes for May 28, 2019 & June 25, 2019.

Motion to approve May minutes with corrections made by Holmes, seconded by Lay. *Motion Carried*

Motion to table June 25, 2019 minutes until next month made by Holmes, seconded by Lay. *Motion Carried.*

- Swearing in and/or affirmation- completed for each petition.
- Petitions Submitted for Review:

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**2019-20-V Spring Bay Township**, filed by Jeffrey Phillips for a Variance for a side yard setback, a reduction of 15' to the south property line. A reduction of 22' to the north property line for the dwelling and an 11' reduction to the south property line for the detached garage, in the Conservation District, located on Lot 12, NW ¼ Spring Beach Sub 1, Section 35, T27N-R4W of the 3<sup>rd</sup> P.M. Woodford County, Illinois, and more commonly described as 1181 Sunset Drive, East Peoria, Illinois

- Swearing in and/or Affirmation: was completed for petition **2019-20-V**

Mr. and Ms. Phillips were affirmed. Mr. Phillips explained that the existing house is unsafe and they would like to tear the house down and rebuild. Due to the size of the lots he will need the side yard Variance. Ms. Holmes asked if had completed the Floodplain permitting. Mr. Phillips noted that he has submitted his Joint Application to natural resources. Ms. Holmes asked about the age of the home and noted it was currently below flood protection elevation. Mr. Phillips noted the home was built in the 1950's and the footers are insufficient. Ms. Holmes noted that the property is conservation district and homes are permitted. She also noted this would alleviate a non-conforming structure for floodplain.

### Findings by the Zoning Board of Appeals for Petition 2019-20-V:

**A. Non-conforming uses in the same district and permitted uses in other districts shall not be considered grounds for issuance of a Variance.** (Affirmative) This is a residential structure and single family homes are permitted.

**B. The granting of the Variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands or structures in the same district.** (Affirmative) No special privileges have been given, everyone is now required to file with the State to build in the floodplain.

**C. The ZBA has found that the reasons set forth in the application justify the granting of the Variance.** (Affirmative) The applicant is improving the elevation of the property and he is not asking for anything excessive.

**D. The ZBA finds that the granting of the Variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.** (Affirmative) The general purpose of the district is residential and construction of a conforming dwelling will alleviate an existing issue that is detrimental to the area.

**E. The Variance requested is the least amount of Variance required to allow the proposed structure on the existing lot, without regard to aesthetics or personal inconvenience to the property owner.** (Affirmative) The proposed dwelling is not overly large and is in agreement with the character of the neighborhood.

Motion to approve petition 2019-20-V made by Lay for a Variance for side yard setback, a reduction of 15' to the south property line. A reduction of 22' to the north property line for the dwelling and an 11' reduction to the south property line for the detached garage, in the Conservation District, located on Lot 12, NW ¼ Spring Beach Sub 1, Section 35, T27N-R4W of the 3<sup>rd</sup> P.M. Woodford County, Illinois, and more commonly described as 1181 Sunset Drive, East Peoria, Illinois, with a 365 day extension for permitting time, seconded by Holmes:

Roll call vote: Teresa Gauger – *Yes*, Kim Holmes – *Yes*, Jerry Lay – *Yes*. *Motion carried.*

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**2019-16-S Clayton Township**, filed by Paul Quiram for a Special Use for a private heliport, located in the (AG) Agriculture District, on a 6.62 acres ±, part of Tract Q-1 in the N ½, NE ¼ of Section 35 and T28N-R1E of the 3<sup>rd</sup> P.M. Woodford County, Illinois, and more commonly described as the ground surrounding 2475 State Route 116, Benson, Illinois.

- Swearing in and/or Affirmation: was completed for petition **2019-16-S**  
Ms. Gauger explained that this petition was returned to correct an issue with public comments. She noted that only the individuals who were not allowed to speak during the hearing in May would be permitted to speak this evening.  
Ms. Jording utilized the May sign in sheet to determine who would be permitted to speak. Mr. Keaton Martin was called, he was not in attendance. Mr. Dave Meinhold was called. Mr. Meinhold was sworn.  
Mr. Jason Jording, Attorney representing the petitioner was sworn.

Mr. Meinhold discussed if the heliports were in compliance with the Tall Structures Ordinance. He presented photos of silos on the heliport property. Mr. Jording asked who took the photos. Mr. Minger explained how evidence must be entered. Mr. Meinhold explained that the silo was approx. 45 ft. tall and approx. 207 ft. from the heliport site. Mr. Jording objected unless foundation could be laid. Mr. Meinhold noted that Mr. Campen took the measurements. Mr. Jording noted that Mr. Meinhold was incompetent to testify to the measurements since he did not take them. Mr. Meinhold discussed that there are five areas that are not in compliance with the Tall Structures Ordinance. He discussed the Ameren high line wires he noted that have a posted height of 185 ft. Mr. Jording objected to the height. Mr. Meinhold noted that there are five items and the Ameren towers do not meet the Tall Structures requirements. Mr. Meinhold discussed the decision process, he noted there is competing interest of the heliports and the wind farm. Mr. Meinhold discussed item D. in the findings of fact. (*Will not impede the normal and*

*orderly development and improvement of the surrounding property for uses permitted in the districts*) he noted that the heliport proposal will impact 14 land owners from participating in the wind farm. He discussed that adjacent land owners did not know this was happening, he stated they likely know now. He noted this will impede the normal and orderly development of the wind farms. Mr. Meinhold discussed permitted uses, he noted that wind towers are agriculture use and are permitted by the Agricultural use policy and are supported by the County Board in the land use plan. He discussed that “permitted” is to prevent a party to prevent beneficial development through the use of zoning shenanigans. He noted that the Wind Company has been in the area long before the heliport applications. Mr. Meinhold stated that the heliports are being used against the wind farm. He noted that the three people on the Zoning Board is deciding the future of Woodford County. He felt that this application is not in compliance with the Zoning Ordinance and should not be approved.

Mr. Jording objected to Mr. Meinhold testifying that the application does not meet the Zoning Ordinance.

Ms. Gauger stated that they are going to strike the hearsay testimony of the heights and his interpretation of the Zoning Ordinance.

Mr. Meinhold noted that the Ameren towers is marked at 185 ft. and is 3200 ft. from the heliport location. He stated he would let the Zoning Board determine if it was in compliance with the ordinance. Mr. Meinhold stated if it is not in compliance then you cannot improve it. He noted the economic impact the heliports is not defined and there is known economic impact to 14 land owners having the wind towers come to the County.

Mr. Lay asked if they look at economic impact. Ms. Gauger noted that item D. and item G. Mr. Lay discussed if they should look at possible future use when determining if you should allow something. Mr. Minger noted you must look at what is there today. Ms. Holmes discussed the impact of approval of items affecting the neighbor’s airspace.

Mr. Meinhold discussed that there is a new Tall Structure ordinance on the agenda and he questions the order the Board is addressing the items, he noted that approving the Tall Structures Ordinance is a significant reduction in the setback restrictions.

Mr. Minger noted that the Board can consider the future effect of projects if they are going to have significant financial or land use affects.

Mr. Lay asked if Mr. Meinhold was a landowner. He noted that he was a landowner in the project but none of his land is affected by the heliports.

Mr. Jording cross examined Mr. Meinhold. Mr. Jording asked Mr. Meinhold is his testimony was 100% his own. Mr. Meinhold stated it was. Mr. Jording asked where the 1400 acre number came from. Mr. Meinhold noted Tri-Global came up with that number. Mr. Jording noted that Mr. Meinhold was incompetent to testify to that information since he did not come up with it. Mr. Jording asked if Mr. Meinhold had a note given to him by the wind farm representatives. Mr. Meinhold noted he did. Mr. Jording asked him to read the note.

Mr. Meinhold read “They are going to allow only the people who not allowed to speak the last time to speak. So you will need to talk to your proposals and that of maybe some others.” Mr. Jording noted that was not what it said. Ms. Gauger stated they would strike the 1400 ft.

Several individuals not identified spoke and were indecipherable. Mr. Minger asked for the note to be given back. Mr. Jording noted the witness may need to be instructed on his rights because he testified that this was 100% his testimony and there is evidence that is not true. Mr. Meinhold noted he was asked if he was talking and it is a 100 % of what he is saying and that is how he took it. Mr. Jording asked if Tri-global asked him to bring up points since they were

not going to be allowed to testify. Mr. Meinhold noted they just said he has to testify, he is the only one allowed to testify, they did not tell him what to bring up. Mr. Jording from a note Mr. Meinhold possessed "so we need you two guys to establish that there are current structures in the proposed area that are in violation of the Tall Structures Ordinance." That is how you began your testimony this evening. Mr. Meinhold noted it was but he knew that information. Mr. Jording asked if those were his numbers. Mr. Meinhold noted he knows what the Ameren towers heights are. Mr. Jording asked if he measured the towers personally. Mr. Meinhold stated he did not. Mr. Jording asked if he knew the measurement tolerances of the google measuring tool. Mr. Meinhold stated he supposed 150 ft. Mr. Meinhold noted he has used google measurements for many things and the measurements are very accurate. Mr. Jording asked if the 1400 acres came for Chris Green. Mr. Meinhold stated it came from Tri-global. Mr. Jording asked which Board members Mr. Meinhold had spoken with, he noted Mr. Barry Logan was one. Mr. Meinhold noted Mr. Barry Logan was the only one he spoke to regarding the Tall Structures Ordinance. Mr. Meinhold noted board members had called him because they were concerned about how the past zoning board hearing went. He noted he also spoke to Mr. Don Tolan.

Mr. Minger noted that they have gotten off track, he noted that Mr. Jording has sufficiently impeached the witness.

Mr. Jording asked if there was a wind turbine within 5000 ft. of an RLA that would prevent the RLA, Mr. Meinhold agreed. Mr. Jording noted that since Mr. Meinhold has a financial interest if the wind turbines, his clients should not be allowed to have an RLA. Mr. Meinhold noted that is not the case, he felt the requirements must be met before they are approved. Mr. Jording asked how much money Mr. Meinhold has received from the wind farm. Mr. Meinhold noted around \$30 per acre for 195 acres. Mr. Jording asked if no wind farm is build will he lose money. Mr. Meinhold noted he would. Mr. Jording asked if there could still be a wind farm if these RLA's are built. Mr. Meinhold noted that was not his decision. Mr. Jording noted that Mr. Meinhold discussed with the wind farm because he stands to lose money if it is not build. Mr. Meinhold noted that Mr. Jording was trying to say his motivations. Mr. Meinhold stated his actual motivation is not financial, it is to make the right decision here for the county. Mr. Jording asked why he would testify to what someone else wanted entered.

Mr. Jim Campen spoke last month. Mr. Minger explained only individuals not allowed to testify in May are being allowed to testify this evening. Mr. discussed that they were erring on the side of caution when people asked to sign up. Mr. Campen asked who determines if something is in compliance with the Tall Structures Ordinance. Mr. Minger noted that there is an existing Tall Structures Ordinance in place, they are looking at the ordinance tonight. Ms. Jording clarified that the Tall Structures Ordinance is enforcing against erecting new Tall Structures it is not enforcing against heliports. She noted there are Variance procedures for placing a tall structure within a heliport setback, there are no Variances for placing a heliport where a tall structure already exists because the ordinance is not enforcing against that.

Mr. Jording objected that he was attempting to testify without testifying.

Ms. Jording called Mr. Koehler, Mr. Koehler stated he is testifying on 2019 -18-S.

Mr. Jording explained that this petition passed previously with all three members that are present voting yes. He noted the only thing heard tonight is witness testimony from one person, the sham that the witness thinks is going on. Mr. Jording noted the only sham is that the wind farm that testified previously wants to testify again so they get someone that they have paid money to, to come in with a not saying we need you to get this in for us. That individual

comes in and under oath and says it was all his own testimony and numbers. The wind farm and Mr. Meinhold have a financial interest in this issue. He noted there was no new credible evidence. He noted that they have someone who determines if a petition is in compliance with the ordinance, it's the Zoning Department. Mr. Jording noted that Ms. Holmes knows that quite well. He noted that no one brought this up at the last hearing. Mr. Jording noted that the witness had the gall to lecture the Board on their job while he offers perjured testimony. The witness admitted that if a wind turbine was built it would stop an RL from being built. An RLA would not stop a wind turbine, it might change the siting but it would not prevent it. He noted that wind turbines are not permitted uses, they must have a Special Use and must receive permission to do. Not new testimony was presented, that should change your mind. Mr. Jording asked that the Board vote the same as last hearing, affirmative on all findings.

A representative from Tri-Global asked if they could respond to some of the allegations they felt were untrue. Ms. Gauger did not allow it. Mr. Minger noted there was another time and place for that.

The Board reviewed the findings of fact.

#### **Findings by the Zoning Board of Appeals for Petition 2019-16-S:**

**A. Will not be detrimental to the public health, safety, and welfare;** (Affirmative)

The applicant followed the proper procedures contacting IDOT to inspect the area as a restricted landing area heliport and it met the requirements. This finding is in the affirmative and does not exhibit any public health, safety, or welfare problems.

**B. Will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted. The applicant need not demonstrate complete compatibility, but the applicant shall demonstrate reasonable efforts to minimize incompatibility;** (Affirmative)

The predominant area around them is farm land, with the lack of close neighbors will not cause any problems.

**C. Will not be injurious to the district in which it shall be located;** (Affirmative)

This provides a safe alternative for helicopter landing for aerial spraying, it is an Agricultural District.

**D. Will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the districts;** (Affirmative)

The heliport is supposed to be located on a small parcel of property, the existence of that heliport should not impede the development of the surrounding area.

**E. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;** (Affirmative)

The heliport will be of sod, no utilities, drainage or access road are necessary.

**F. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public roads;**  
(Affirmative)

The area the heliport is located is one way in-one way out so it is not a thoroughfare. It will not be used as a public landing area, it is a private heliport and will only be used a few times primarily in the summer months.

**G. Is consistent with the Woodford County Comprehensive Land Use Plan.**(Affirmative)

The area is agriculture, and the heliports primary intent is for agriculture.

Motion to approve petition 2019-16-S by Paul Quiram for a private heliport made by Holmes, seconded by Lay:

Roll call vote: Kim Holmes – *Yes*, Jerry Lay – *Yes*, Teresa Gauger – *Yes. Motion carried.*

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**2019-18-S Clayton Township**, filed by Randy Koehler for a Special Use for a private heliport, located in the (AG) Agriculture District, on a 26.58 acres  $\pm$ , in the N 1/3 of N 1/2 SW 1/4 BLK 16 of Section 16 and T28N-R1E of the 3<sup>rd</sup> P.M. Woodford County, Illinois, and more commonly described as 2040 County Road 2200 E., Benson, Illinois.

- Swearing in and/or Affirmation: was completed for petition **2019-18-S**  
Mr. John Koehler was sworn in. Mr. J. Koehler noted that the location of the Shuck-Oltman airport is very close. He noted there are some towers on file with the courthouse. He noted that was all he had, just that there is a lot going on in the air. Mr. J. Koehler noted he grew up nearby.

Mr. Jording asked if Mr. J. Koehler was a pilot or if he was familiar with how pilots de-conflict themselves in congested areas. Mr. Koehler noted he was not a pilot and was not aware of how pilots de-conflicted. Mr. Jording asked if he was aware of the regulations and procedure put in place by the governing bodies in charge of air safety. Mr. J. Koehler noted he was not. Mr. Jording asked if Mr. J. Koehler was there to make sure the board was aware. Mr. J. Koehler noted that the last testimony got ugly and he was just there to provide an observation. Mr. Lay asked if he was aware that the FAA has procedures to deal with close proximity airports. Mr. Koehler was not aware.

Mr. David Meinhold was called, he had no further testimony.

Mr. Jording expressed his appreciation for Mr. J. Koehler's testimony. Mr. Jording also noted that pilots have procedures to de-conflict when flying in proximity to one another. He offered that Mr. J. Koehler's testimony was just observation and should not change any of the findings this evening. He noted that last time all the findings were in the affirmative and unanimous, he asks for the same this evening.

The Board reviewed the findings

**Findings by the Zoning Board of Appeals for Petition 2019-18-S:**

**A. Will not be detrimental to the public health, safety, and welfare; (Affirmative)**

The applicant followed the proper procedures contacting IDOT to inspect the area as a restricted landing area heliport and it met the requirements. This finding is in the affirmative and does not exhibit any public health, safety, or welfare problems.

**B. Will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted. The applicant need not demonstrate complete compatibility, but the applicant shall demonstrate reasonable efforts to minimize incompatibility; (Affirmative)**

No incompatibility.

**C. Will not be injurious to the district in which it shall be located; (Affirmative)**

This will provide a safe alternative for helicopter landings in the area for aerial spraying and is an agriculture use in the district.

**D. Will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the districts; (Affirmative)**

This would be a private heliport, on private property on a small parcel thereof and it will not impede the uses permitted in the district.

**E. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided; (Affirmative)**

The heliport is sod, no utilities would be required, the access is existing and no drainage exists.

**F. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public roads; (Affirmative)**

This is a private heliport on private property, ingress/egress is through the private property, the land owner has control.

**G. Is consistent with the Woodford County Comprehensive Land Use Plan. (Affirmative)**

This is the Agriculture District, the area is being used for agriculture and the primary intent is for agriculture use.

Motion to approve petition 2019-18-S for a Special Use private heliport for Randy Koehler made by Lay, seconded by Holmes:

Roll call vote: Jerry Lay – *Yes*, Teresa Gauger – *Yes*, Kim Holmes – *Yes*. *Motion carried.*

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**2019-21-V Worth Township**, filed by Jeremy Bracken for a Variance for the minimum road setback, a reduction of the minimum road setback from 65' to 35' to construct an outbuilding, a reduction of 30 ft. in required set back, in the Residential Single Family (R-1) District, on Pt Lot 1 Woodland Knolls 2.33 AC, Section 30, T27N-R3W of the 3<sup>rd</sup> P.M. Woodford County, Illinois, and more commonly described as 1342 Woodland Knolls Germantown Hills, Illinois.

- Swearing in and/or Affirmation: was completed for petition **2019-21-V** Mr. Jeremy Bracken was affirmed.

Mr. Bracken explained that he was requesting a Variance from the minimum road setback from 65 ft. to 35 ft. to erect a 34 x 48 post frame building. The topographical conditions on this property represent a significant hardship if the 65 ft. setback is enforced. He discussed that he provided diagrams of the property showing the property consists mostly of hillside. He noted placing the building further back would affect the long term stability of the structure and the hillside. Mr. Bracken presented plans for the building, those plans show that the garage doors will allow for entrance from the existing garage. He noted the plans to show the mean height of the building at 18 ft. he also noted that he had previously constructed buildings in other districts and the mean height in those districts was 20', it has been brought to his attention the mean height is actually 15 ft. If it is possible he would like the board to consider that height as part of this Variance, if not he has already filled the necessary paperwork to request a mean height Variance. Mr. Bracken noted he would like to put a lift in the building and the added height would allow for roof clearance of a vehicle on the lift. Mr. Bracken noted the building will be in harmony with the surrounding area, several other properties also have out buildings. He plans to side the shed to match the home and plant trees around it to create some shielding.

Mr. Brian Mooty raised an objection as the attorney representing some on the objectors. He noted that there is a building plan presented that has not been seen by those objecting.

Ms. Gauger noted they would not address the height variation this evening.

Ms. Holmes asked why the building was so large. Mr. Bracken noted that he may make the building smaller. Ms. Holmes discussed that the Variance must be for the least amount necessary. Mr. Bracken noted that while he may not make the building 48' deep the width of the building and the road setback is the minimum required to fit the 34 width with the doors. Ms. Holmes asked if Mr. Bracken was aware of the size restrictions in the R-1 district. Mr. Bracken noted he was aware of that and met those requirements. The topography of the ground was discussed. Mr. Bracken noted the proposed location is the most feasible based on the lay of the land, he noted the other side of the house would require up to a 30 ft. retaining wall to allow for construction of the building. Mr. Brian Mooty was sworn. Mr. Mooty is representing the Schaer's who are also in attendance. Mr. Mooty noted there are 13 written objections on file and represent 22 of the neighbors in the area. Mr. Mooty discussed that he plans to request a height variation as well, he noted that the size and scope of this project and the elevations is relevant. Mr. Mooty asked Mr. Bracken if the Variance he filed was the largest he felt he could get. Mr. Bracken stated this is the largest he may need. Mr. Mooty asked why he did not build a smaller structure. Mr. Bracken noted that the size of the building is not the issue it is the setback. The width of the building is what is requiring the Variance, not the depth. Mr. Mooty asked if the building was smaller a Variance would not be required. Mr. Mooty asked if Mr. Bracken was putting two lifts in the building. Mr. Bracken noted he plans to install a single two post lift. Mr. Mooty noted that the size of the building is for his convenience, he could build something smaller. Mr. Bracken noted that there is no requirement for a home either. Mr. Mooty asked about the home on the property, he noted that Mr. Bracken does not own the home and his purchase is contingent on getting the building Variance. Mr. Bracken noted he still has the option to purchase even if he does not get the Variance. Mr. Mooty noted that he would not be contractually obligated to purchase the home if the Variance did not get approved. Mr. Bracken agreed. Mr. Mooty noted that this is not a necessity. Mr. Bracken noted he believes it is a necessity. Mr. Mooty noted that there is currently a home on the property, it is a very nice home and has been there for many years. There is a very reasonable existing economic use for the property, and could be used as it currently exists. Mr. Bracken noted he would like to put all his vehicles inside. Mr. Mooty asked how many vehicles Mr. Bracken owns. Mr. Bracken stated he has 4 vehicles. Mr. Mooty noted that it is his preference and convenience to have four vehicles and park them inside, not a necessity. Mr. Bracken noted that would be up for opinion. Mr. Mooty

asked if the neighbors in the area thought that wasn't a necessity that would be an opinion as well. Mr. Bracken noted he could just gravel the entire area and parking his vehicles outside. Mr. Mooty asked if Mr. Bracken planned to come back for a height Variance. Mr. Bracken noted he would like to. Mr. Mooty asked if he planned to erect a 17.5 ft. building in the front yard. Mr. Bracken agreed. Mr. Mooty discussed the removal of trees to allow for the building.

Mr. Mooty asked about the cost of construction. Mr. Bracken discussed that he had, the cost is \$30,000-\$40,000. Mr. Mooty asked if Mr. Bracken had spoken with any of the neighbors before or after filing the Variance. Mr. Bracken stated he did not speak with them before filing but had spoken with them after he filed.

Mr. Gary Schaer was sworn. Mr. Schaer discussed that he is the immediate neighbor to the property and is one of 22 neighbors that oppose this project. 13 written objection have been filed. He explained that he is not aware of any neighbor who is in favor of this building. He discussed that there is sufficient room to locate the shed elsewhere on the property and allowing the shed to be erected in the front yard would violate the character of the neighborhood. Mr. Schaer noted that he owns the property to the west of the property in question, he wished to expand an existing shed on the property but the neighbors were opposed and preferred a home to be built. Mr. Schaer noted he went with the wishes of the neighborhood and did enlarge the shed. Mr. Schaer noted that there is no specific circumstance that requires the placement of the shed in this location and no economic interest is denied if this shed is built. Mr. Schaer noted the neighborhood does not have sheds in the front yards. He discussed the deficiencies he felt existed with the petition. He did not feel the requirements of the applicant was met. Ms. Gauger asked if other sheds were in the area. Mr. Schaer noted they were but not in front yards. Mr. Lay asked if Mr. Schaer had any documentation that this building would lower property values. Mr. Schaer noted that was a conversation he had, he personally believes that pole sheds had a purpose but they should not be place 35 ft. from the center of the highway. Mr. Lay asked again if he has any proof it will lower property values. Mr. Schaer noted just his discussions with the neighbors.

Ms. Holmes asked if the road commissioner had been contacted. Ms. Jording stated he had, an interested party for had been filed but it was received late. Mr. Bracken stated that he spoke with the road commissioner and was told he did not see an issue. Ms. Holmes discussed that line of sight is typically the issue. Ms. Jording noted that the road commissioner had provided some notes stating that setback rules have been established for a long time. Approximately 90% of the sixty miles of road maintained has hills and corners, Woodland Knolls is not exception and he asks the zoning board to carefully look at the area before making their decision. Mr. Bracken presented some line of site measurements. He discussed the site distances that will exist with the building and the visibility it will leave for the roadway and driveways. Mr. Schaer noted that he also spoke with the road commissioner and noted that the road commissioner stated he saw no reason for the building to be in this location with the size of the property. Mr. Schaer noted that he brings a trailer in regularly and he will not be able to see down the road with that building. Mr. Lay asked about drainage. Mr. Bracken noted there will be a retaining wall and will direct water down the hill. Mr. Schaer discussed that there is a significant ravine on that property and he feels the shed could go to the other side. Ms. Holmes asked about the septic. Mr. Schaer stated the septic is right next to the house, he could go all the way out. The Board discussed the lay of the land on the property.

Mr. John Jordan was sworn. Mr. Jordan asked if he would be using the shed for residential purposes only. Mr. Bracken stated he would, he noted he would park his work vehicle there when he came home from work so he does not have to stop at his storage locker at 2 am. Mr. Jordan noted that would be commercial then. Mr. Bracken noted he would not store equipment in the shed, only park his vehicle there when he comes home for the evening. Mr. Jordan expressed concern over him coming home at 2 am. Mr. Bracken noted someone bartending or working 3<sup>rd</sup> shift. Mr. Jordan noted they would not be bring equipment in at 2 am. Mr. Bracken noted he would be backing a van in to the shed. Mr. Jordan asked what happens if he leaves and someone else has

other intents. Mr. Bracken noted that life happens but any of the neighbors could move. Ms. Holmes asked if he would have customers come to his home or advertise his home address. Mr. Bracken noted he has an office in Peoria Heights, he does not have customers come to his home. He noted he does work from home at times returning phone calls. Mr. Jordan's concern is that it is going to be closer to the road than any other building. Ms. Holmes asked if the building looked more like the home would there be the same objection. Mr. Jordan noted if they added onto the house and it needed a Variance that would be preferable to the neighbors. He noted that would make the Variance much more agreeable. Mr. Bracken discussed that would create a significant building issue with retaining walls. Mr. Todd Ellis was sworn. Mr. Ellis noted that noise happens every day in the neighborhood. Mr. Ellis noted that he cut down seventeen trees on the property, some of those created a greater line of site issue than the shed will. He also noted that there are currently mailboxes that create a blind spot for their driveway. Mr. Ellis suggested a speed bump be installed to slow the traffic. Mr. Ellis discussed that he has spoken with Becky (Schaer) and she stated they did not want to look at it. Mr. Ellis discussed that he is a disabled vet so selling the house will immediately recoup taxes for the county. He discussed that he needs the house to sell since he lost his job recently. He discussed if this was a significant issue the township road commissioner would have been there. Mr. Ellis noted that he removed trees to protect the ravine, he worked for the City of East Peoria for 6 years and knows how to protect the ravine. Mr. Bracken discussed that he looked for a house for two years and this is the right house. He also discussed that he questions the written objections because what they signed depends on the narrative they were given.

Mr. Brad Salisbury was called. Ms. Jording noted he was out of the country but filed a written objection which was provided to the members. Ms. Holmes asked why this house. Mr. Bracken explained that he loves everything about the house, he looked for 2.5 years and would not be going through all this trouble if he did not.

The Board discussed some of the facts of the case and the lay of the land. Mr. Ellis explained the locations of the septic and the steepness of grade beside the home.

Mr. Mooty noted that the setback standards have been in place for years and the neighbors would like for the Board to uphold those standards. He noted that Variances should be hard to come by and only granted in specific instance. He asks on behalf of the neighbors that this not be approved. He noted that the applicant has already stated he intends to come back for a height Variance, another insult to the neighborhood. He indicated that this may not just be a residential use but a commercial one as well. Mr. Mooty stated that it is not the applicant's property value that should be considered but the surround property owners. There is a perfectly reasonable use of the property currently, there is no reasonable basis to grant the Variance. Mr. Mooty discussed that the 13 written objectors feel their property value would be adversely affected. He noted that there are no other sheds in the front yard in this neighborhood. He stated it is clear that this is an election on their part to put this building in and the circumstances of the seller or buyer should not be considered. Mr. Mooty noted the high burden has not be meet and should not be approved.

Mr. Bracken noted that if he told the same objectors that he plans to park his trailers and vehicles outside as he is allowed by the ordinance. He does not feel that is the right thing to do and feels the Board can make good, educated decision and use common sense to determine what is ok and not ok. If the building was 30 ft. back and in compliance he believes they would still object but could not do anything about it.

Ms. Holmes asked about the 34' vs the 32'. Mr. Bracken noted that is accounting for the 2 ft. overhang, the structure will be 32' with a 1 ft. eave on each side.

The Board considered the findings.

**Findings by the Zoning Board of Appeals for Petition 2019-21-V:**

**A. Non-conforming uses in the same district and permitted uses in other districts shall not be considered grounds for issuance of a Variance.** (Affirmative)

Accessory structures are a permitted use in the district.

**B. The granting of the Variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands or structures in the same district.** (Affirmative)

Not aware of any other areas in the district where a Variance has been requested.

**C. The ZBA has found that the reasons set forth in the application justify the granting of the Variance.** (Affirmative)

According to testimony, the structure will be used to house a large work truck and other equipment so it will not be setting out and will protect the equipment from the elements. The applicant also noted they will place foliage to camouflage the building and will build the structure to match the existing structures.

**D. The ZBA finds that the granting of the Variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.** (Affirmative)

The applicant is working hard to get a building that is compatible with the house and the neighborhood and there is no detriment to the public welfare.

**E. The Variance requested is the least amount of Variance required to allow the proposed structure on the existing lot, without regard to aesthetics or personal inconvenience to the property owner.** (Affirmative)

Testimony by the applicant is that the width of the building is the very minimum required based on where the land starts sloping off.

Motion to approve petition 2019-21-V by Jeremy Bracken for a minimum road setback only, it does not grant a Variance for building height and is approved with the condition that foliage be placed around the structure made by Holmes, seconded by Lay.

Roll call vote: Teresa Gauger – *Yes* Kim Holmes – *Yes* Jerry Lay – *Yes. Motion Carried.*

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**2019-22-A County Wide**, filed by the Conservation, Planning and Zoning Committee to amend the Tall Structures Ordinance and incorporate it into the Zoning Ordinance as Section 31 Tall Structures. Amendments include clarification of Rotary (Heliport) requirements vs. Fixed Wing (Airport/Landing Area) requirements, including approach and landing areas.

- Swearing in and/or Affirmation: was completed for petition **2019-22-A**  
Mr. Blake Parsons was sworn. Mr. Parsons presented the changes to the Tall Structures Ordinance. He discussed that the committee felt there was some information missing from the Ordinance. He also noted that they would like to draft the Tall Structures Ordinance in the Zoning Ordinance as its own section, section 31 Tall Structures. Mr. Parsons discussed that the changes in section 31-1000 they have outlined that this specifies heliports. Under 31-1100 the definitions Fixed Wing

Aircraft. Mr. Lay asked if they were going to allow airports to be used as a heliport as well. He noted it may simplify things if it was changed to aircraft as that covers both airplanes and helicopters. Mr. Parsons presented that the definitions for FATO, Helicopter, heliport/vertiport, TLOF, Transitional surfaces. Section 31-1200 clarified that this applies only to airports and fixed wing aircraft. Section 31-1300 also is adjusted to apply only to airports and fixed wing aircraft. Mr. Parson discussed that the main changes are for helping applicants determine what is required of them. They chose to place those requirements into the section by paralleling the State requirements. This includes outlining the diagrams. Mr. Parsons discussed section 31-1400 would apply specifically to heliports. Mr. Lay noted this section is slightly misleading as these are the certification requirements, not limitations. The FATO can be circular, octagonal or rectangular. It has four sides and can have multiple approaches into it, these are the minimum requirements to get certified. He noted this could be confusing with people thinking these are the only two approaches in and out to a heliport that is not the case. Mr. Parsons asked about the certification. Mr. Lay noted that the initial State certification requires a minimum of two approaches that are 90 degrees apart. That does not mean that is how they have to approach and land they can come in from multiple directions and realistically there could be 360 degrees of approaches. Mr. Parsons asked what they would need. Mr. Lay noted that what the ordinance shows is the minimum requirement, they can have more

Mr. Lay noted there is nowhere in the world that a pilot could come in and get that approach information, it is documented on the airport master record. An airport master records show for airports the runways and direction people must land. He noted on the heliport master records it only shows the number of landing locations, you can land at a heliport in 360 degrees. Mr. Lay noted the Tall Structures was designed for safety. Mr. Lay clarified again that for airports all this information is published in multiple publically accessible places, charts, etc., the only thing you will get for a heliport is the size of the TLOF and if it is elevated or on the surface. What you are seeing in the diagrams you cannot find that information anywhere but at the State. Mr. Parsons asked if there language in statute that requires them to adhere to their initial site plan certification. Mr. Lay noted that the State requires those paths be in place and kept clear. There can be approaches approved by the FAA which can be documented so pilots can find the information but the State does not require that you take off and land in those directions whatsoever. Airports will have information relating to runway direction, the only the numbers you see on a heliport is the weight it can handle and the rotor diameter, it does not give an approach or departure in and out of there. Mr. Parsons noted that they are trying to outline the same thing the State requires, they will still adhere to the State standard. He noted it doesn't require the strict use of the certified plan. Mr. Lay noted that the FAA States that the approach path starts at the FATO and those areas have to be clear, they could have 360 degrees of approach paths as long as they have clearance. Mr. Parsons noted that he was aware that airport and heliport owners can work with entities that wish to come in and work around the approaches. Mr. Lay noted there could be curved approaches for the certification purposes. Mr. Parsons noted that they felt the best course would be to mirror the State requirements. Mr. Lay noted they have accomplished that, for certification purposes not for applications purposes (use). Mr. Lay noted that you cannot restrict how a pilot comes in from any direction he feels like. Mr. Lay noted this was initially put in for safety, he noted heliports were included as an RLA which they are. Mr. Parsons noted that this would be a 1000 ft. reduction for heliports only. Mr. Lay noted that an aircraft is anything that flies which is why it was written that way, to cover anything that flies. Mr. Lay noted the State standards have been in place for a long time. He noted that the original Tall Structures was written it was to address the new farms coming in, wind farms, TV antenna farms, etc. Prior to wind farms coming in they did not account for multiple obstacles like wind arms that come in large numbers. Mr. Lay noted that the owners of RLA's do not have protection from FAA or the State if they are not receiving Federal money. Mr. Lay noted if an obstacle is built the State will come out and if it is a safety issue they will shut the

RLA down. Mr. Parsons asked if the State is requiring this but is ultimately governed by FAA who says you can have 360 degrees for takeoff, but you are required to outline approaches this for certification. In order to apply for certification they must have that. Mr. Lay agreed but noted that does not mean they are limited to that. Ms. Holmes noted they can take off in any direction as long as they have clearance, she noted that it is a proposed reduction to 4,000 ft. which is State Statute. Mr. Parsons discussed section 31-1400 and noted they have added a table with additional heliport standards. Mr. Parson noted they would also eliminate the last several paragraphs for severability and passage dates that would duplicated in the Zoning Ordinance.

Mr. Seth Uphoff, Mr. Chris Green and Mr. Daniel Underwood all representing Tri-Global Energy were sworn. Mr. Green asked why the County needs to go above the State and Federal requirements. Mr. Lay noted he cannot speak for the County, he was involved as an outsider at that time and the County received input from RLA owners at the time, they were concerned that they could not be protected and it was designed for safety, it was not against wind or cell towers. Mr. Green noted that they have close to 200 land owners in the project area. They have a 45,000 acre area and currently have about 35,000 acres leased. The area is highly interested in participating in the wind project. The unfortunate thing you have going on now is that you have created this loophole within the rule that allows someone to come in and carve out 5000 ft. radius circle and take the rights of those land owners away and they do not have to illustrate that they have a helicopter license, own a helicopter or ever intend to use it. They feel the State standard is a fair and balanced between safety and reasonableness. You have to look if it is safe and reasonable. The way the ordinance is written is really safe but it is taking away the land rights of the landowners around it. He noted it doesn't sound like it will get used. The first wind project was built in 2001, Mr. Green noted he is not aware of a helicopter incident with wind turbines to date. He noted this is a mature industry and they feel the State Statute is a better balance, the current ordinance goes too far on the safety side, is being abused and is taking rights from the landowners. Mr. Lay asked how many helicopters are required by the State to be a heliport. Mr. Green stated he did not know. Mr. Lay asked how many operations per year a heliport must have to continue to meet certification standards for the State. Mr. Green stated he did not know, he said that if a private heliport is in place the minimum standards are all that are required to keep that helicopter certified there for you can interpret from the State standpoint it is safe enough to operate. Mr. Parsons noted they are getting off track and need to be discussing the Tall Structures changes. Mr. Parsons stated he felt the State standard should be adopted as is fairer to the surrounding landowners. Mr. Daniel Underwood explained he is from Capitol Airspace and is an airspace consultant. He noted the main goal is always to balance the economic and safety. He noted that all Tall Structures get an aeronautical study number, they are currently working on 1500 projects and over 200 are wind projects. He noted prior to working with the firm he was an army aviator flying helicopters and after that worked for civilian and Federal government doing airspace and aviation management. He noted he is graduate of the U.S. military academy and GIS is his degree. Mr. Underwood noted the aeronautical study is months long and has public review and public comments. He noted that substantial effect is one operation per day for VFR fields it is one operation per week for IFR operations. He noted that private fields do not get looked at if they do not have an instrument approach, these means they would not be considered in the aeronautical study. He noted there are no helicopter routes in this area. Mr. Underwood discussed the local area relating to the heliport applications and noted there are obstructions in the area that are taller than the State requirements. He noted that private heliports will be looked at if they have an instrument approach. If none of the approach or departure area they will be issued conditional approval. Mr. Underwood noted that at 250 ft. a structure cannot be more than 25 ft. tall.

He noted this elevation of the terrain must be taken into account as well. The County standards goes out to 5000 ft. and is capped at 150 ft. the State Standard between 1000 ft. and 4000ft. you are up to 500 ft. AGL, it is a constant slope. Mr. Underwood provided some examples. The Illinois

rules require a minimum of two approaches. He noted pilots must also see and avoid, all of those separate FATO's must be applied for and approved. He noted there are some areas where they may not be able to go. Mr. Underwood discussed the same for both the heliports previously discussed. He noted in some instances the heliport near Shuck-Oltman they could be flying directly at each other. He went on to discuss the traffic pattern for Shuck-Oltman noting that it would be over the area of the proposed heliport. Mr. Underwood noted that in class G airspace they do not have to have radios and could not be speaking to each other. This would be a safety issue. Mr. Lay asked if it was illegal to have the heliport and airport that close to each other. Mr. Underwood noted there is nothing that prevents them from being that close to one another but they have to be speaking to one another. Mr. Lay noted that was not true aircraft must fly a traffic pattern for safety. He asked if there are any other heliport/airport are this close to each other. Mr. Underwood was not aware of any. Mr. Lay noted there are some of these in Illinois. Mr. Underwood stated the State will not regulate two private heliports or airports so this will be an area of higher risk. Mr. Underwood moved on to discuss Ag spraying. Ms. Gauger noted this does not have any bearing on what the Board is currently discussing. Mr. Underwood noted the IDOT standards provides a good balance of safety and land rights of the nearby landowners. Mr. Uphoff presented two letters. Ms. Gauger noted the first letter has nothing to do with the issue they are discussing. Mr. Uphoff noted the second letter address the standards they are discussing. He further discussed that the regulations must be understandable to the applicants, having the same standards as the State so it is clear to everyone. Mr. Uphoff noted in the pictures they depict a red ring showing the properties that are impacted. The State standards still allow the RLA to operate but significantly reduces the impact of surrounding land owners rights. This change is a way of meeting both sides and siting both without impeding on people's rights. We can always go higher but they have to be balanced, providing for safety while respecting the land rights of others. He noted that they are there supporting this change.

Ms. Linda Schumm, IDOT, Department of Aeronautics was sworn. Ms. Schumm discussed that she is here to answer questions about State rules. She noted that anything that is not a publically owned landing area has no protection from the State, if someone comes in and erects an obstruction it can shut down a private landing area. The Tall Structures Ordinance does help protect the private RLA owners. Ms. Schumm noted that certificating requires a minimum of two approaches, however she noted that helicopter pilots will come in from the safest direction, and the two approaches merely ensure at least those two options. Mr. Lay asked if she was familiar with the counties Tall Structures Ordinance. Ms. Schumm noted she was and had testified when it was put into place. Mr. Lay asked if it meet the State standard. Ms. Schumm stated it did because it meets the great standard in the State regulations. Mr. Lay asked if the State standard mirrors the Federal standards. Ms. Schumm noted that she is not an expert in the Federal standards, she noted they are similar in some instance but can vary. Mr. Lay asked if the State had looked at the obstacles that are coming in. Ms. Schumm stated that when someone wants to build an obstruction (over 199') they must file with the FAA. Those obstructions are plotted where those are in relation to any landing area in the State. IDOT then sends a letter to the Private RLA owner informing them it is happening, it is up to that owner to try to work something out.

Mr. Jason Jording representing Mr. Don Kingdon and Mr. Duane Kingdon presented (previously sworn)

Mr. Jording asked Mr. Parsons where the change came from, and that the impetus was to clarify the standards. He asked what part of clarifying includes reducing the standards. Mr. Parsons noted that the way it is currently written it outlines 5000 ft. for airports, to bring it into clarity with the State standards it would be 4000 ft. for heliports. Mr. Jording asked if he acknowledge they are reducing the safety standards in the Tall Structures. Mr. Parsons stated he does not acknowledge they are reducing safety. Mr. Jording asked if they are reducing the protected area. Mr. Parsons agreed. Mr. Jording noted that in addition to reducing the 5000' to 4000' the reduction is greater than that. Mr.

Jording noted that the new ordinance removed the circular bubble altogether. Mr. Parsons agreed that the new ordinance would require the outline of the two approaches at least 90 degrees apart. Mr. Jording noted so they are not clarifying the ordinance, they changing the ordinance. Mr. Parsons noted they are bringing into line to mirror State standards. Mr. Jording asked how many people have come to him for clarification on the ordinance. Mr. Parsons noted none. Mr. Jording asked how many people have come to the committee. Mr. Parsons noted none. Mr. Jording asked how many had come to Zoning with that complaint. Mr. Parsons noted he could not answer that as far as he is aware. Mr. Jording noted that Mr. Parsons did not come up with this amendment, it was brought to the committee by someone else. Mr. Parsons noted that was correct. Mr. Jording asked who brought the proposed changes. Mr. Parsons noted it was another Board member, Mr. Barry Logan. Mr. Jording asked if the changes were discussed with the committee what the issues are and all the confusion from people wanting RLA's. Mr. Parsons noted that Mr. Logan had sat in on some of the previous heliport application and recognized perhaps a lack of understanding of what the requirements are and approached him as Chairman of CPZ and attended a committee meeting regarding the issue. Mr. Jording asked if an IDOT representative was asked to attend their hearing. Mr. Parsons noted there was not. Mr. Jording asked any other aviation experts were invited to the meeting. Mr. Jording asked if Mr. Parsons was aware of the FAA definition of aircraft was. Mr. Parsons noted he is not. Mr. Jording noted that you don't need to separate airplanes fixed wing and rotary since the FAA defines aircraft as anything that is designed to fly in the air. Mr. Jording asked why a definitional change is needed if aircraft represents both. Mr. Parsons noted the standards for the different airports vs. heliport are slightly different in the State standards they felt that would be appropriate. Mr. Jording noted everything that was done was to reduce the protected zone that is currently in place down to the State minimums. Mr. Parsons noted the intent was not to reduce, it was to mirror the State standards. Mr. Jording noted the impact of that was a reduction. Mr. Jording asked if Mr. Parsons understood that what the State requires is only for the application process and has no bearing on the operation of the heliport once it's approved. Mr. Parsons noted he has been made aware of that. Mr. Jording asked what the ordinance is aimed at, is it aimed at what people have to have to apply or is it meant to protect the airspace around that RLA. Mr. Parsons discussed that not knowing how the FAA handles this at the Federal level, that not being aviation experts they felt the requirements should meet at least the minimum standard. Mr. Jording noted the minimum standard is met with the current ordinance. Mr. Jording asked if Mr. Parsons understood what the legal requirement for a Text Amendment to the Zoning Ordinance is. Mr. Parsons stated he was not sure. Mr. Jording went on to ask if it would be important to know what the FAA requires or have an IDOT expert come in. Mr. Jording stated he was trying to determine what the committee considered when it drafted these changes. He asked if it should have been important to find out what the FAA does or doesn't do to protect RLA's. Mr. Parsons noted that the ordinance is governed by State Statute, the State Statute requirements would be sufficient. Mr. Jording noted that they had already discussed that State Statute only covers the application certification process, not operation. Mr. Parsons agreed. Mr. Jording noted that the County ordinance is not for the certifications process, it is to protect the operations of the existing RLA. Mr. Jording asked if an expert came to CPZ to determine if the certification requirements were good enough for operations. Mr. Parson stated they did not. Mr. Jording noted that based on the testimony this evening if an existing RLA has a tall structure pop up the State is going to shut them down. Mr. Parsons agreed. Mr. Jording noted that if the bubble is taken away and is reduced down to what you are proposing, talking about protecting property rights, an existing RLA if someone pops up a tall structure right outside of that takeoff/landing zone that would shut them down. Mr. Parsons stated it would. Mr. Jording asked if that is what they want the Tall Structures Ordinance to do. Mr. Parsons stated it is not. Mr. Jording noted this ordinance was passed in 2012. Mr. Jording asked what has changed since it was passed in 2012 in State law, Federal law, and Federal Regulations since then. Mr. Parsons noted he did not know. Mr. Jording asked why the change was

brought now, he acknowledged that Mr. Parsons did not bring the change, but asked why it was brought forward now with a wind farm knocking at the door. Why are they reducing the protection for the operating RLA's in the County? Mr. Parsons noted they did not approach this from the idea of making it less safe, they felt with the applications coming in and the taller structures coming in that it needed to be addressed. Mr. Jording asked why now, there are not changes to the laws, no incidents, why now. Ms. Gauger asked the relevance of his line of questioning. Mr. Jording noted in order for the County Board to make a Text Amendment change they have to meet a certain number of factors under Illinois law. First of all it cannot be arbitrary and capricious, if the applicant cannot announce why the County is making this change now, absent anything changing other than a wind farm knocking at the door it goes to the arbitrary a capriciousness of the change. Mr. Jording noted that previous testimony was that anything private is not protected by the FAA, he noted the County is the only line of defense for these RLA. Mr. Jording noted that wind turbine siting can be moved around, but if a turbine is sited by an RLA it gets shut down. Mr. Parsons agreed. Mr. Jording discussed that this is not something that came organically out of CPZ, it is not a complaint driven change, and it is not a change driven by changes in State law or Federal law. The only thing driving this change are the circumstances in Woodford County, where there is now a wind farm supporting these changes? The changes were not hashed out in committee, they were brought to them. Woodford County is the only line of defense for these RLA's. Mr. Jording noted earlier a comment made that they are only reducing it 1000', he noted that is not true, the bubble is also being taken away. This is not a clarification change, this is a significant change to Woodford County law, instead of having everything can they are only protecting them like they are a fixed wing. It is important to acknowledge the IDOT standard is for certificating not operation. Mr. Jording discussed FAA minimums, and while technically you can fly in minimums many pilots fly high minimums for safety. Mr. Jording discussed that the County has no justification for this change other than clarifying for the applicants. He noted he represents three of those applicants and none have had an issue with process. He noted the other justification is to mirror State standard, he noted the State standard was in place in 2012 and they did not mirror it then for good reason. Mr. Jording noted absent the applicant being able to provide their rational legitimate government interest, and he would represent this change is being made solely for an economic, we want wind money reason. The applicant has not meet their burden this evening. Mr. Jording asked in their proposed section 31-1600 non-conforming uses what is the intent, are they saying all currently permitted RLAs would continue to operate under the old standard. Mr. Parsons noted that was a question for the Zoning Department. Mr. Jording noted he was looking for the legislator's intent, do they intend for the existing RLA's to operate under the old standard. Mr. Parsons noted that would have to be address. Mr. Jording noted that if you wish to add clarity that should also be addressed. Mr. Parsons noted that this originated out of the County Board. He noted that the aviation expert on the board brought this to CPZ. Mr. Parsons also noted that Mr. Jording discussed the public health, safety, and welfare. He noted that was not a finding for Text Amendment, it is an overall point of zoning but is not a finding of fact for Text Amendment. Mr. Minger noted there are legal standards a Text Amendment must be met. Mr. Jording noted that it must not be unreasonable or arbitrary and must bear some substantial relation to the public health, safety, and welfare. Ms. Holmes discussed that any new regulation, the Zoning Ordinance has a provision that the old Special Use are allowed to continue on the old ordinance and any new applications would follow the new regulations, that is her understanding. Mr. Minger clarified the construction or alteration provisions in the ordinance, stating is heliports have no construction then they have begun.

Ms. Holmes made a motion to recommend approval for the Tall Structure amendments and incorporate it into the Zoning Ordinance as section 31, seconded by Lay.

Roll call vote: Kim Holmes – *Yes*, Jerry Lay – *No*, Teresa Gauger – *No Motion failed.*

- Other Business to Come Before the Board:

Permit Extensions

- Update on previous months petition/s
- Update on next month petition/s – August 27

Ms. Jording noted that there will be a meeting next month.

- IACZO Seminar discussion: None
- ZBA By-Law discussion - (if necessary) – approval of by-laws changes from June 25 meeting
- Executive Session – None
- Adjournment

Ms. Holmes made the motion to adjourn at 11:00, 2<sup>nd</sup> by Mr. Lay. *Motion Carried.*

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Lisa Jording, Secretary

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Teresa Gauger, Acting Chairman

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Date