

Piatt County Zoning Board of Appeals

November 20, 2014

Minutes

The Piatt County Zoning Board of Appeals met at 1:00 p.m. on Thursday, November 20, 2014, in Room 104 of the Courthouse. Chairman Loyd Wax called the meeting to order. Attending were: Jerry Edwards, Dan Larson, John McRae, Loyd Wax, States Attorney Dana Rhoades, and Trish Gale. Trish announced there is a quorum. Alice Boylan was absent.

Loyd asked if there were any additions or corrections to the August 28, 2014, minutes and there were none. Jerry Edwards moved to approve, seconded by Jerry Edwards. All in favor, motion carried.

Loyd asked for a motion to approve the 2015 zoning meeting dates.

MOTION: John McRae moved, seconded by Jerry Edwards to approve the 2015 meeting dates. All in favor, motion carried.

New Business: Recommend New Cellular Tower:

Trish quoted from the zoning ordinance, Article IV Administration, A.2.b.(1) which gives the Zoning Board of Appeals the power to recommend to the County Board the permitting of the following exception: Cellular communications tower. Novation Group Consulting for (Verizon Wireless) is asking permission to locate a 300' triangular, lattice type cell tower at 589 County Farm Road, Monticello, IL. Trish explained the new cell tower will generate \$7,500 in revenue for the building permit, and will bring in several thousand dollars in real estate taxes every year for the county as well. The tower will be located south of the Long Grove Subdivision on a 77 acre farm parcel owned by Wilbur Blacker. We recently approved the same type of cell tower east of Beal's Subdivision on 1800 North Road.

Loyd asked if there were any objectors, and there were none.

MOTION: John McRae moved to recommend to the County Board the permitting of a new cell tower, and Jerry Edwards seconded. Trish read the roll call, and all were in favor, motion carried.

Trish announced this will go to the County Board on Wednesday, December 10, 2014 at 9:00am.

New Business: Joel Ripper Special Use Permit:

Trish read the SUP request dated October 30, 2014, from Joel Ripper. Joel was sworn in by Loyd Wax and proceeded to explain his request for a home occupation retail sales of guns and ammo and shooting range for IL Concealed Carry License instruction. Currently Joel has to go to Dewitt County to give shooting instruction for concealed carry license. He would like to qualify the shooting portion at his residence which would be firing 30 rounds each over a four hour period. The berm is 7' tall x 40' long x 20' deep. Joel instructs the 8 hour classroom portion at the Best Western. He gave one class in June and November this year.

The FFL (Federal Firearms License) would be by appointment only with a very small inventory, would not be a retail business.

Jerry asked what the regulations are on berms, and Joel said there are no regulations. John asked how many shooters will be on the line at the same time, and Joel said there would be a maximum of four at a time.

Loyd asked how high the top of the target is, and it is approximately 4'.

Objectors:

Glenn Stanko asked to speak against the request. Mr. Stanko asked about the classroom instruction, and Joel said the instruction would not be held at his home. He asked Joel if the retail sales of guns and ammo would be held in the accessory building. Joel said he was not using the garage for the sales of guns and ammo. Mr. Stanko asked the hours and days of his shooting instruction. Joel said typically it will be held on the weekends, but he would not like to be limited on days and times. Mr. Stanko proceeded to ask Joel several questions about his application, instruction, bathroom usage, guns and ammo sales, location of berm, restrictions on caliber, erosion control, standards on shooting range, usage and locations of shooting ranges, security issues, road closed sign, NRA certified range officer, (Joel is an NRA pistol instructor), dangers of lead (inhalation and handling), soil contamination, wildlife hazards, water flow northeast from Joel's property, etc. Glenn handed out a picture of Joel's garage (White #1), and Joel objected his line of questioning since the garage has nothing to do with his request for a SUP. Glenn handed out (White #2) from the ILCS regarding the legal notice stating the business entity 3 Dog Defense LLC should have been in the notice. Glenn insists that a berm is a structure and should have been issued a building permit, and he also addressed yard regulations and setbacks (White #3) front yard setbacks. Glenn also questioned the request for two special use permits. (White #4) is taken from 3 Dog Defense home page.

Jon White was sworn in by Loyd Wax and explained #4 pictures of the road, condition of berm, etc., and discussed White #5 range of handgun ammunition.

Glenn spoke about baffles, berms and backstops from National Shooting Sports Foundation (White #6). The bottom line is to develop a shooting range in harmony with adjacent properties and where safety is provided to prevent adjacent properties from experiencing any encroachment. All neighbors must be safe from injury. The overall responsibility of the range owner/operator is to stop fired bullets before they exit the property line. Minnesota Outdoor Shooting Ranges Best Practices (White #7) says a backstop is the key component providing range safety and use for people in the area in and beyond a rifle or pistol range. U.S. Environmental Protection Agency Best Management Practices for Lead at outdoor shooting ranges (White #8). Jon said civil lawsuits can force the shooting range operation to clean up and remove the lead. Glenn read about bullet containment and spoke about the LaSalle factors stating there must be a community need.

Joel interrupted Glenn and said he wishes to withdraw his request for the concealed carry training. Joel asked Jon White why he never knocked on Joel's door and talked to him about his concerns regarding the shooting range, instead of hiring an attorney to fight him. This issue might have been resolved by just sitting down and talking.

Darinda Ripper was sworn in and proceeded to tell Jon White that sometimes you just have to tolerate what others do. You may not agree with what others do, but you should tolerate it as long as it is within the constraints of the law.

Glenn spoke up defending his client, Jon White and the reasons for his concerns which are within his rights according to the law.

Joel said he would still like to pursue the FFL, and he asked Jon White if he has an issue with this. Jon would like to consider it, and Joel asked him to call him with any concerns. Glenn suggested this SUP application be withdrawn, and Joel will apply for a new SUP requesting permission to sell firearms and ammunition.

MOTION: Jerry Edwards moved, seconded by John McRae to wave the \$300 application fee if Joel Ripper pursues the SUP for an FFL request. Trish read the roll call, and all were in favor, motion carried.

Comments:

Loyd asked for a motion to adjourn. John McRae moved to adjourn, and Jerry Edwards seconded. All in favor, motion carried. The meeting was adjourned at 2:48pm.

Respectfully submitted,

Trish Gale
Piatt County Zoning Officer