

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **September 25, 2008**
Time: **7:00 p.m.**
Place: **Lyle Shields Meeting Room
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802**

**Note: NO ENTRANCE TO BUILDING
FROM WASHINGTON STREET PARKING
LOT AFTER 4:30 PM.
Use Northeast parking lot via Lierman Ave..
and enter building through Northeast
door.**

*If you require special accommodations please notify the Department of Planning & Zoning at
(217) 384-3708*

EVERYONE MUST SIGN THE ATTENDANCE SHEET – ANYONE GIVING TESTIMONY MUST SIGN THE WITNESS FORM

AGENDA

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Correspondence
4. Approval of Minutes
5. Continued Public Hearings

Case 622-AM-08 Petitioner: **Bob and Marion Smith d.b.a. Bill Smith Auto Parts**

Request: **Amend the Zoning Map to change the zoning district designation from the B-4, General Business Zoning District to the I-2, Heavy Industry Zoning District.**

Location: **Lot 2 of Lee Industrial Subdivision in Section 33 of Somer Township and commonly known as Bill Smith Auto Parts at 1851 CR 1475 E, Urbana.**

6. New Public Hearings

***Case 620-S-08** Petitioner: **Mennenga Construction, Inc., and Merl Mennenga, President and co-owner and Phyllis Mennenga, Secretary and co-owner**

Request: **Authorize the construction and use of a two-family dwelling as a Special Use in the R-1, Single Family Residence Zoning District.**

Location: **Lot 1 in Hazel Thompson's Subdivision of Lots 1 and 2 of Block 5 Of Parkview Subdivision in Section 8 of Urbana Township and commonly known as the house at 109 Country Club Road in Urbana.**

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS
REGULAR MEETING AGENDA
SEPTEMBER 25, 2008
PAGE 2

***Case 628-V-08** Petitioner: **Virgil and Susie Roderick**

Request: **Authorize the following in the I-1, Light Industry District:**

- A. The construction and use of an industrial building with two side yards that are each one foot in width in lieu of the required 10 feet.**
- B. The use of a loading berth with a side yard of one foot in lieu of the required side yard of 5 feet.**
- C. The use of a parking space with a front yard of zero feet in lieu of the required front yard of 10 feet and a side yard of one foot in lieu of the required side yard of five feet.**
- D. The use of a parking space with a front yard of five feet in lieu of the required front yard of 10 feet and a side yard of one foot in lieu of the required side yard of five feet.**

Location: **Lots 109, 110, 131, and 132 in Wilbur Heights Subdivision in Section 31 of Somer Township and commonly known as the house at 311 Paul Avenue and the vacant lot at 312 Wilbur Avenue in Champaign.**

7. Staff Report

8. Other Business

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

10. Adjournment

*** Administrative Hearing. Cross Examination allowed.**

CASE NO. 620-S-08

PRELIMINARY MEMORANDUM

September 19, 2008

Champaign
County
Department of

**PLANNING &
ZONING**

Brookens

Administrative Center
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708

FAX (217) 328-2426

Petitioners: **Mennenga Construction, Inc., and Merl Mennenga, President and co-owner, and Phyllis Mennenga, Secretary and co-owner**

Site Area: **6,600 square feet**

Time Schedule for Development:
Immediate

Request: **Authorize the construction and use of a two-family dwelling as a Special Use in the R-1 Single Family Dwelling Zoning District.**

Location: **Lot 1 in Hazel Thompson's Subdivision of Lots 1 and 2 of Block 5 of Parkview Subdivision in Section 8 of Urbana Township and commonly known as the house at 109 Country Club Road in Urbana.**

Prepared by: **J.R. Knight**
Associate Planner
John Hall
Zoning Administrator

BACKGROUND

The petitioners applied for a rezoning on April 30, 2008. However, upon review staff realized that the Urbana-Champaign Sanitary District (UCSD) public sanitary sewer system, and if the proposed building was connected to the sewer it would require a pre-annexation agreement with the City of Urbana, which would remove the property from the County's zoning jurisdiction.

Staff contacted the City of Urbana staff to discuss the property and Urbana staff indicated they would prefer County staff to handle the property until the permitting stage. At this point staff reviewed the request for rezoning and realized that only a Special Use Permit was required.

Once the Special Use Permit is granted and the petitioners are ready to begin construction they will have to apply for sewer permit to connect to the UCSD sewer and that will place the property under the City of Urbana zoning jurisdiction.

EXTRATERRITORIAL JURISDICTION

The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the City of Urbana. Municipalities are notified of Special Use cases, but they do not have any protest rights, however they are invited to give comments. Staff has communicated with City of Urbana staff about this property and while no formal comments have been received City staff has been positive towards the permitting of the subject property.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Vacant Building	R-1 Single Family Residence
North	Urbana Golf & Country Club	R-1 Single Family Residence
East	Single Family Dwelling	R-1 Single Family Residence
West	Two-Family Dwelling	R-1 Single Family Residence
South	Single Family Dwelling	R-1 Single Family Residence

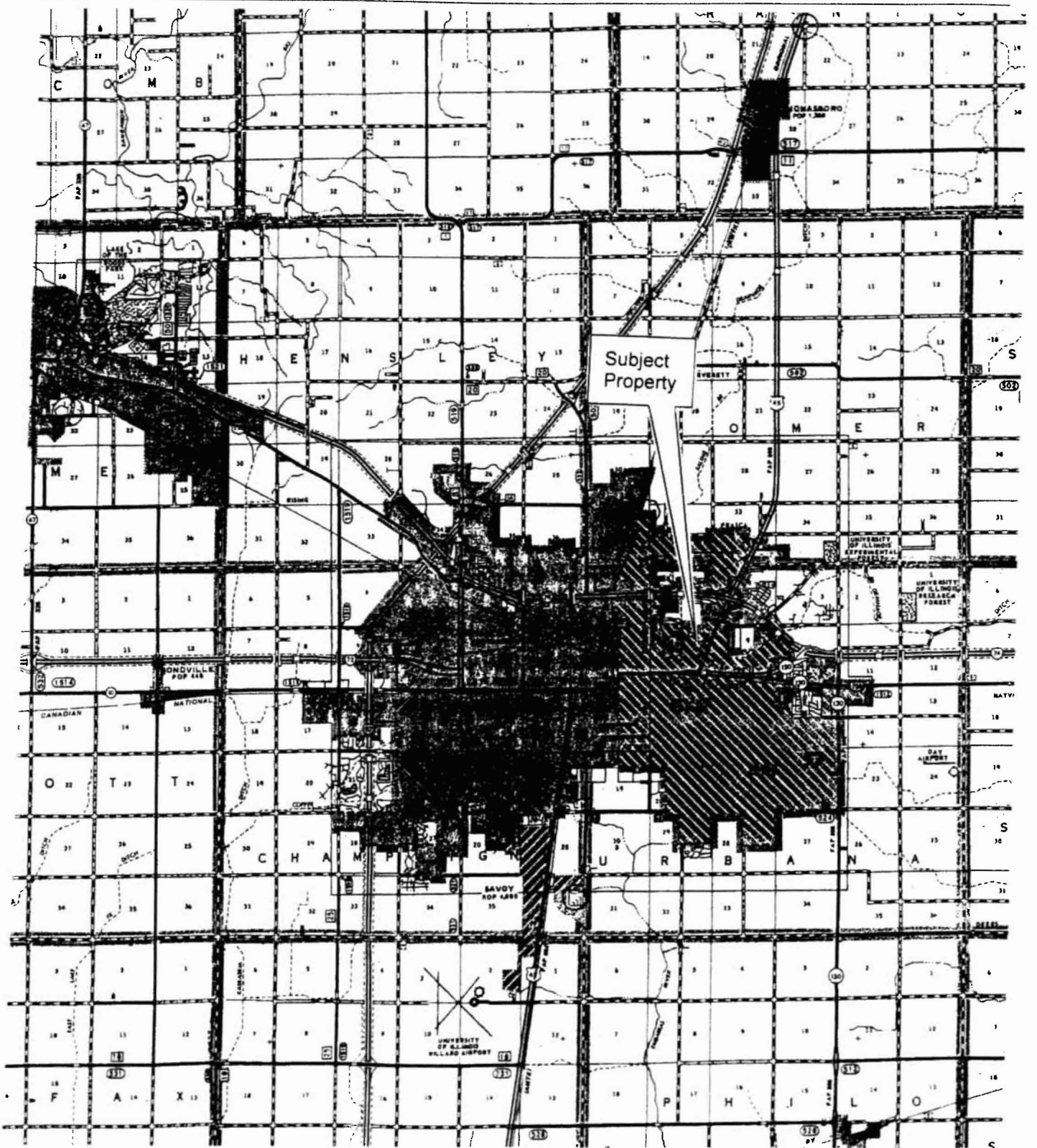
ATTACHMENTS

- A Zoning Case Maps for Case 620-S-08 (Location, Land Use, Zoning)
- B Site plan
- C Excerpt of Flood Insurance Rate Map Panel No. 1708940180B
- D Preliminary Draft Summary of Evidence for Zoning Case 620-S-08

ATTACHMENT A. LOCATION MAP

Case 620-S-08

SEPTEMBER 19, 2008



Champaign
County
Department of

**PLANNING &
ZONING**



ATTACHMENT A. LAND USE MAP

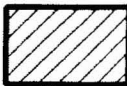
Case 620-S-08

SEPTEMBER 19, 2008

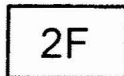
Urbana Golf & Country Club

5

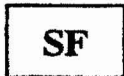
Subject Property



Area of Concern



Two-Family



Single Family



Farmstead

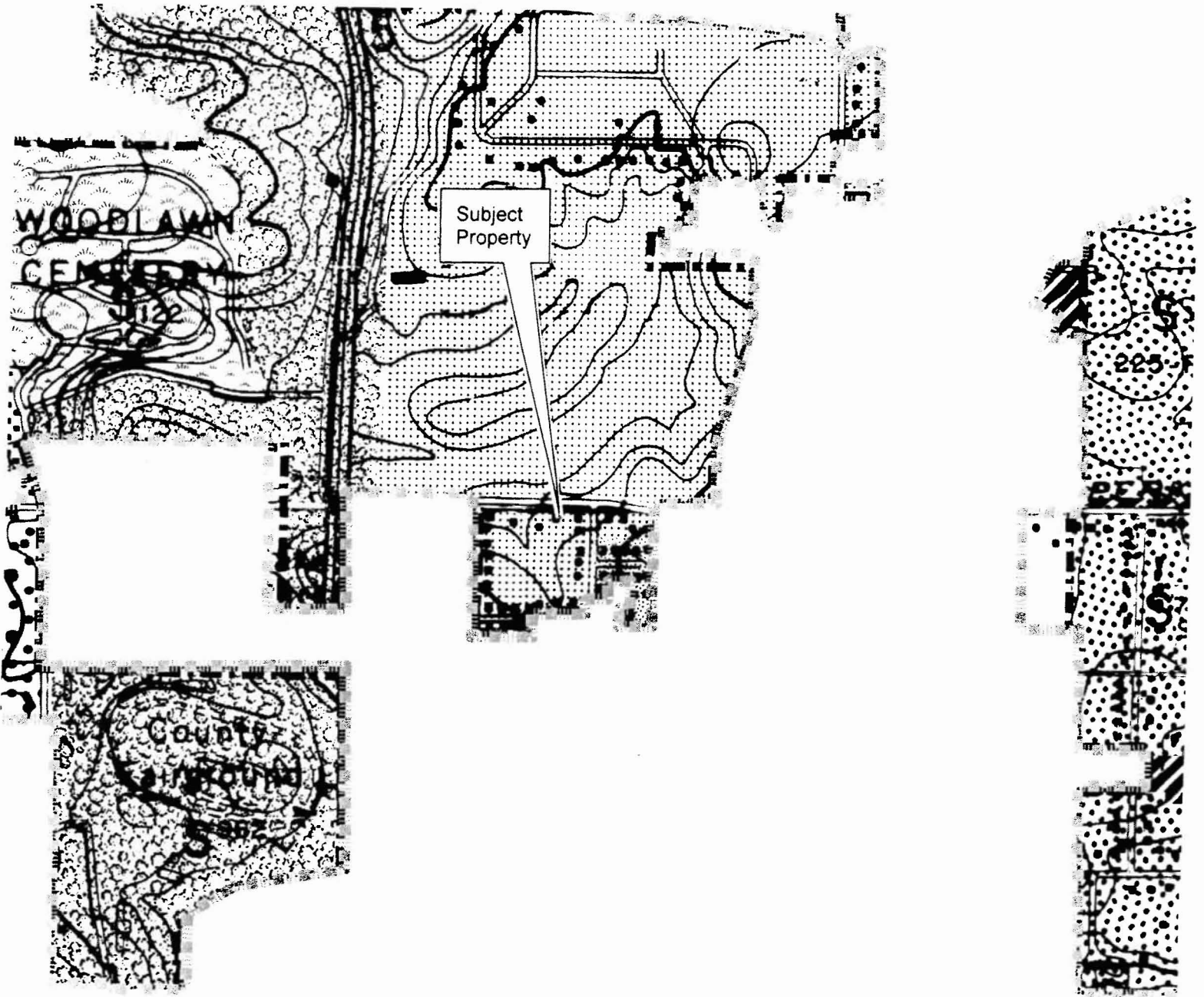


1 inch equals 100 feet

Champaign
County
Department of
**PLANNING &
ZONING**

ATTACHMENT A. ZONING MAP

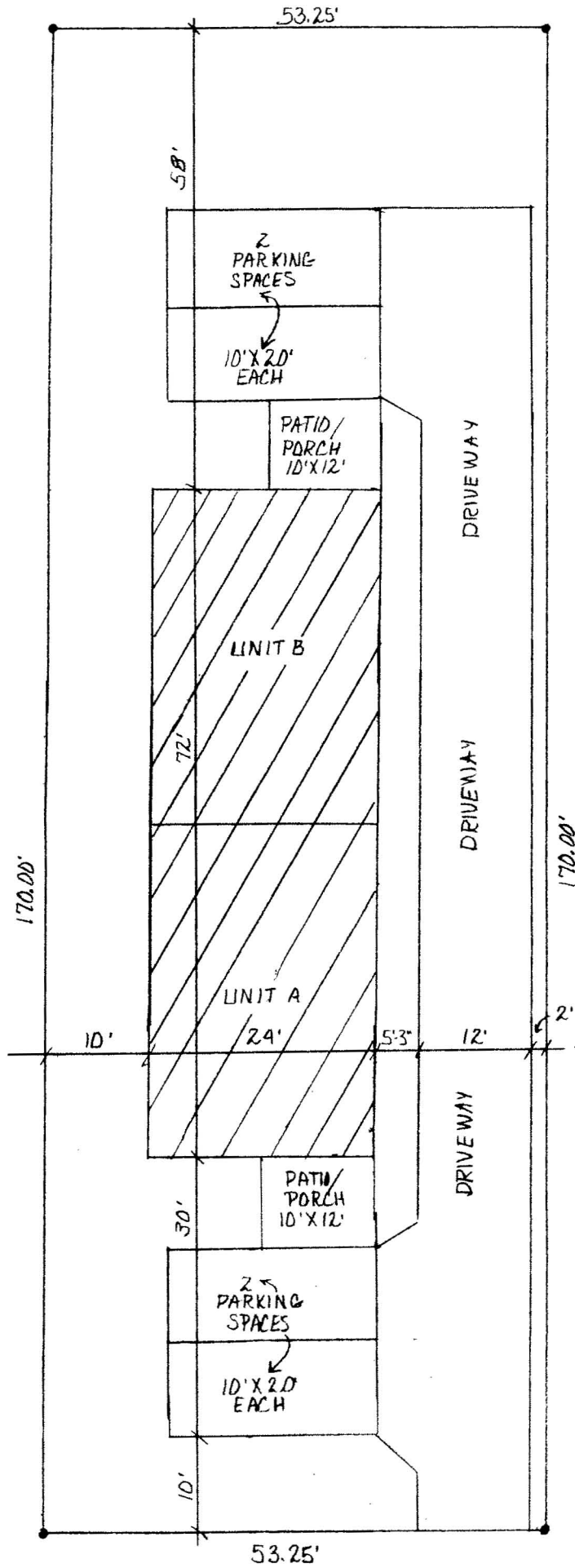
Case 620-S-08
 SEPTEMBER 19, 2008



	AG-1 Agriculture		R-1 Single Family Residence		R-4 Multiple Family Res.		B-2 Neighborhood Business		B-5 Central Business
	AG-2 Agriculture		R-2 Single Family Residence		R-5 Mobile Home Park		B-3 Highway Business		I-1 Light Industry
	CR Conservation- Recreation		R-3 Two-family Residence		B-1 Rural Trade Center		B-4 General Business		I-2 Heavy Industry



Champaign
 County
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**PLANNING &
 ZONING**



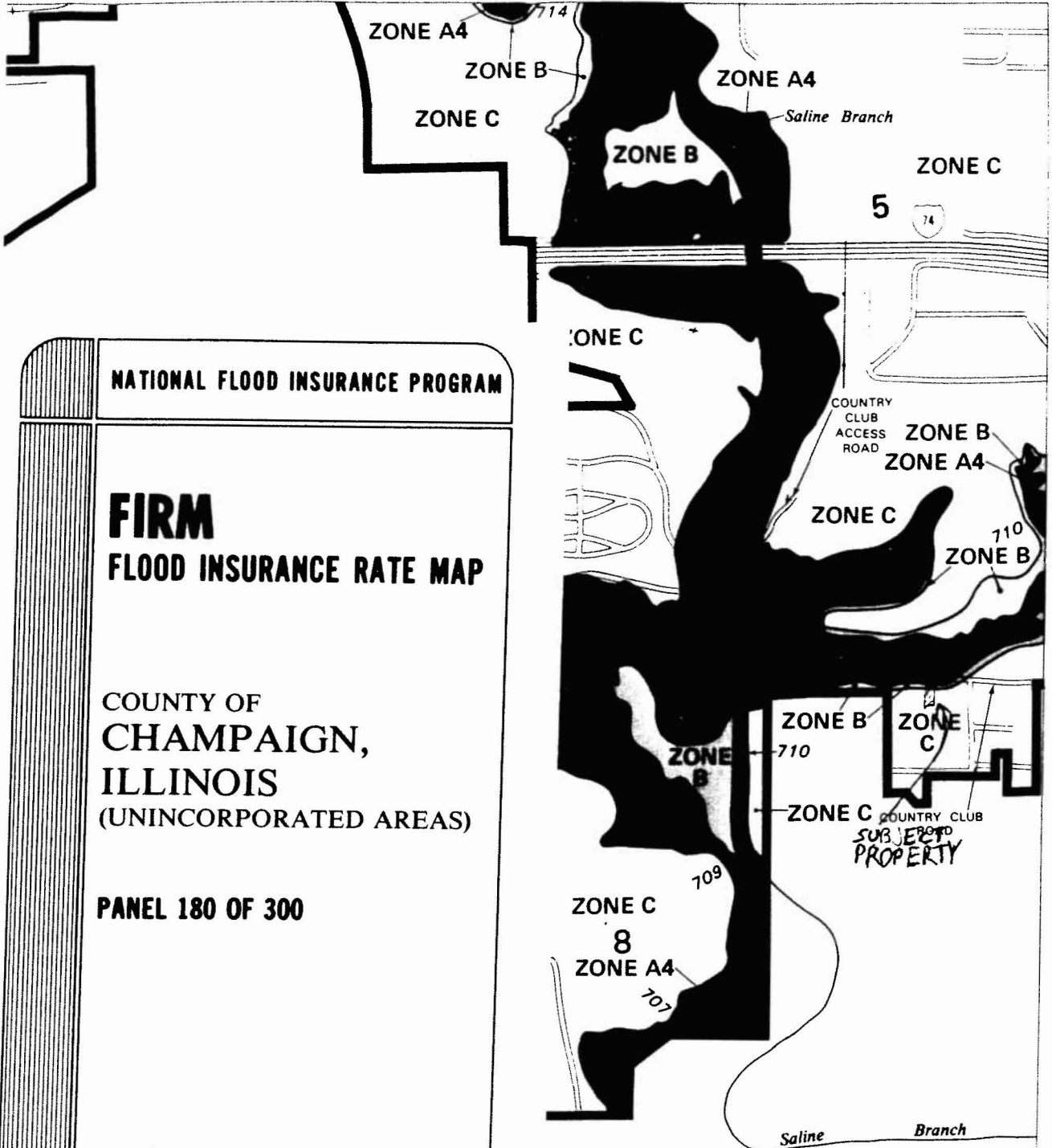
COUNTRY CLUB DR.



RECEIVED

AUG 14 2008

CHAMPAIGN CO. P & Z DEPARTMENT



NATIONAL FLOOD INSURANCE PROGRAM

**FIRM
FLOOD INSURANCE RATE MAP**

COUNTY OF
CHAMPAIGN,
ILLINOIS
(UNINCORPORATED AREAS)

PANEL 180 OF 300

**COMMUNITY-PANEL NUMBER
170894 0180 B**

**EFFECTIVE DATE:
MARCH 1, 1984**



Federal Emergency Management Agency

500-Year Flood Bound.
100-Year Flood Bound
Zone Designations*

100-Year Flood Bound
500-Year Flood Bound
Base Flood Elevation L
With Elevation In Feet
Base Flood Elevation ii
Where Uniform Within
Elevation Reference M
Zone D Boundary—

River Mile
**Referenced to the N

***EXPLANATION**

- | | |
|---------------|---|
| ZONE | |
| A | Areas of flood hazard |
| A0 | Areas of are between of inundation are determined |
| AH | Areas of are between elevations are determined |
| A1-A30 | Areas of flood hazard |
| A99 | Areas of protection elevations |
| B | Areas between year flooding with a the contour mile; or a (Medium |
| C | Areas of r |
| D | Areas of |
| V | Areas of action); b not determined |
| V1-V30 | Areas of action); b determined |

Certain areas not in this map may be protected by flood insurance.

This map is for flood insurance purposes only. It does not show all areas of flood hazard. For adjoining map panels, see the adjacent map panels.

PRELIMINARY DRAFT

620-S-08

**SUMMARY OF EVIDENCE, FINDING OF FACT
AND FINAL DETERMINATION
of
Champaign County Zoning Board of Appeals**

Final Determination: { ***GRANTED / GRANTED WITH CONDITIONS / DENIED*** }

Date: September 25, 2008

Petitioners: Mennenga Construction, Inc., and Merl Mennenga, President and co-owner, and
Phyllis Mennenga, Secretary and co-owner

Request: Authorize the construction and use of a two-family dwelling as a Special Use in the
R-1 Single Family Dwelling Zoning District

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **September 25, 2008**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner, Mennenga Construction, Inc., owns the subject property, and Merl Mennenga is the President and co-owner of the corporation and Phyllis Mennenga is the Secretary and co-owner of the corporation.
2. The subject property is Lot 1 in Hazel Thompson's Subdivision of Lots 1 and 2 of Block 5 of Parkview Subdivision in Section 8 of Urbana Township and commonly known as the house at 109 Country Club Road in Urbana.
3. The subject property is located within the one-and-one-half mile extraterritorial jurisdiction (ETJ) of the City of Urbana. Municipalities with zoning do not have protest rights on Special Use Permits within their ETJ, however they do receive notice of such cases and they are invited to comment. No comments have been received from the Village at this time.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property and land on the east, west, and south sides are zoned R-1 Single Family Residence and are in use as single family dwellings and two-family dwellings. The subject property is proposed in this case to be the site of a two-family dwelling.
 - B. Land to the north of the subject property is zoned R-1 Single Family Residence and is in use as the Urbana Golf and Country Club.

PRELIMINARY DRAFT

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. A site plan for the proposed two-family dwelling was received on August 14, 2008, that indicates the two-family dwelling will have two dwelling units, A & B, on one story arranged so that Unit A is north of Unit B on the subject property, as follows:
 - A. Each unit will include the following:
 - (1) The dwelling unit itself will include 864 feet of building area.
 - (2) Two parking spaces, each 10 feet by 20 feet
 - (3) The parking spaces will be connected to the unit by means of a patio/porch, each 10 feet by 12 feet.
 - (4) Unit A's patio and parking spaces will be located north of the unit, Unit B's patio and parking spaces will be located south of the unit.
 - B. Both units will be accessed from Country Club Road by means of a driveway located approximately where the existing driveway is located, but extended to reach Unit B's parking spaces south of the proposed building.
 - C. There is an existing hedge on the subject property which is not indicated on the current site plan. However, if it were staff believes it would encroach on the driveway visibility triangle. A special condition is proposed to require the removal of this hedge.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for a two-family dwelling in the R-1 District in the *Zoning Ordinance*:
 - A. Section 5.2 of the *Zoning Ordinance* indicates that a two-family dwelling is authorized by Special Use Permit only in the R-1 Single Family Residence Zoning District.
 - B. Section 6.1.3 the Schedule of Requirements and Standard Conditions indicates that there are no standard conditions for two-family dwellings.
 - C. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Waivers of standard conditions are subject to findings (1) that the waiver is in accordance with the general purpose and intent of the ordinance and (2) will not be injurious to the neighborhood or to the public health, safety, and welfare.
 - D. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
 - (1) "BUILDING" is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.

ITEM 6.D. CONTINUED,

- (2) "DWELLING UNIT" is one or more rooms constituting all or part of a DWELLING which are used exclusively as living quarters for one FAMILY, and which contains a bathroom and kitchen.
 - (3) "DWELLING, TWO-FAMILY" is a DWELLING containing two DWELLING UNITS with one DWELLING UNIT arranged on the same story or in stories above the other DWELLING UNIT.
 - (4) "FAMILY" is any of the following:
 - (a) an individual; or
 - (b) two or more persons related by blood, marriage, or adoption; or
 - (c) five persons not so related; or
 - (d) two or more persons related by blood, marriage, or adoption and not more than three persons not so related; together with his or their domestic servants and gratuitous guests maintaining common household in a DWELLING UNIT or LODGING UNIT.
 - (5) "SPECIAL CONDITION" is a condition for the establishment of the SPECIAL USE.
 - (6) "SPECIAL USE" is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- E. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
 - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare;
 - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
 - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
 - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- F. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms

PRELIMINARY DRAFT

ITEM 6.F. CONTINUED,

under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS NECESSARY FOR THE PUBLIC CONVENIENCE AT THIS LOCATION

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
 - A. The Petitioner has testified on the application that, **“The old house on the property is not habitable and needs to be torn down. There are already two duplexes on the adjoining two lots to the west.”**
 - B. The proposed two-family dwelling will replace an existing, dilapidated single family dwelling that is uninhabitable.

GENERALLY REGARDING WHETHER THE SPECIAL USE WILL BE INJURIOUS TO THE DISTRICT OR OTHERWISE INJURIOUS TO THE PUBLIC WELFARE

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
 - A. The Petitioner has testified on the application that, **“It will be a brand new building, and it will be annexed to the City of Urbana. It will be taxed higher than the old [house].”**
 - B. Regarding surface drainage:
 - (1) The subject property drains to the roadside ditch along Country Club Road.
 - (2) As amended February 20, 2003, the Champaign County Stormwater Management Policy (CCSMP) allows 100% of a property less than one-quarter of an acre to be impervious area.
 - (3) The subject property is 9052.5 square feet in area, which is approximately one-fifth of an acre.
 - C. Regarding onsite wastewater treatment and disposal:
 - (1) The subject property has access to a USCD approved collector sewer, and will be required to connect to the public sanitary sewer system. This requirement will also require annexation to the City of Urbana.
 - (2) The subject property also has access to an Illinois American Water public water supply system, and will be connected to it.
 - D. The subject property is proposed to be accessed from the north from Country Club Road. Regarding the general traffic conditions on Country Club Road at this location and the level of existing traffic and the likely increases from the proposed special use permit:

ITEM 8.D. CONTINUED,

- (1) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data, in the vicinity of the subject property, is from 2004, and there were 4200 ADT on Country Club Road where it passes the subject property. There were 4350 ADT on Country Club Road west of the subject property in 2004, and 4400 ADT east of the subject property.
 - (2) The proposed two-family dwelling will presumably add 20 daily trips to Country Club Road, twice the assumed impact of a single family dwelling.
 - (3) 20 additional trips on Country Club Road at this location is less than a one-half percent increase in traffic. It seems unlikely that given the already high level of traffic at this location an additional 20 trips will be a significant increase.
 - (4) The Township Road Commissioner has been notified of this case, but no comments have been received at this time.
- E. Regarding fire protection on the subject property, the subject property is within the protection area of the Eastern Prairie Fire Protection District and is located approximately five road miles from the fire station. The Fire Protection District Chief has been notified of this request, but no comments have been received at this time.
- F. The subject property appears to be partially located within the Special Flood Hazard Area, as indicated by Flood Insurance Rate Map Panel No. 1708940180B:
- (1) Approximately 20 feet of Zone A4 extends south of Country Club Road, of which approximately 15 feet would extend onto the subject property. This would only cover up to the north five feet of the northern parking space for Unit A.
 - (2) Approximately 20 feet of Zone B extends south of the Zone A4, which would come within five feet of the north line of the proposed building.
- G. Regarding outdoor lighting on the subject property, there is no information on the current site plan regarding outdoor lighting for any purpose.
- H. Regarding subsurface drainage, the subject property is located within the urban fringe of the City of Urbana, in a fully developed area.
- I. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as noise, vibration, glare, heat, odors or fumes, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

PRELIMINARY DRAFT

GENERALLY REGARDING WHETHER THE SPECIAL USE CONFORMS TO APPLICABLE REGULATIONS AND STANDARDS AND PRESERVES THE ESSENTIAL CHARACTER OF THE DISTRICT

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
 - A. The Petitioner has testified on the application, **“Yes, there are two duplexes immediately to the west of this lot.”**
 - B. Regarding compliance with the *Zoning Ordinance*:
 - (1) The proposed two-family dwelling complies with all area and placement requirements for the R-1 District in Section 5.3.
 - (2) There is an existing hedge on the subject property that encroaches into the driveway visibility triangle required by paragraph 4.3.3.F.2. A special condition has been proposed to require the removal of the hedge.
 - (3) Regarding parking on the subject property,
 - (a) Paragraph 7.4.1.B.2. requires two-family dwellings to provide two off-street parking spaces per dwelling unit.
 - (b) Two parking spaces for each unit are indicated on the proposed site plan.
 - C. Regarding compliance with the *Stormwater Management Policy*:
 - (1) Regarding the requirement of stormwater detention, paragraph 4.3A.5. of the *Stormwater Management Policy* states that no stormwater detention is required on lots less than one-quarter of an acre in area.
 - (2) Regarding the requirement to protect agricultural field tile, there is no agricultural field tile indicated on the site plan, and the subject property is located in the urban fringe of the City of Urbana in a fully developed area.
 - D. The proposed two-family dwelling complies with the Special Flood Hazard Areas Ordinance. However, the parking spaces for Unit A are located partially in the 100-year floodplain and would require a Floodplain Development Permit. The proposed two-family dwelling also complies with the Subdivision Regulations.
 - E. Regarding the requirement that the Special Use preserve the essential character of the R-1 Zoning District. A two-family dwelling is a residential use that is appropriate in the R-1 District as long as the site is determined to be suitable for it.
 - F. The proposed Special Use is not required to comply with the Illinois Accessibility Code.
 - G. Regarding life safety considerations related to the proposed Special Use, the State Fire Marshal’s life safety codes do not apply to dwellings.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:

A. A two-family dwelling may be authorized in the R-1 Single Family Residence Zoning District as a Special Use provided all other zoning requirements are met.

B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:

(1) Subsection 5.1.8 of the Ordinance states the general intent of the R-1 District and states as follows (capitalized words are defined in the Ordinance):

The R-1, Single Family Residence DISTRICT is intended to provide areas for single FAMILY detached DWELLINGS, set on LOTS and is intended for application in mainly non-urban and developing areas where community facilities can be made readily available.

(2) The types of uses authorized in the R-1 District are in fact the types of uses that have been determined to be acceptable in the R-1 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.

C. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:

(1) Paragraph 2.0 (a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.

This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan is in full compliance with those requirements.

(2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the Ordinance is conserving the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY. The proposed Special Use Permit should have a positive effect, if any, on the value of nearby properties.

(3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS.

(a) The impact of the proposed building will be minimal compared to the already existing level of traffic on Country Club Road.

PRELIMINARY DRAFT

ITEM 10.C. CONTINUED,

- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding the hazards to persons and damage to PROPERTY resulting from the accumulation of runoff from storm or flood waters.

The requested Special Use Permit complies with the *Champaign County Stormwater Management Policy* and the proposed building is outside of the Special Flood Hazard Area and there are no special drainage problems that appear to be created by the Special Use Permit.

- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.

In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.

In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.

- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan is in full compliance with those requirements.

- (7) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the ordinance; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

ITEM 10.C.(7) CONTINUED,

Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate nonconforming conditions. A special condition requiring removal of the existing hedge on the subject property is proposed to improve driveway visibility.

- (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the Ordinance is preventing additions to and alteration or remodeling of existing BUILDINGS, STRUCTURES, or USES in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

The proposed Special Use Permit will result in the removal of a dilapidated, nonconforming structure, and redevelopment of the subject property with a new, conforming building.

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the Ordinance is protecting the most productive AGRICULTURAL lands from haphazard and unplanned intrusions of urban USES.

The types of uses authorized in the R-1 District are in fact the types of uses that have been determined to be acceptable in the R-1 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.

- (10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the Ordinance is protecting natural features such as forested areas and watercourses.

This purpose is not relevant to the proposed Special Use Permit because there are no natural features on the subject property.

- (11) Paragraph 2.0 (p) of the Ordinance states that one purpose of the Ordinance is encouraging the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed Special Use Permit will result in the redevelopment of a lot in the urban fringe of the City of Urbana, which already receives bus service from the Champaign-Urbana MTD.

- (12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the Ordinance is encouraging the preservation of AGRICULTURAL belts surrounding urban areas, to retain the AGRICULTURAL nature of the COUNTY, and the individual character of existing communities.

PRELIMINARY DRAFT

ITEM 10.C.(12) CONTINUED,

The types of uses authorized in the R-1 District are in fact the types of uses that have been determined to be acceptable in the R-1 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. The proposed Special Use is not an existing NONCONFORMING USE because the proposed buildings are new. The Petitioner has testified as such on the application.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. There is a large hedge along the front lot line of the subject property that encroaches into the driveway visibility triangle. This hedge should be removed to increase the access safety of the subject property. The actual condition will be available at the meeting.

DOCUMENTS OF RECORD

1. Special Use Permit Application from Mennenga Construction, Inc, received on April 30, 2008, with attachment:
 - A Site plan

2. Preliminary Memorandum for Case 620-S-08, with attachments
 - A Zoning Case Maps for Case 620-S-08 (Location, Land Use, Zoning)
 - B Site plan
 - C Excerpt of Flood Insurance Rate Map Panel No. 1708940180B
 - D Preliminary Draft Summary of Evidence for Zoning Case 620-S-08

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for Zoning Case 620-S-08 held on September 25, 2008, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{ SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN }* *{ IS / IS NOT }* necessary for the public convenience at this location because: _____

2. The requested Special Use Permit *{ SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN }* is so designed, located, and proposed to be operated so that it *{ WILL / WILL NOT }* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - a. The street has *{ ADEQUATE / INADEQUATE }* traffic capacity and the entrance location has *{ ADEQUATE / INADEQUATE }* visibility.
 - b. Emergency services availability is *{ ADEQUATE / INADEQUATE }* *{because:¹}* _____

 - c. The Special Use will be designed to *{ CONFORM / NOT CONFORM }* to all relevant County ordinances and codes.
 - d. The Special Use *{ WILL / WILL NOT }* be compatible with adjacent uses *{because:¹}* _____

 - e. Surface and subsurface drainage will be *{ ADEQUATE / INADEQUATE }* *{because:¹}* _____

 - f. Public safety will be *{ ADEQUATE / INADEQUATE }* *{because:¹}* _____

 - g. The location *{ IS / IS NOT }* suitable for the proposed onsite wastewater system *{because:¹}* _____

 - h. (Note: The Board may include other relevant considerations as necessary or desirable in each case.)

1. The Board may include relevant considerations as necessary or desirable in each case.

- 3a. The requested Special Use Permit ***{ SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN } { DOES / DOES NOT }*** conform to the applicable regulations and standards of the DISTRICT in which it is located.
 - 3b. The requested Special Use Permit ***{ SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN } { DOES / DOES NOT }*** preserves the essential character of the DISTRICT in which it is located because:
 - a. The Special Use will be designed to ***{ CONFORM / NOT CONFORM }*** to all relevant County ordinances and codes.
 - b. The Special Use ***{ WILL / WILL NOT }*** be compatible with adjacent uses.
 - c. Public safety will be ***{ ADEQUATE / INADEQUATE }***.
 - d. (Note: The Board may include other relevant considerations as necessary or desirable in each case.)
-

- 4. The requested Special Use Permit ***{ SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN } { IS / IS NOT }*** in harmony with the general purpose and intent of the Ordinance because:
 - a. The Special Use is authorized in the District.
 - b. The requested Special Use Permit ***{ IS / IS NOT }*** necessary for the public convenience at this location.
 - c. The requested Special Use Permit ***{ SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN }*** is so designed, located, and proposed to be operated so that it ***{ WILL / WILL NOT }*** be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
 - d. The requested Special Use Permit ***{ SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN } { DOES / DOES NOT }*** preserves the essential character of the DISTRICT in which it is located.
 - e. (Note: The Board may include other relevant considerations as necessary or desirable in each case.)
-

- 5. The requested Special Use ***{ IS / IS NOT }*** an existing nonconforming use.
- 6. ***{ NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:***

1. The Board may include relevant considerations as necessary or desirable in each case.

PRELIMINARY DRAFT

FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements of Section 9.1.11B. *{HAVE / HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

The Special Use requested in Case **620-S-08** is hereby *{GRANTED / GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the petitioners **Mennenga Construction, Inc., and Merl Mennenga, President and co-owner, and Phyllis Mennenga, Secretary and co-owner** to authorize the **construction and use of a two-family dwelling as a Special Use in the R-1 Single Family Dwelling Zoning District.**

{SUBJECT TO THE FOLLOWING SPECIAL CONDITION,}

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

Debra Griest, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

CASE NO. 622-AM-08

SUPPLEMENTAL MEMORANDUM

September 19, 2008

Champaign
County
Department of



Brookens
Administrative Center
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708
FAX (217) 328-2426

Petitioners: **Bob and Marion Smith**
d.b.a. Bill Smith's Auto Parts

Site Area: **approx. 5 acres**

Time Schedule for Development: **N/A**

Prepared by: **J.R. Knight**
Associate Planner
John Hall
Zoning Administrator

Request: **Amend the Zoning Map to change the zoning district designation from the B-4 General Business Zoning District to the I-2 Heavy Industry Zoning District.**

Location: **Lot 2 of Lee Industrial Subdivision in Section 33 of Somer Township and commonly known as Bill Smith Auto Parts at 1851 CR 1475E in Urbana.**

STATUS

This is the second meeting for this case. It was continued from the July 31, 2008, ZBA meeting. Staff spoke with the co-petitioner Marion Smith by phone on September 19, 2008, the petitioner indicated they were cooperating with the City of Urbana to obtain the necessary approvals for their business, and that they are planning to withdraw their Zoning Case with the County.

Until a letter indicating the withdrawal of the case is received staff would recommend continuing this case. A recommended continuance date will be available at the meeting.

CASE NO. 628-V-08

PRELIMINARY MEMORANDUM

September 19, 2008

Champaign
County
Department of

Petitioners: **Virgil and Susie Roderick**

**PLANNING &
ZONING**

Site Area: **approx. 6,600 square feet**

Time Schedule for Development:
Immediate

Prepared by: **J.R. Knight**
Associate Planner
John Hall
Zoning Administrator

Request: **Authorize the following in the I-1 Light Industry District:**

- A. **The construction and use of an industrial building with two side yards that are each one foot in width in lieu of the required 10 feet.**
- B. **The use of a loading berth with a side yard of one foot in lieu of the required side yard of 5 feet.**
- C. **The use of a parking space with a front yard of zero feet in lieu of the required front yard of 10 feet and a side yard of one foot in lieu of the required side yard of five feet.**
- D. **The use of a parking space with a front yard of five feet in lieu of the required front yard of 10 feet and a side yard of one foot in lieu of the required side yard of five feet.**

Location: **Lots 109, 110, 131, and 132 in Wilbur Heights Subdivision in Section 31 of Somer Township and commonly known as the house at 311 Paul Avenue and the vacant lot at 312 Wilbur Avenue in Champaign.**

BACKGROUND

The petitioners submitted a Zoning Use Permit Application to construct an industrial building for their son's automobile bumper recycling business. The building was proposed to provide indoor storage for the bumpers which are currently being stored outdoors on a different property, in violation of the *Zoning Ordinance*

The proposed site plan did not originally contain enough information for staff to proceed with the variance, and staff requested additional information on August 14, 2008. A revised site plan and some additional information were submitted on September 5, 2008.

The rear yard for the subject property is unusual because the petitioners own four lots which run through different sides of the block. They use part of Lots 109 and 110, which is the site of the proposed building, as part of the rear yard for their house which is on Lots 131 and 132. Thus, while the proposed building will have a conforming rear yard, that yard is intended to be accessed through Lots 131 and 132.

EXISTING LAND USE AND ZONING

Table 1 summarizes the land use and zoning on the subject property and adjacent to it.

Table 1. Land Use and Zoning In The Vicinity Of The Subject Property

Direction	Land Use	Zoning
Onsite	Vacant	I-1 Light Industry
North	Single Family Dwelling	I-1 Light Industry
East	Single Family Dwelling & Vacant	I-1 Light Industry
West	Single Family Dwelling & Business	I-1 Light Industry
South	Warehouse	I-1 Light Industry

MUNICIPAL EXTRATERRITORIAL JURISDICTION

The subject property is located within the mile and a half ETJ of a the City of Champaign. Municipalities do not have protest rights on variance cases within their mile and a half ETJ, and they are not notified of such cases.

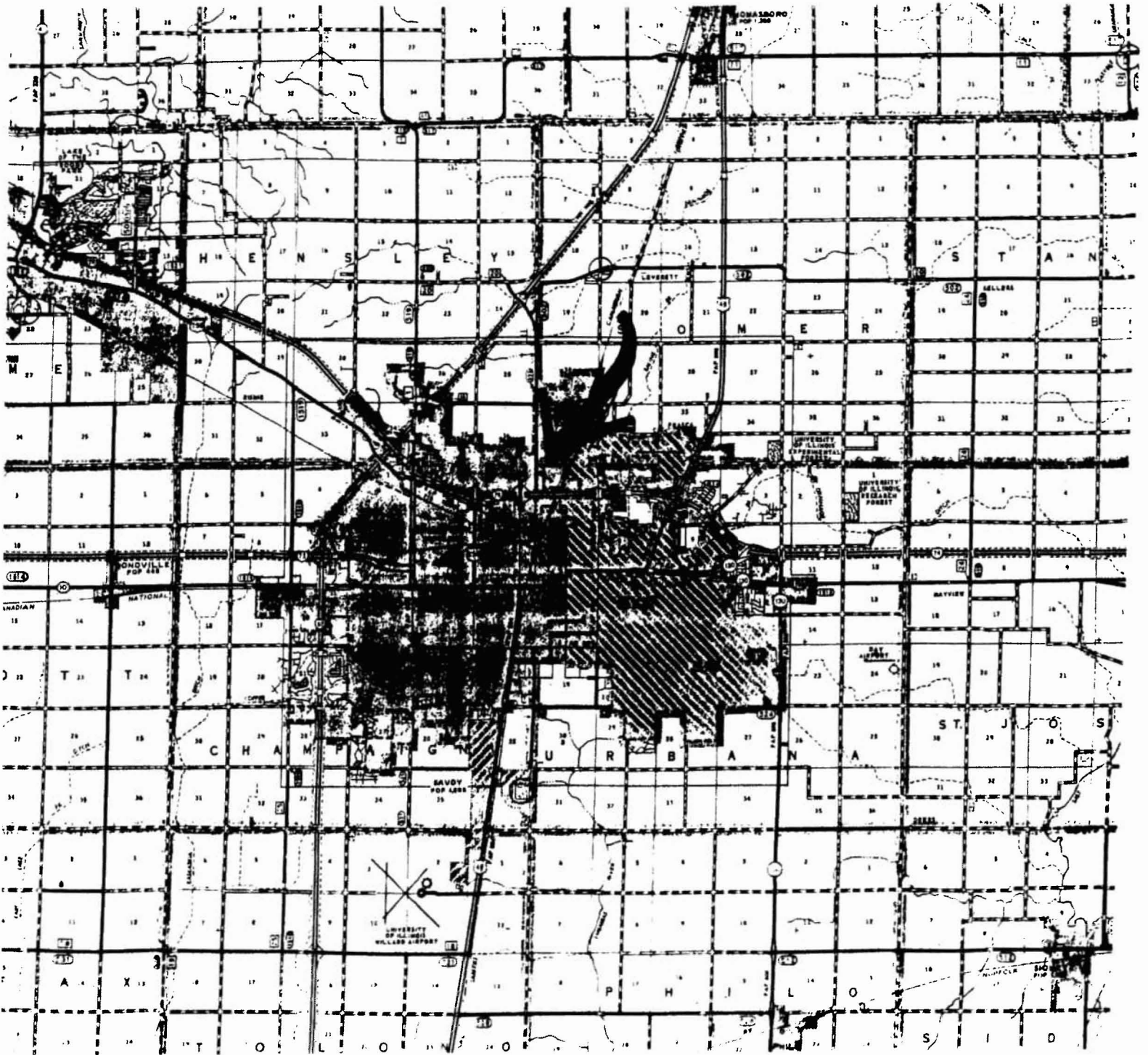
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received on September 5, 2008
- C Comments for Review of Site Plan received on September 5, 2008
- D Excerpt of Section 905.20 of the Illinois Private Sewage Disposal Code
- E Sanitary Sewer Map
- F Letter from Loretta Marlowe and Beulah Roderick received on September 4, 2008
- G Letter from neighbor received on September 5, 2008
- H Signed statement from Loretta Marlowe and Beulah Roderick received on September 5, 2008
- I Signed statement from Larry Roderick received on September 5, 2008
- J Preliminary Draft Summary of Evidence for Zoning Case 628-V-08

ATTACHMENT A. LOCATION MAP

Case 628-V-08

SEPTEMBER 19, 2008



Champaign
County
Department of

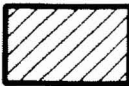
**PLANNING &
ZONING**



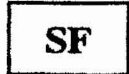
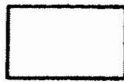
ATTACHMENT A. LAND USE MAP

Case 628-V-08

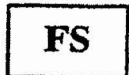
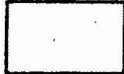
SEPTEMBER 19, 2008



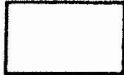
Area of Concern



Single Family



Farmstead



NORTH

Champaign
County
Department of

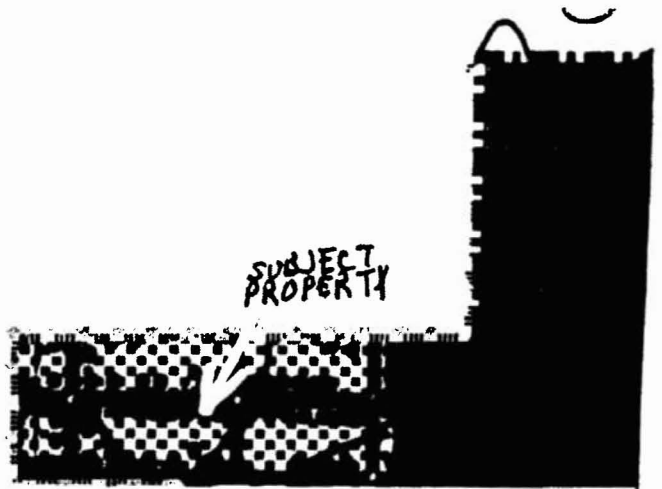
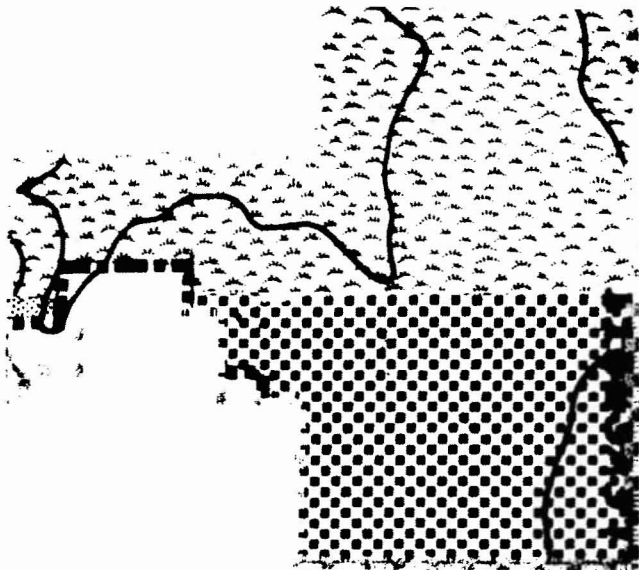
**PLANNING &
ZONING**

1 inch equals 113.7137

ATTACHMENT A. ZONING MAP

Case 628-V-08

SEPTEMBER 19, 2008



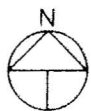
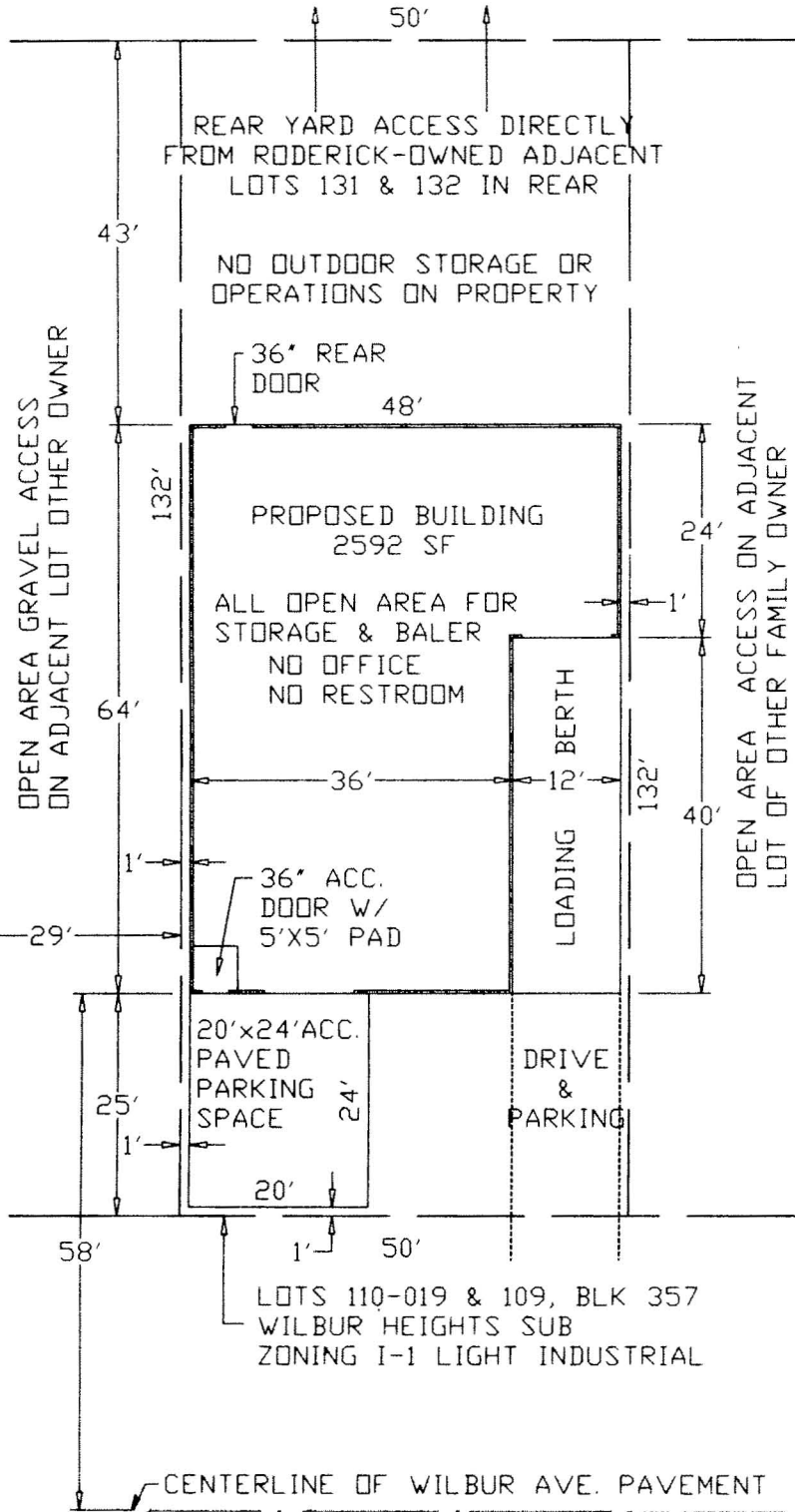
City of
Champaign



AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business
AG-2 Agriculture	R-2 Single Family Residence	R-5 Mobile Home Park	B-3 Highway Business	I-1 Light Industry
CR Conservation- Recreation	R-3 Two-family Residence	B-1 Rural Trade Center	B-4 General Business	I-2 Heavy Industry

Champaign
County
Department of
**PLANNING &
ZONING**

EXISTING 42'64" BUILDING
(BY OTHER OWNER)



RODERICK SITE PLAN

9/5/08

SCALE: 1:200

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SEP 05 2008

CHAMPAIGN CO. P & Z DEPARTMENT

COMMENTS FOR REVIEW OF SITE PLAN FOR ZONING COMPLIANCE
FOR CASE 628-V-08 (VIRGIL & SUSIE RODERICK)

August 14, 2008

Notes on Comments by Rodericks September 4, 2008 in bold italics

1. Need a driveway location noted on the site plan.

Driveway from street to loading berth is now indicated on plan and will double as parking space as loading berth will only see occasional use when loading bales on the average of once a month.

2. Need 25 foot front yard noted on site plan.

Now indicated.

3. Need rear yard dimension from building to rear lot line.

Now indicated.

4. Need side yards noted on site plan, adding up the dimensions provided indicates that 1 foot on either side of the building to the lot line is proposed.

Requesting variance for 1' side lot line setback on both sides for building, loading berth, and parking spaces.

5. 50% maximum lot coverage is allowed, proposed project is at 39.3% lot coverage. Lot area is 6,600 sq.ft., max lot coverage allowed is 3,300, proposed building is 2,592 sq.ft.

Gross enclosed building area remains at 2,592 s.f.

6. Parking spaces or area(s) with dimensions and required yards are not noted on site plan.

Now indicated. See Comments #1 & #10.

7. Need to know the maximum number of employees that will be on site at any one time to calculate required parking spaces.

Only one employee, the business owner, will be working in this building. He lives within walking distance of the building, and when necessary can park or use the bathroom facilities of Roderick home on Lots 131 and 132 directly adjacent to the rear of the building property.

8. Need floor plan of building in order to calculate required number of parking spaces.

Building will be all open interior floor area, no office space & no restroom.

9. Loading berth does not meet required yard dimensions. Loading berth must be located no closer than 5 feet to the side lot line (site plan indicates that loading berth is located 0 to 1 foot from the side lot line).

Requesting variance for 1' side lot line setback for building, loading berth, and parking spaces.

10. Accessible parking space and all accessibility features must be indicated on the site plan.

Now indicated. 16'x20' required paved accessibility parking has been expanded to 20'x24' to include 5'x5" pad in front of accessibility door. Requesting variance for 1' side lot line setback and 1' front lot line setback for accessibility space.

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CHAMPAIGN CO. P & Z DEPARTMENT

11. How do the Roderick's plan to access the rear of the lot (behind the building) if the variance is granted to allow no sideyards?

Currently there are open areas on both adjacent side lots; assuming similar requirements of "no outdoor storage or operations on property" (See Comment #15) applying to adjacent properties, it is to be expected that these areas will remain open for vehicular access, if necessary. In the case of the existing uninhabited mobile home on adjacent Lot #108 to the east, property owned by a close family member, vehicles could go around the east side of the mobile home to access the rear, as stipulated by the owner in attached affidavit. Rodericks also own home on Lots 131 and 132 directly adjacent to the rear of the building property of Lots 109 & 110, and use rear portion of these Lots 109 & 110 as a residential back yard which will remain intact. Access, therefore, can also be provided through this yard in the rear.

12. Need the average height of the proposed building.

Not known at this time.

13. #6D of Variance application states that no neighbors object to the requested variance. Is there documentation from the neighbors?

Documentation provided, attached or already on file.

14. Is there a greater than average over hang on the sides of the building which would cross over the property line?

No overhang is planned except for side gutters attached at eaves.

15. Need a statement from the applicant that there will be no outdoor storage or operations on this property.

Indicated on plan and in affidavit.

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CHAMPAIGN CO. P & Z DEPARTMENT

Section 905.20 General Requirements

- a) **Rate of Flow for Domestic Sewage.** Each unit of the private sewage disposal system shall be designed to treat the volume of domestic sewage discharged to it. The volume of sewage flow shall be determined from Appendix A: Illustration A of this Part. For non-residential establishments, the Department will consider the use of actual flow volumes obtained from similar installations in lieu of the quantities contained in Appendix A: Illustration A of this Part, when the flow data is documented. Examples of the documentation that could be accepted would be actual measurements of the quantity of wastewater, or water use receipts. In the design of a private sewage disposal system, peak flows shall be designed for, and/or attenuated. When the sewage flow exceeds 1500 gallons per day, and there is a surface discharge, then approval shall be obtained from the Illinois Environmental Protection Agency.
- b) **Type of Waste.** A private sewage disposal system shall be designed to receive all waste from the buildings served. No cooling water, groundwater, discharge from roof drains, discharge from footing tile drains, swimming pool wastewater, or other clear water discharges shall be directed to the private sewage disposal system. Waste products, such as automotive grease, oils, solvents, and chemicals, shall not be discharged to a private sewage disposal system. These waste products shall be handled according to rules for disposal of oil, gas and grease promulgated under the Environmental Protection Act, or according to 35 Ill. Adm. Code Subtitle G, or shall be taken to an oil and gas reclamation center. Drains or fixtures receiving any product other than domestic sewage shall be discharged to a holding tank and not to a private sewage disposal system.
- 1) **Backwash water from a water softener shall discharge to one of the following:**
- A) A septic tank followed by a seepage field, sand filter or waste stabilization pond.
 - B) A separate subsurface seepage system, provided the seepage field is designed to accommodate the flow from this device on a daily basis. A septic tank is not required in front of a seepage field receiving flow from this device.
- 2) **Hot tub wastewater.** Wastewater generated by a hot tub or other similar device shall be discharged to one of the following:

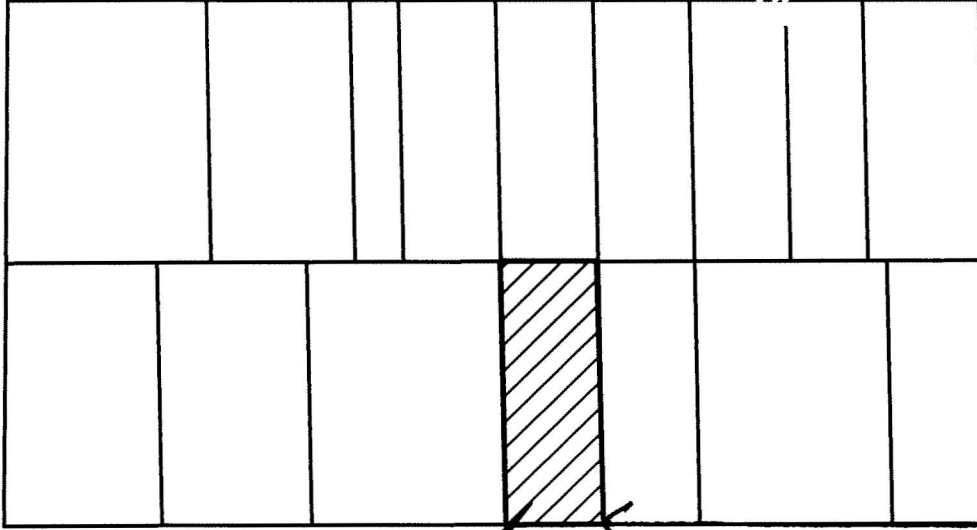
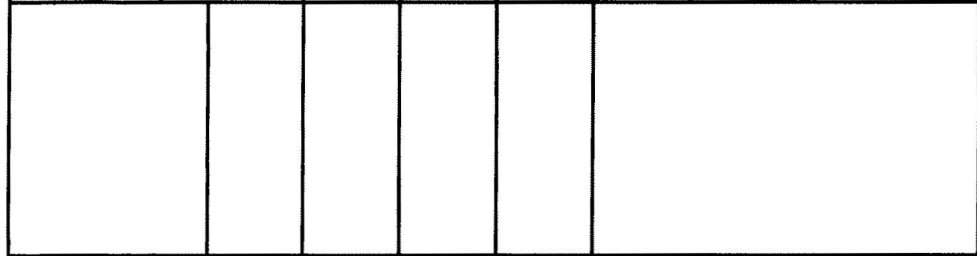
- A) **A separate subsurface seepage system, provided the seepage field is designed to accommodate the liquid capacity of the hot tub on a daily basis. A septic tank is not required in front of a seepage field receiving flow from this device.**
 - B) **The seepage field serving the domestic wastewater flow, provided the seepage field is increased in size to accommodate the additional flow from the hot tub on a daily basis. This drainage shall be piped around the septic tank and directly into the seepage field.**
- c) **Individual Service. The use of a private sewage system to serve more than one property is prohibited except where a common property is provided, under joint ownership of the users, or where the system is under public jurisdiction or managed by a district established for the maintenance of such systems.**
- d) **Water and Sewer Line Separation. The following criteria shall govern the separation of water supply lines and sewer lines:**
- 1) **Horizontal Separation. Sewers shall be installed at least 10 feet horizontally from any existing or proposed water line. When local conditions prevent a lateral separation of 10 feet, a sewer may be laid closer than 10 feet to a water line provided that the elevation of the crown of the sewer is at least 18 inches below the invert of the water line.**
 - 2) **Crossings. Where sewer lines must cross water lines, the sewer line shall be laid at such an elevation that the crown of the sewer line is at least 18 inches below the invert of the water line. This vertical separation shall be maintained for that portion of the sewer line located within 10 feet horizontally of any water line it crosses. When sewer lines must cross above water lines, the sewer lines shall be Schedule 40 or equivalent material with watertight joints.**
- e) **Sanitary Sewer. New or renovated private sewage disposal systems shall not be approved where a sanitary sewer operated and maintained under permit of the Illinois Environmental Protection Agency is available for connection. A sanitary sewer is available for connection when it is within 200 feet of a residential property or a non-residential property with a sewage flow less than 1500 gallons per day, or within 1000 feet of a non-residential property with a sewage flow greater than or equal to 1500 gallons per day unless a physical barrier or local ordinance exists which prevents connection to the sewer. If**

connection from the property to the sanitary sewer cannot be made with an individual line (i.e., 4" line), then a private sewage disposal system may be installed.

- f) **Acceptable Pipe Materials.**
- 1) All piping located more than 5 feet from the building foundation, used to convey wastewater to a private sewage disposal system, shall be considered a part of the private sewage disposal system and shall be watertight. This piping shall be ductile iron, vitrified clay, or plastic pipe. Only vitrified clay or plastic pipe shall be used from the septic tank and after the distribution box (where used). Perforated pipe or open-jointed tile shall be used only as provided in this Code.
 - 2) Use of plastic pipe and fittings shall conform to the uses designated in Appendix A: Illustration C of this Part.
 - 3) Piping used to carry domestic sewage under areas such as driveways, roads, or parking areas shall be Schedule 40 equivalent or greater.
- g) **Pipe Size and Slope.** All solid pipes carrying domestic sewage by gravity flow shall have a nominal diameter of at least 4 inches and a minimum slope of 12 inches per 100 feet. Solid header lines used for equal distribution shall be level.
- h) **Prohibited Discharges.** There shall be no discharge of raw or improperly treated domestic sewage to the surface of the ground or to farm tiles, streams, rivers, ponds, lakes, or other collectors of water. Improperly treated domestic sewage is sewage that does not meet the effluent requirements of Section 905.110(b) or sewage which comes directly from a septic tank or building sewer. Domestic sewage or effluent from any private sewage disposal system or component shall not be discharged into any well, cistern, basement or into any underground mine, cave, sinkhole or tunnel.
- i) **Pipe Length.** Building sewers in excess of 50 feet in length which carry wastewater from the buildings served to the septic tank, distribution box or aeration treatment plant shall be provided with at least one clean-out every 50 feet that terminates at grade.
- j) **Private Sewage Disposal System Development.** The following factors shall govern the development of a private sewage disposal system:

905.20 (h)
S
K

Sanitary Sewer Map



Subject Property

~250'

District Approved Collector Sewer

RECEIVED

SEP 04 2008

CHAMPAIGN CO. P & Z DEPARTMENT

Champaign County Department of Planning and Zoning
Brookens Administrative Center
1776 E. Washington Street
Urbana, Illinois 61802

To Whom It May Concern:

I am the owner of the property adjacent to the proposed building to be constructed on the Roderick property of Lots 109 and 110 in the Wilbur Heights subdivision. I would like to go on record in stating that I do not object to the proposed variance in locating this building within 1 (one) foot of my property line.

Loretta Marlowe
Signed *Beverah Roderick*

Print Name: Beverah Roderick

Date: 8-27-08

Champaign County Department of Planning and Zoning
Brookens Administrative Center
1776 E. Washington Street
Urbana, Illinois 61802

To Whom It May Concern:

I am the owner of the property adjacent to the proposed building to be constructed on the Roderick property of Lots 109 and 110 in the Wilbur Heights subdivision. I would like to go on record in stating that I do not object to the proposed variance in locating this building within 1 (one) foot of my property line.

Signed Thomas J. Jones

Print Name: Thomas J. Jones

Date: 9-5-08

RECEIVED

SEP 05 2008

CHAMPAIGN CO. P & Z DEPARTMENT

Champaign County Department of Planning and Zoning
Brookens Administrative Center
1776 E. Washington Street
Urbana, Illinois 61802

AFFIDAVIT

I am the owner of Lots 105 – 108 adjacent to the proposed building to be constructed on the Roderick property of Lots 109 and 110 in the Wilbur Heights subdivision, and the owner of the uninhabited mobile home adjacent to Roderick Lot 109. This mobile home is of little value without utilities. Emergency or necessary vehicular access to the rear of the Roderick property can be made by going around the east side of this mobile home.

Signed: *Loisetta Marlowe P.O.A.*
Basilab Roderick

Print Name: LOISETTA MARLOWE

Date: 9-5-08

RECEIVED
SEP 05 2008
CHAMPAIGN CO. P & Z DEPARTMENT

Champaign County Department of Planning and Zoning
Brookens Administrative Center
1776 E. Washington Street
Urbana, Illinois 61802

AFFIDAVIT

I am the owner of the business that will operate in the proposed building to be constructed on the Roderick property of Lots 109 and 110 in the Wilbur Heights subdivision. I affirm that no outdoor storage and operations will be done on this property.

Signed Larry Roderick

Larry Roderick

Date: 9-5-08

RECEIVED

SEP 05 2008

CHAMPAIGN CO. P & Z DEPARTMENT

PRELIMINARY DRAFT

628-V-08

**FINDING OF FACT
AND FINAL DETERMINATION
of
Champaign County Zoning Board of Appeals**

Final Determination: *{GRANTED / GRANTED WITH SPECIAL CONDITIONS / DENIED}*

Date: September 25, 2008

Petitioners: Virgil and Susie Roderick

Request: Authorize the following in the I-1 Light Industry District:

- A. The construction and use of an industrial building with two side yards that are each one foot in width in lieu of the required 10 feet.
- B. The use of a loading berth with a side yard of one foot in lieu of the required side yard of 5 feet.
- C. The use of a parking space with a front yard of zero feet in lieu of the required front yard of 10 feet and a side yard of one foot in lieu of the required side yard of five feet.
- D. The use of a parking space with a front yard of five feet in lieu of the required front yard of 10 feet and a side yard of one foot in lieu of the required side yard of five feet.

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted **September 25, 2008**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioners, Virgil and Susie Roderick, own the subject property.
2. The subject property is Lots 109, 110, 131, and 132 in Wilbur Heights Subdivision in Section 31 of Somer Township and commonly known as the house at 311 Paul Avenue and the vacant lot at 312 Wilbur Avenue in Champaign.
3. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Urbana. Municipalities do not have protest rights in variance cases and are not notified of such cases.

PRELIMINARY DRAFT

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Regarding land use and zoning on the subject property and adjacent to it:
 - A. The subject property and all the property surrounding it is zoned I-1 Light Industry.
 - B. The subject property is currently vacant.
 - C. Land to the east of the subject property is in use as a single family dwelling and a vacant manufactured home.
 - D. Land to the west of the subject property is in use as a single family dwelling and a delivery business.
 - E. Land to the south of the subject property is in use as a warehouse.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Generally regarding the proposed site plan, the subject property is currently vacant. The petitioner proposes to construct a new building, as follows:
 - A. The proposed building will be 2,592 square feet in area. It will be 48 feet wide in the rear and 36 feet wide in the front with a 12 feet wide loading dock on the east side of the building. The building will be entirely open inside, as follows:
 - (1) A note on the site plan indicates there will be no office or restroom inside the building. However, the Illinois Plumbing Code requires at least one restroom be provided inside every place of employment.
 - (2) Section 905.20 "General Requirements" of the Private Sewage Disposal Code requires that a non-residential property with a sewage flow of less than 1500 gallons per day must connect to a public sanitary sewer system if it is within 200 feet of the property.
 - (3) As indicated on the Sanitary Sewer Map (Attachment E of the Preliminary Memorandum) the subject property is approximately 250 feet from the closest available public sanitary sewer system. Thus the subject property could use a private sewage disposal system if available.
 - (4) In a phone conversation on September 18, 2008, co-petitioner Susie Roderick told J.R. Knight, Associate Planner, that there was an existing septic system on the subject property that was located just north of the proposed building.
 - B. The building will have a side yard of one foot on the east and west sides of the building.
 - C. There will be an accessible parking space in front of the proposed building, as follows:
 - (1) On the proposed site plan the accessible parking space is proposed to be 20 feet by 24 feet; giving it a front yard of one foot.

ITEM 5.C. CONTINUED,

- (2) Although the accessible parking space is indicated on the site plan as being 20 feet by 24 feet, the Zoning Administrator has determined that the proper dimensions for the space are 16 feet by 25 feet, which would give the space a front yard of zero feet and the legal advertisement reflects this change.

- D. Another parking space will be located on the drive leading to the loading berth; it will have a front yard of five feet and a side yard of one foot.

- E. The petitioners own all Lots 109, 110, 131, and 132, and use them as follows:
 - (1) In the Comments for Review of Site Plan that were submitted with the Site Plan received on September 5, 2008, the petitioners indicate that they use the rear of Lots 109 and 110 as part of the rear yard for their house, which is located on Lots 131 and 132.

 - (2) The petitioners also indicate that if access to the rear yard of Lots 109 and 110 is needed for some reason associated with the proposed building they will grant access.

 - (3) Rear yard access is also indicated to be possible with the permission of property owners on the east side of Lots 109 and 110.

- F. The petitioners indicate there will be no outdoor storage or operations on the subject property.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

- 6. Regarding specific *Zoning Ordinance* requirements relevant to this case:
 - A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested variance (capitalized words are defined in the Ordinance):
 - (1) “BUILDING, MAIN or PRINCIPAL” is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.

 - (2) “BUILDING RESTRICTION LINE” is a line usually parallel to the FRONT, side, or REAR LOT LINE set so as to provide the required YARDS for a BUILDING or STRUCTURE.

 - (3) “ESTABLISHMENT” is a business, retail, office, or commercial USE. When used in the singular this term shall be construed to mean a single USE, BUILDING, STRUCTURE, or PREMISES of one of the types here noted.

 - (4) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.

 - (5) “LOT LINES” are the lines bounding a LOT.

PRELIMINARY DRAFT

ITEM 6.A. CONTINUED,

- (6) "LOT LINE, FRONT" is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.
 - (7) "LOT LINE, REAR" is any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE or to a tangent to the midpoint of the FRONT LOT LINE. In the case of a triangular or gore shaped LOT or where the LOT comes to a point opposite the FRONT LOT LINE it shall mean a line within the LOT 10 feet long and parallel to and at the maximum distance from the FRONT LOT LINE or said tangent.
 - (8) "VARIANCE" is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or the Zoning Board of Appeals are permitted to grant.
 - (9) "YARD" is an OPEN SPACE, other than a COURT, of uniform depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.
 - (10) "YARD, FRONT" is a YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each abut a STREET RIGHT-OF-WAY both such YARDS shall be classified as FRONT YARDS.
 - (11) "YARD, SIDE" is a YARD situated between a side LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT and extending from the rear line of the required FRONT YARD to the front line of the required REAR YARD.
- B. Section 5.3 specifies the required minimum side yards for main or principal buildings or structures in the I-1 District is 10 feet.
- C. Subparagraph 7.4.1.A.3. specifies the location requirements for parking spaces, as follows:
- (1) No parking space shall be located less than 10 feet from any FRONT LOT LINE.
 - (2) No parking space shall be located less than five feet from any side or REAR LOT LINE.
- D. Subparagraph 7.4.2.A.4. specifies that no loading berth shall be located less than five feet from any side or REAR LOT LINE.
- E. The Department of Planning and Zoning measures yards and setbacks to the nearest wall line of a building or structure and the nearest wall line is interpreted to include overhanging balconies, projecting window and fireplace bulkheads, and similar irregularities in the building footprint. A roof overhang is only considered if it overhangs a property line.

ITEM 6. CONTINUED,

- F. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
 - (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
 - (a) That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
 - (b) That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
 - (c) That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
 - (d) That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
 - (e) That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
 - (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9D.2.
- G. Paragraph 9.1.9.E. of the *Zoning Ordinance* authorizes the ZBA to prescribe appropriate conditions and safeguards in granting a variance.

GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

- 7. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
 - A. The Petitioners have testified on the application that, **“The property is too narrow to build on without the variance.”**
 - B. The subject property is nonconforming with regard to average lot width and lot area because it was created before the adoption of the *Zoning Ordinance* on October 10, 1973.
 - C. There is an existing septic system located just north of the proposed building’s location.

PRELIMINARY DRAFT

GENERALLY REGARDING ANY PRACTICAL DIFFICULTIES OR HARDSHIPS RELATED TO CARRYING OUT THE STRICT LETTER OF THE ORDINANCE

8. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
 - A. The Petitioners have testified on the application that, **“Without the variance, a usable building could not be built on the parcel.”**
 - B. In regard to the side yard variances, purchase of additional land that would make the subject property conforming does not appear feasible at this time because there are structures on both neighboring properties.
 - C. In regard to the front yard variances for the parking spaces, the proposed building’s location is necessary to make use of the existing septic system on the subject property.
 - D. In regard to the front yard variance for the accessible parking space, the subject property is required to have one accessible parking space, and due to the size of the property the pad for the space must be 16 feet by 25 feet, necessitating a zero foot front yard.
 - E. In regard to the side yard variance for the accessible parking space, locating this space next to the front door reduces the amount of pavement necessary on the subject property.

GENERALLY PERTAINING TO WHETHER OR NOT THE PRACTICAL DIFFICULTIES OR HARDSHIPS RESULT FROM THE ACTIONS OF THE APPLICANT

9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
 - A. The Petitioners have testified on the application that, **“No.”**
 - B. Wilbur Heights Subdivision was platted before the adoption of the *Zoning Ordinance* on October 10, 1973.
 - C. The existing septic system was originally constructed to serve a single family dwelling on the subject property that has since been torn down.

GENERALLY PERTAINING TO WHETHER OR NOT THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

10. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
 - A. The Petitioners have testified on the application that, **“The neighboring property owners do not object to this variance.”**

ITEM 10. CONTINUED,

- B. Larry Roderick, son of the co-petitioners, provided a signed statement that indicated he would be operating a business out of the proposed building and that there would be no outdoor operations or storage on the subject property.
- C. The Zoning Ordinance does not clearly state the considerations that underlay the side and rear yard requirements. In general, the side and rear yards are presumably intended to ensure the following:
 - (1) Adequate light and air: The closest neighboring structure on the west has a greater than required side yard which would make up for the smaller side yard on the subject property. However, the closest structure on the east has a nonconforming side yard and the proposed structure would be much closer to that structure than is normally allowed.
 - (2) Separation of structures to prevent conflagration: Structures in the rural zoning districts are generally located farther from fire protection stations than structures in the urban districts and the level of fire protection service is generally somewhat lower given the slower response time. The subject property is within the Eastern Prairie Fire Protection District and the station is approximately 1,000 feet east of the subject property.
 - (3) Aesthetics may also play a part in minimum yard requirements.
- D. The subject property requires the following amounts of variance:
 - (1) The proposed building side yards of one foot are 10% of the required 10 feet for a variance of 90%.
 - (2) The loading berth side yard of one foot is 20% of the required five feet for a variance of 80%.
 - (3) The parking space front yard of zero feet is 0% of the required 10 feet for a variance of 100% and the side yard of one foot is 20% of the required 5 feet for a variance of 80%.
 - (4) The parking space front yard of five feet is 50% of the required 10 feet for a variance of 50% and the side yard of one foot is 20% of the required 10 for a variance of 80%.
- E. The subject property meets all other requirements of the *Zoning Ordinance*.
- F. The requested variance is not prohibited by the *Zoning Ordinance*.

GENERALLY PERTAINING TO THE EFFECTS OF THE REQUESTED VARIANCE ON THE NEIGHBORHOOD AND THE PUBLIC HEALTH, SAFETY, AND WELFARE

- 11. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:

ITEM 11. CONTINUED,

- A. The Petitioners have testified on the application that, **“The planned construction would enhance the neighborhood.”**
 - B. A letter was received on September 4, 2008, from neighbors Loretta Marlowe and Beulah Roderick that indicated that they had no objection to the proposed variances.
 - C. A letter was received on September 5, 2008, from a neighbor to the subject property, however, it is unclear which property the neighbor owns and where they are located with regard to the subject property.
 - D. Beulah Roderick provided a signed statement that if emergency or necessary vehicular access were required to the rear yard of the subject property it could be obtained by going around the east side of the vacant manufactured home on her property.
 - E. The Fire Protection District has received notice of this variance, and in a phone conversation on September 12, 2008, Mike Kobel, chief of Eastern Prairie Fire Protection District, told J.R. Knight, Associate Planner, that he had no concerns regarding access to the subject property.
 - F. The Township Highway Commissioner has also received notice of this variance, but no comments have been received.
12. Elsewhere on the application the petitioner has testified, **“The planned construction is consistent with the neighborhood.”**

DOCUMENTS OF RECORD

1. Variance application from Virgil and Susie Roderick, received on June 30, 2008, with attachments:
 - A Site plan
2. Letter from Loretta Marlowe and Beulah Roderick received on September 4, 2008
3. Revised site plan with comments received on September 5, 2008
4. Letter from neighbor received on September 5, 2008
5. Signed statements from Loretta Marlowe and Beulah Roderick; and Larry Roderick
6. Preliminary Memorandum for Case 628-V-08, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received on September 5, 2008
 - C Comments for Review of Site Plan received on September 5, 2008
 - D Excerpt of Section 905.20 of the Illinois Private Sewage Disposal Code
 - E Sanitary Sewer Map
 - F Letter from Loretta Marlowe and Beulah Roderick received on September 4, 2008
 - G Letter from neighbor received on September 5, 2008
 - H Signed statement from Loretta Marlowe and Beulah Roderick received on September 5, 2008
 - I Signed statement from Larry Roderick received on September 5, 2008
 - J Preliminary Draft Summary of Evidence for Zoning Case 628-V-08

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **628-V-08** held on **September 25, 2008**, the Zoning Board of Appeals of Champaign County finds that:

1. Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because: _____

2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because: _____

3. The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because: _____

4. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* in harmony with the general purpose and intent of the *Ordinance* because: _____

5. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{WILL / WILL NOT}* be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because: _____

6. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because: _____

7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***

FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements of Section 9.1.9.C *{HAVE/HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Variance requested in Case **628-V-08** is hereby *{GRANTED/GRANTED WITH CONDITIONS/DENIED}* to the petitioners, **Virgil and Susie Roderick**, to authorize **the following in the I-1 Light Industry District:**

- A. The construction and use of an industrial building with two side yards that are each one foot in width in lieu of the required 10 feet.**
- B. The use of a loading berth with a side yard of one foot in lieu of the required side yard of 5 feet.**
- C. The use of a parking space with a front yard of zero feet in lieu of the required front yard of 10 feet and a side yard of one foot in lieu of the required side yard of five feet.**
- D. The use of a parking space with a front yard of five feet in lieu of the required front yard of 10 feet and a side yard of one foot in lieu of the required side yard of five feet.**

{SUBJECT TO THE FOLLOWING CONDITION(S):}

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

Debra Griest, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date