

# CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **April 16, 2009**  
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 (Closed Session: November 22, 2005; Open Session: March 26, 2009)
5. Continued Public Hearings

**Case 632-AM-08** Petitioner: **Mike Trautman**

Request: **Amend the Zoning Map to allow for the development of 1 single family Residential lot in the AG-1 Agriculture Zoning District by adding the Rural Residential Overlay (RRO) Zoning District.**

Location: **A 1.66 acre tract that is in the East Half of the Southwest Quarter of the Southwest Quarter of Section 35 of Newcomb Township, and commonly known as the land east of Trautman's Section 35 Subdivision approximately at 420 CR 2425N.**

**Case 634-AT-08** Petitioner: **Zoning Administrator**

Request: **Amend the Champaign County Zoning Ordinance as follows:**

**Part B: Change the requirements for private wind turbines; and**

**Part C: Add a requirement for a CBSUP for subdivisions in a Rural Residential Overlay District.**

6. New Public Hearings

**\*Case 643-V-08** Petitioner: **Albert and Barbara Knox**

Request: **Authorize the construction and use of an existing, unauthorized carport with a side yard of five feet in lieu of the required side yard of 10 feet for an accessory building in the AG-1, Agriculture Zoning District.**

Location: **Lot 105 in Claybaugh Subdivision in Section 10 of Somer Township and commonly known as the house at 2207 CR 1600E, Urbana.**

7. Staff Report
8. Other Business
9. Audience Participation with respect to matters other than cases pending before the Board
10. Adjournment

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

# CASE NO. 632-AM-08

SUPPLEMENTAL MEMORANDUM

April 9, 2009

Petitioner: **Mike Trautman**

Champaign  
County  
Department of



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

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

Site Area: **1.661 acres**

Time Schedule for Development:  
**Immediate**

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

**Request: Amend the Zoning Map to allow for the development of 1 single family residential lot in the AG-1 Agriculture Zoning District, by adding the Rural Residential Overlay (RRO) Zoning District to the subject property.**

**Location: A 1.66 acre tract that is in the East Half of the Southwest Quarter of the Southwest Quarter of Section 35 of Newcomb Township, and commonly known as the land east of Trautman's Section 35 Subdivision approximately at 420 CR 2425N, Mahomet.**

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## STATUS

This case was continued from the January 15, 2009, ZBA meeting. This is the third meeting for this case.

At the last meeting there was a question regarding whether the Trautman Lake dam complied with state dam safety regulations due to development that has occurred downstream of the dam since its construction. Since that meeting staff has made contact with the staff at the Illinois Department of Natural Resources – Office of Water Resources, the state agency that enforces the state dam safety regulations. Their initial assessment of the dam was that it did not comply with the regulations and there could be some major work required to bring it into compliance. Notices have been mailed to the four landowners whose land makes up the dam.

As stated in the Supplemental Memo dated January 15, 2009, the modifications done to the lake have increased the nonconformity and therefore a Special Use Permit (SUP) is required to make the lake conforming. Compliance with state dam safety regulations would presumably be a critical part of any new SUP. Given the importance of dam safety, staff recommends that this case be continued for the maximum amount of time to July 16, 2009, to see how much progress has been made with bringing the dam into compliance with state dam safety regulations.

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# CASE NO. 634-AT-08 Part B

SUPPLEMENTAL MEMORANDUM

April 9, 2009

Champaign County  
Department of  
Petitioner: **Zoning Administrator**



Prepared by: **John Hall**  
Zoning Administrator

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

**J.R. Knight**  
Associate Planner

Request:

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

**(B) Change the requirements for private wind turbines.**

**(C) Add a requirement for a County Board Special Use Permit for subdivisions in a Rural Residential Overlay District.**

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## *STATUS*

The Board took final action on Part A of this case at the March 26, 2009, meeting but no action has been taken on Parts B and C. The Zoning Administrator will withdraw Part C. The Board must determine whether to continue with Part B (see the attached legal advertisement) or readvertise.

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## **ATTACHMENT**

A Legal Advertisement for Case 634-AT-08

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NOTICE OF PUBLIC HEARING IN REGARD TO AN AMENDMENT TO THE CHAMPAIGN COUNTY ZONING ORDINANCE.

CASE: 634-AT-08

The Champaign County Zoning Administrator, 1776 East Washington Street, Urbana, has filed a petition to change the text of the Champaign County Zoning Ordinance. The petition is on file in the office of the Champaign County Department of Planning and Zoning, 1776 East Washington Street, Urbana, IL.

A public hearing will be held **Thursday, February 12, 2009, at 6:30 p.m.** prevailing time in the Lyle Shields Meeting Room, Brookens Administrative Center, 1776 East Washington Street, Urbana, IL, at which time and place the Champaign County Zoning Board of Appeals will consider a petition to:

Amend the Champaign County Zoning Ordinance as follows:

PART A

1. In Section 2, add a purpose statement regarding promotion of wind energy in a safe manner.
2. In Section 3, add definitions for "WIND FARM" and "WIND FARM TOWER".
3. Add subparagraph 4.2.1 C. 2. to indicate that WIND FARM may be authorized by County Board special use permit as a second principal structure on a lot in the AG-1 District and indicate that WIND FARM TOWER may be authorized by County Board special use permit as multiple principal structures per lot in the AG-1 District.
4. Amend subsection 4.3.1 to exempt WIND FARM TOWER from the height regulations except as height regulations are required as a standard condition in Section 6.1.3.
5. Amend paragraph 4.3.4 A. to exempt WIND FARM TOWER lots from the minimum lot requirements of Section 5.3 and paragraph 4.3.4 B. except as minimum lot requirements are required as a standard condition in Section 6.1.3.
6. Amend paragraph 4.3.4 H. to exempt WIND FARM and WIND FARM TOWER from the Pipeline Impact Radius regulations except as Pipeline Impact Radius regulations are required as a standard condition in Section 6.1.3.
7. In Section 5.1, add the WIND FARM Overlay Zoning District with a new purpose and intent statement.
8. In Section 5.2 delete the uses "Wind Turbine (more than 3 wind turbines)" and "Wind Turbine (1- 3 wind turbines)"; add the uses "WIND FARM" and "WIND FARM TOWER" and indicate that both are authorized by County Board Special Use Permit in the AG-1 Zoning District and indicate footnote 17; and add new

FINAL ACTION TAKEN ON PART A

footnote 17 indicating WIND FARM County Board special use permit is only authorized in the WIND FARM Overlay Zoning District in areas also zoned AG-1.

9. In Section 5.3 add new footnote 14 that exempts WIND FARM TOWER lots in the WIND FARM Overlay Zoning District from the minimum lot requirements of Section 5.3 except as such regulations are required as a standard condition in Section 6.1.3.
10. Amend Section 5.4 to prohibit the establishment of the Rural Residential Overlay Zoning District on land also zoned WIND FARM Overlay Zoning District.
11. Add new Section 5.5 WIND FARM Overlay Zoning District that limits the overlay district to areas also zoned AG-1; reviews basic considerations in the establishment of the overlay district; requires any WIND FARM TOWER to be authorized in the WIND FARM County Board Special Use Permit; requires minimum separation distances between a new PRINCIPAL USE and a WIND FARM TOWER; establishes an expiration for the overlay district designation; and authorizes the Zoning Board and County Board to recommend specific conditions on the adoption of the overlay district.
12. Amend existing paragraph 6.1.1 C. Site Reclamation to require the irrevocable letter of credit to be drawn upon a federally insured financial institution within 200 miles of Urbana and that reasonable and anticipated travel costs be added to the amount of the letter of credit.
13. In Section 6 relocate existing paragraphs 6.1.1 A. and B. to new subparagraphs 9.1.11 A. 3. and 4.; change the name of Subsection 6.1.1 to indicate standard conditions that may apply to specific special uses; renumber existing paragraph 6.1.1 C. to 6.1.1. A.; change the name of Subsection 6.1.2 to indicate standard conditions that apply to all special use permits; relocate existing text in Subsection 6.1.2 to be under the Section 6.1 heading; relocate and renumber existing paragraph 6.1.1 D. to become new paragraph 6.1.2 A.; and change the name of Subsection 6.1.3 to indicate standard conditions that apply to specific types of special use permits.
14. Add new subsection 6.1.4 with new standard conditions for a WIND FARM, WIND FARM TOWER, and WIND FARM TOWER lot.
15. Amend existing subsection 9.1.11 Special Uses to require the County Board to authorize certain special use permits where identified in Section 5.2; require the County Board to adopt findings; authorize the County Board to waive any standard conditions; authorize the County Board to prescribe any special conditions that it may determine to be appropriate; and clarify all requirements in Section 6 are standard conditions.
- \* 16. Amend subsection 9.3.1 to add fees for WIND FARM and WIND FARM TOWER zoning use permits.

- 17. Amend subsection 9.3.3 to add application fees for WIND FARM County Board special use permit and WIND FARM Overlay Zoning District map amendment.

PART B

- 1. In Section 3, add a definition for "PRIVATE WIND TURBINE TOWER".
- 2. Amend subsection 4.3.1 to require that height regulations do not apply to a PRIVATE WIND TURBINE TOWER that is not part of a WIND FARM and require PRIVATE WIND TURBINE TOWER to be located from the nearest property line at least 1.10 times the overall height to the tip of the rotor; and require PRIVATE WIND TURBINE TOWERS that are more than 125 feet in height to be authorized by special use permit.
- 3. In subsection 6.1.3 add new standard conditions for PRIVATE WIND TURBINE TOWER taller than 125 feet.
- 4. Add new subsection 7.6.4 PRIVATE WIND TURBINE TOWER and require that there can be no more than one PRIVATE WIND TURBINE TOWER per lot and add other requirements.

PART C

- TO BE WITHDRAWN**
- 1. Amend Section 5.2 to require a County Board Special Use Permit for any subdivision that requires the Rural Residential Overlay Zoning District.
  - 2. Amend Section 5.4 to require a County Board Special Use Permit for any authorized subdivision in the Rural Residential Overlay Zoning District.

All persons interested are invited to attend said hearing and be heard. The hearing may be continued and reconvened at a later time.

Doug Bluhm, Chair  
Champaign County Zoning Board of Appeals

**TO BE PUBLISHED: WEDNESDAY, JANUARY 28, 2009 ONLY**

Send bill and one copy to: Champaign County Planning and Zoning Dept.  
Brookens Administrative Center  
1776 E. Washington Street  
Urbana, IL 61802  
Phone: 384-3708

# CASE NO. 643-V-08

PRELIMINARY MEMORANDUM

April 9, 2009

Champaign  
County  
Department of

Petitioners: **Albert & Barbara Knox**

**Request: Authorize the construction and use of an existing, unauthorized carport with a side yard of five feet in lieu of the required side yard of 10 feet for an accessory building in the AG-1 Agriculture Zoning District.**



Site Area: **1.0 acre**

Time Schedule for Development: N/A

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

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

Location: **Lot 105 in Claybaugh Subdivision in Section 10 of Somer Township and commonly known as the house at 2207 CR 1600E, Urbana.**

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

## BACKGROUND

On August 20, 2008, the petitioners came into the Department inquiring about dividing their property. Multiple dwellings on one lot are not allowed in the AG-1 District, but while reviewing the petitioner's inquiry staff discovered the existing, unauthorized carports. The petitioner's submitted Zoning Use Permit Application (ZUPA) 235-08-02 on August 22, 2008. While reviewing the ZUPA staff noticed the southern carport appeared to be too close to the southern lot line. Staff contacted the petitioners regarding the side yard for the southern carport and when the petitioners revised their site plan it indicated the side yard was only five feet, instead of the required 10 feet side yard for an accessory structure. Staff contacted the petitioners again and they applied for a variance on December 3, 2008.

## 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	Single Family Dwelling	AG-1 Agriculture
North	Farmland	AG-1 Agriculture
East	Farmland	AG-1 Agriculture
West	Farmland	AG-1 Agriculture
South	Single Family Dwelling	AG-1 Agriculture

## MUNICIPAL EXTRATERRITORIAL JURISDICTION

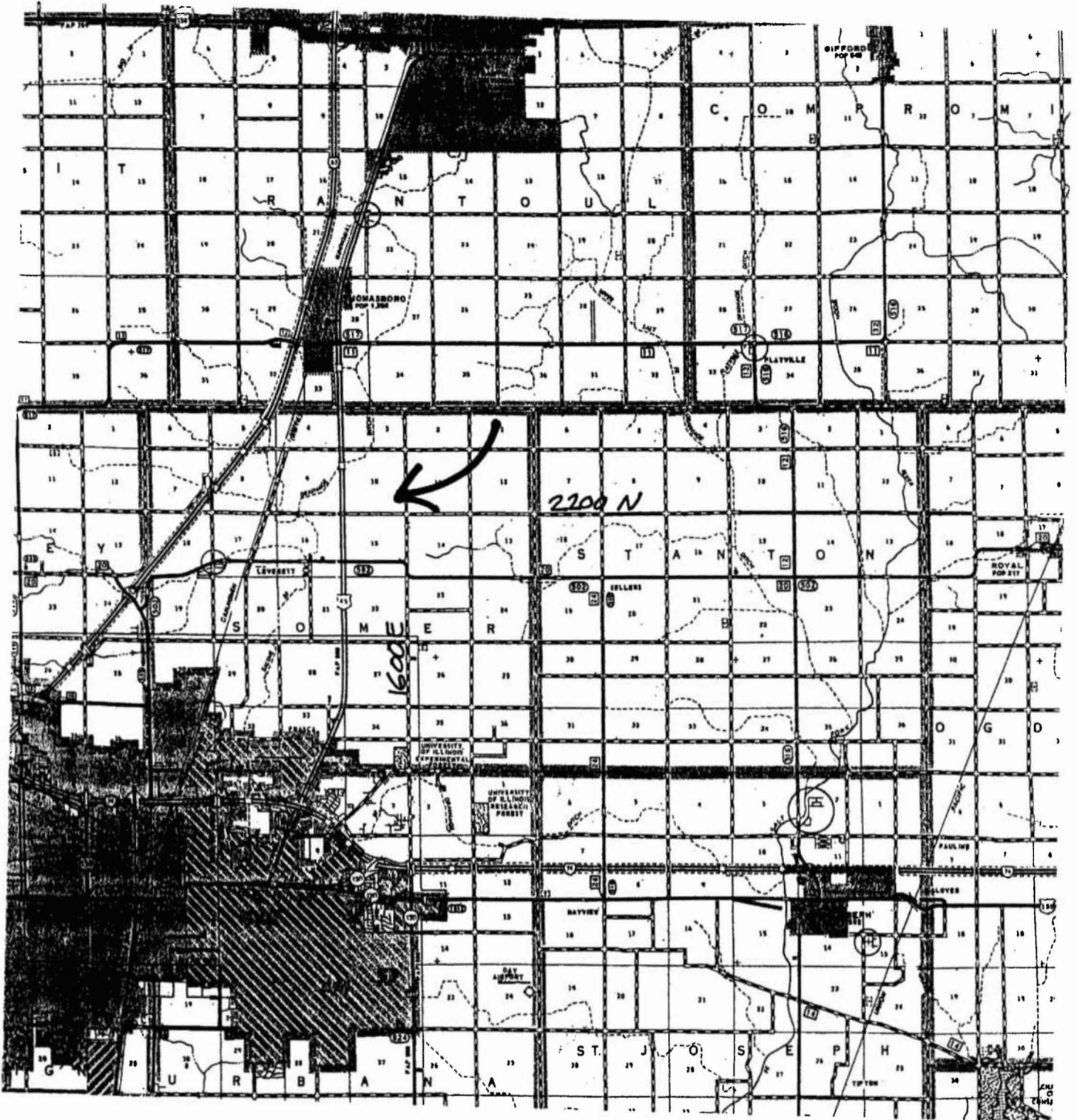
The subject property is located within the mile and a half ETJ of the City of Urbana. Municipalities do not have protest rights on variance cases within their mile and a half ETJ, and they are not notified of such cases.

**ATTACHMENTS**

- A Case Maps (Location, Land Use, Zoning)
  - B Site plan received on December 3, 2008
  - C Annotated site plan
  - D Aerial photograph of subject property
  - E Letter from Leonard & Susan Grussing received on December 3, 2008
  - F Draft Summary of Evidence for Case 643-V-08
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ATTACHMENT A. LOCATION MAP  
Case 643-V-08  
APRIL 9, 2009



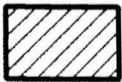
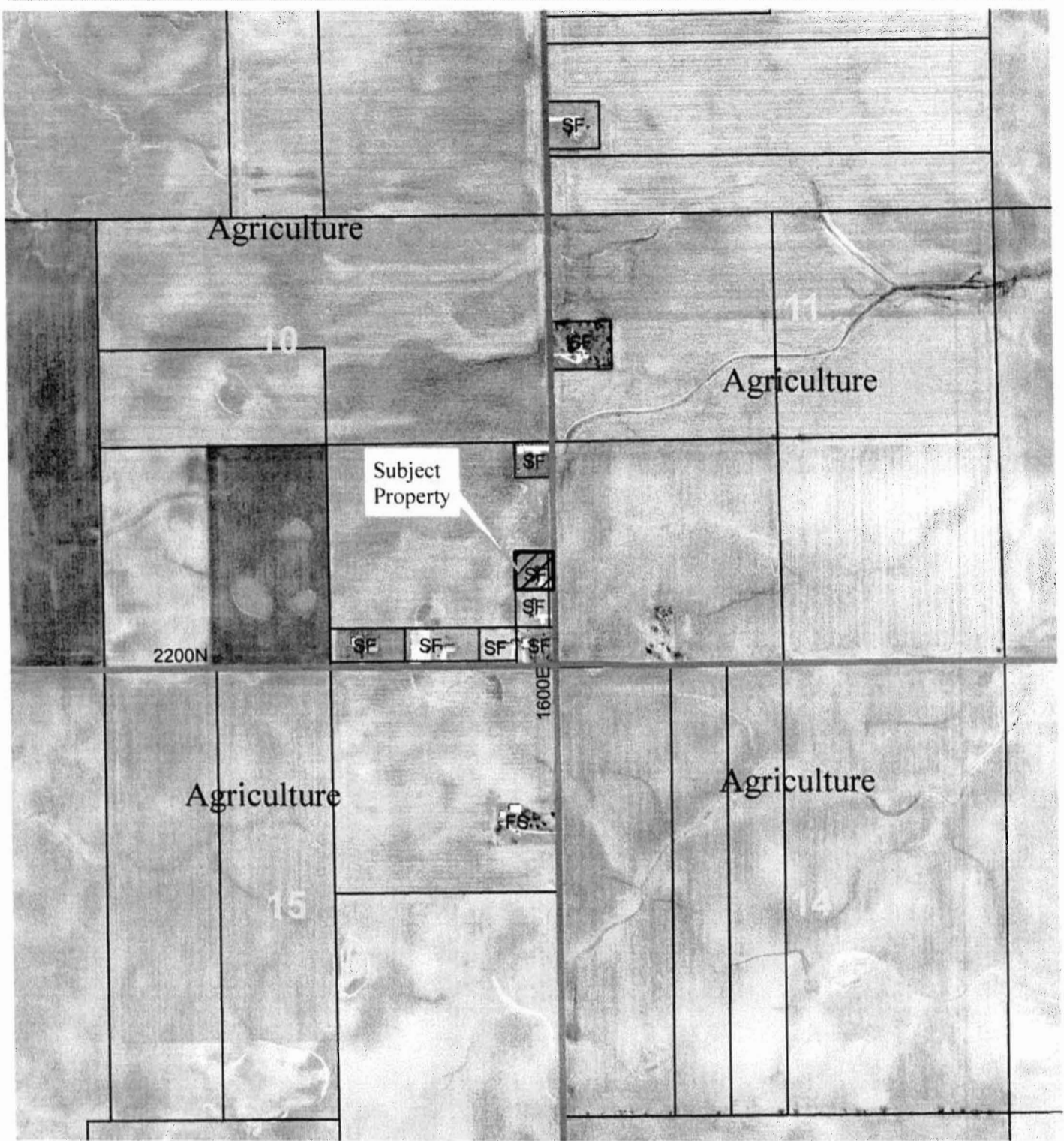
Champaign  
County  
Department of  
**PLANNING &  
ZONING**



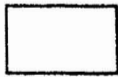
ATTACHMENT A. LAND USE MAP

Case 643-V-08

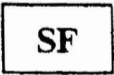
APRIL 9, 2009



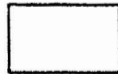
Area of Concern



Single Family



Farmstead



1 inch = 800 feet

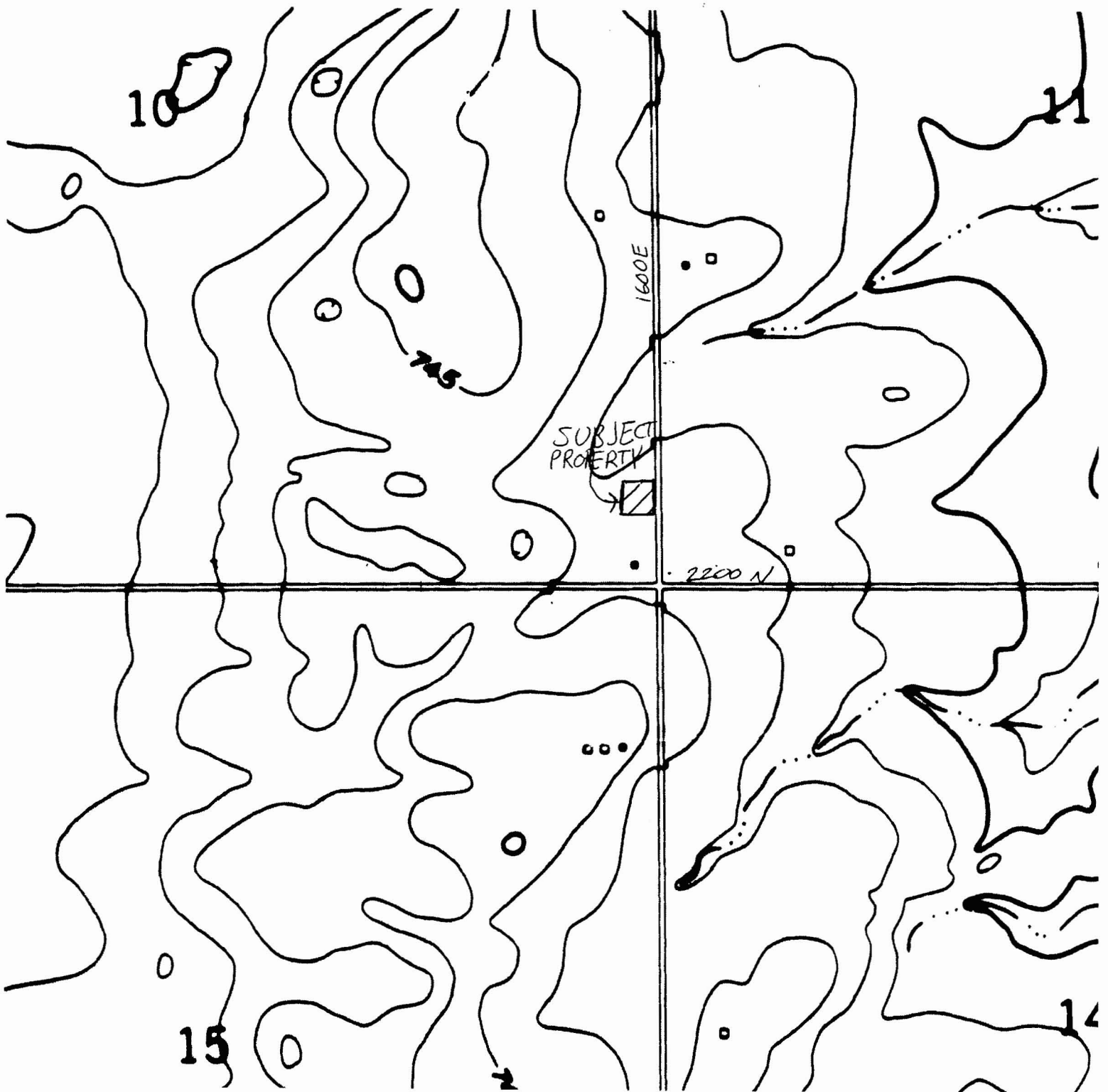
Champaign  
County  
Department of

**PLANNING &  
ZONING**

ATTACHMENT A. ZONING MAP

Case 643-V-08

APRIL 9, 2009



AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business	NORTH Champaign County Department of <b>PLANNING &amp;                  ZONING</b>
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	

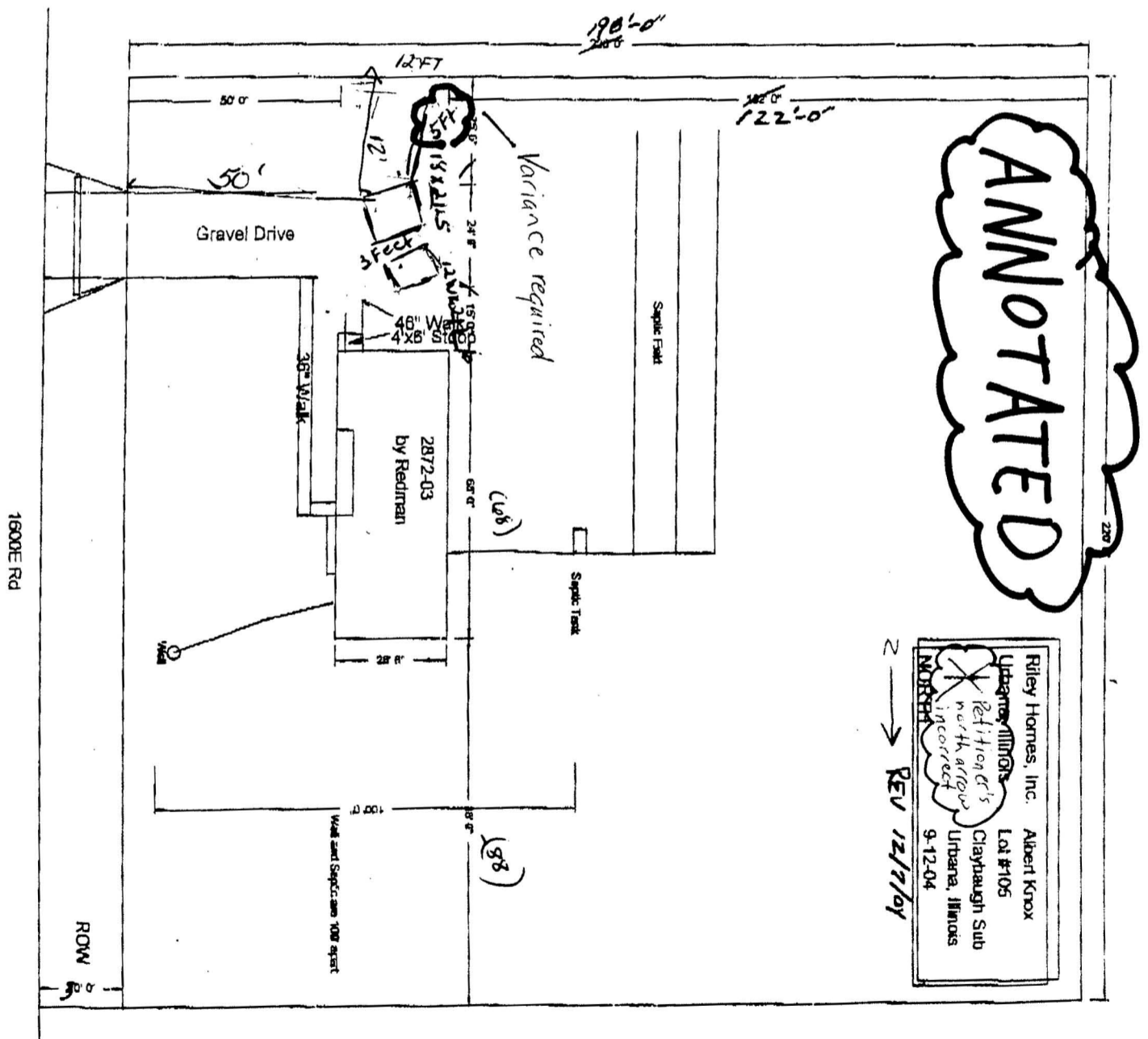


Post-It* Fax Note	7671	Date	12/7/01	# of pages	1
To	CAMMIE CLRP	From	JOHN NORTH		
Co./Dept.	REGIONAL RAINIER	Co.	RILEY HOMES		
Phone #	384-3578	Phone #	344-0760		
Fax #	328-2426	Fax #			

RECEIVED

DEC 03 2008

CHAMPAIGN CO. P & Z DEPARTMENT



RECEIVED

AUG 22 2008

CHAMPAIGN CO. P & Z DEPARTMENT

RECEIVED

DEC 07 2004

CHAMPAIGN CO. P & Z DEPARTMENT

# Aerial Photograph of Subject Property

Case 643-V-08

April 9, 2009



10

The image is a grayscale aerial photograph of a property. A prominent feature is a large, black L-shaped outline that highlights a specific area. To the left of the vertical part of this L-shape, the number '10' is printed in white. The background shows various textures and features of the terrain, including what appears to be a road or path on the right side and some smaller structures or features in the lower portion of the image.

1 inch = 30 feet

To whom it may concern

We live at 2205 CR 1600 E. Urbana, IL 61801  
Name: Leonard & Susan Grussing

Albert has explained to us your concern about his metal shed/garage being too close to the property line.

At this point we cannot see the need for him to move the shed.

If you have a need to speak with me the cell phone number for Leonard is 202-8172

Leonard & Susan Grussing

DECEMBER 03 2008

CHAMPAIGN CO. P & Z DEPARTMENT

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**PRELIMINARY DRAFT**

**643-V-08**

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

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

Date: April 16, 2009

Petitioners: Albert & Barbara Knox

Request: Authorize the construction and use of an existing, unauthorized carport with a side yard of five feet in lieu of the require side yard of 10 feet for an accessory building in the AG-1 Agriculture Zoning District

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**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted **April 16, 2009**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioners, Albert & Barbara Knox, own the subject property.
2. The subject property is Lot 105 in Claybaugh Subdivision in Section 10 of Somer Township and commonly known as the house at 2207 CR 1600E, Urbana.
3. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning. Municipalities do not have protest rights in variance cases and are not notified of such cases.

**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 the land on all sides of the subject property is zoned AG-1 Agriculture.
    - B. The subject property is in use as a single family dwelling.
    - C. Land to the south of the subject property is in use as a single family dwelling.
    - D. Land on the north, east, and west sides of the subject property is in use as farmland
-

**GENERALLY REGARDING THE PROPOSED SITE PLAN**

5. Regarding the proposed site plan, the petitioners constructed two carports on the subject property without a Zoning Use Permit Application (ZUPA). The southern carport is only five feet from the southern lot line.

**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) "ACCESSORY BUILDING" is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE or the main or principal USE, either detached from or attached to the MAIN OR PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN OR PRINCIPAL STRUCTURE, or the main or principal USE.
    - (2) "ACCESSORY STRUCTURE" is a STRUCTURE on the same LOT with the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either DETACHED from or ATTACHED to the MAIN or PRINCIPAL STRUCTURE, subordinate to and USED for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE or the main or principal USE.
    - (3) "BUILDING, MAIN or PRINCIPAL" is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
    - (4) "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.
    - (5) "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.
    - (6) "LOT LINES" are the lines bounding a LOT.
    - (7) "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.
    - (8) "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.



ITEM 6.A. CONTINUED.

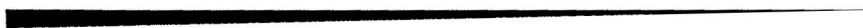
- (9) "VARIANCE" is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or the Zoning Board of Appeals are permitted to grant.
- (10) "YARD" is an OPEN SPACE, other than a COURT, of uniform depth on the same LOT with a STRUCTURE, lying between the STRUCTURE 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.
- (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. Paragraph B. in Subsection 7.2.1 of the *Zoning Ordinance* specifies the required minimum side yard for detached accessory buildings or structures in the AG-1, AG-2, and CR Districts as follows:

SIDE YARD

No DETACHED ACCESSORY BUILDING or STRUCTURE shall be located less than 10 feet from any side LOT LINE.

- C. 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.
- D. 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.



ITEM 6.D.(1) CONTINUED.

- (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.
- E. 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, **“Due to location of the driveway on the property the carport’s location gives easy access for storage of our vehicles.”**
  - B. The structure is a carport and therefore has no sidewalls.
  - C. The carport is located away from other structures on the subject property and the neighboring lot.

**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, **“In order to move the carports to meet Z.O. requirements the cost would be great. Carports are anchored to ground to secure placement.”**
  - B. The existing driveway was previously established near the southern lot line. The previously established extent of the driveway did not provide enough width for adequate access to both carports thus necessitating the angled placement of the carports.

**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:
-

ITEM 9. CONTINUED.

- A. The Petitioners have testified on the application that, **“Yes, contractor did not inform us that a permit was required nor were the carports required to meet any setbacks for County zoning.”**
- B. The existing driveway was established in 2004 for a detached garage that was never built.

**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, **“We would not be able to use our carports if the variance is not granted and we would lose our \$\$\$ invested for the carports. The neighbor to the south does not object to their location.”**
  - B. 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 subject structure is a carport and is not enclosed with walls. It is an accessory structure which does not affect the amount of light and air available on the subject property or adjacent properties.
    - (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 in the Thomasboro Fire Protection District and the station is approximately four road miles from the subject property. The carport is located away from any other structures on the subject property or the adjacent property to the south. The subject structure is a carport that is not enclosed with walls.
    - (3) Aesthetics may also play a part in minimum yard requirements.
  - C. The proposed side yard of five feet is 50% of the required 10 feet for a variance of 50%.
  - D. The subject property meets all other requirements of the *Zoning Ordinance*.
  - E. 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 carports do not impose any dangers or safety or health hazards to the neighborhood.”**
  - B. The carport is located away from other structures on the subject property and the adjacent property to the south. The carport has no enclosed walls.
  - C. A letter was received from Leonard & Susan Grussing, neighbors to the south of the subject property, on December 3, 2008, indicating that they had no concerns with the location of the carport.
  - D. The Fire Protection District has received notice of this variance, but no comments have been received.
  - E. The Township Highway Commissioner has also received notice of this variance, but no comments have been received.
-

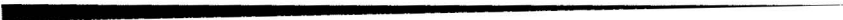
**DOCUMENTS OF RECORD**

1. Variance application from Albert & Barbara Knox, received on December 3, 2008, with attachments:
    - A Site plan
    - B Letter from Leonard & Susan Grussing, neighbors to the south of the subject property
  
  2. Preliminary Memorandum for Case 598-V-07, with attachments:
    - A Case Maps (Location, Land Use, Zoning)
    - B Site plan received on December 3, 2008
    - C Annotated site plan
    - D Aerial photograph of subject property
    - E Letter from Leonard & Susan Grussing received on December 3, 2008
    - F Draft Summary of Evidence for Case 643-V-08
-

**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **643-V-08** held on **April 16, 2009**, 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 **643-V-08** is hereby *{GRANTED/GRANTED WITH CONDITIONS/DENIED}* to the petitioners, **Albert & Barbara Knox**, to authorize **the construction and use of an existing, unauthorized carport with a side yard of five feet in lieu of the require side yard of 10 feet for an accessory building in the AG-1 Agriculture Zoning District.**

*{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:

Doug Bluhm, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

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