

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **August 13, 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
5. Continued Public Hearings
6. New Public Hearings

***Case 649-V-09** Petitioner: **Erick W. Miner, President; Jan R. Nussbaum, Vice-President; Stephen J. Aubry, Vice-President; Bruce D. Thomas, Vice-President; Carl M. Herzog, Vice-President; and Cory J. Hartke, Secretary/Treasurer; and Craig Harlin, representative, d.b.a. CIT Group, Inc.**

Request: **Authorize the establishment and use of a second on-premises freestanding advertising sign that is 253 square feet in area in lieu of the maximum allowable 75 square feet and that is 49 feet, two inches in height in lieu of the maximum allowable height of 35 feet in the B-4 General Business Zoning District for a semi-truck repair and sales facility along an interstate highway.**

Location: **A 7.5 acre tract located in the Southeast ¼ of the Northeast ¼ of Section 33 of Somer Township that is commonly known as the Central Illinois Trucks, Inc. facility at 3501 Countryview Road, Urbana.**

***Case 650-V-09** Petitioner: **Mike and Tammy Heath**

Request: **Authorize the following in the R-1 Single Family Dwelling District:**

A. The construction and use of a garage addition with a front yard of 22 feet and a setback of 42 feet in lieu of the required front yard of 25 feet and a setback of 55 feet in regard to Park Street, a minor street, and a side yard of seven feet in lieu of the required ten feet; and

B. The construction and use of a bedroom addition with a side yard of five feet, nine inches in lieu of the required ten feet.

Location: **Lot 11 of Kienietz Subdivision in Section 33 of Compromise Township and Commonly known as the house at 2484 Park Street, Thomasboro.**

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. 649-V-09

PRELIMINARY MEMORANDUM

August 7, 2009

Champaign
County
Department of



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

(217) 384-3708

Petitioners: **Erick W. Miner, President;**
Jan R. Nussbaum, Vice President;
Stephen J. Aubry, Vice President;
Bruce D. Thomas, Vice President; Carl
M. Herzog, Vice President; and Cory J.
Hartke, Secretary/Treasurer; and Craig
Harlin, representative, d.b.a. CIT
Group, Inc.

Site Area: **15 acres approx.**

Time Schedule for Development:
N/A

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

Request: **Authorize the establishment and use of a second on-premises freestanding advertising sign that is 253 square feet in area in lieu of the maximum allowable 75 square feet, and that is 49 feet, two inches in height, in lieu of the maximum allowable height of 35 feet, in the B-4 General Business Zoning District for a semi-truck repair and sales facility along an interstate highway.**

Location: **An approximately 15 acre tract in the East ½ of the Northeast ¼ of the Northeast ¼ of Section 24 of Hensley Township and located between Leverett Road and Interstate 57 and that is commonly known as the field on the west side of Leverett Road at the Interstate 57 interchange on Leverett Road and also known as 148 Leverett Road, Champaign.**

BACKGROUND

The petitioners submitted a Zoning Use Permit Application (ZUPA) for a second freestanding sign on the subject property on June 5, 2009, but before that ZUPA was paid for and processed staff realized a variance would be necessary due to the size and height of the sign.

The *Zoning Ordinance* authorizes two freestanding signs for certain uses along an interstate highway, such as an "auto services facility," but while the use on the subject property is similar to an auto services facility since a variance was already required for the size of the sign staff decided to include the number of signs as well.

EXTRATERRITORIAL JURISDICTION


The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the City of Champaign. Municipalities with zoning do not have protest rights in variance cases and they are not notified of such cases.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Truck Dealership	B-4 General Business
North	SUP 108-S-75 (Truck terminal)	AG-2 Agriculture
East	Farmland	AG-2 Agriculture
West	Farmland & landscape contractor	B-4 General Business
South	Farmland	B-4 General Business

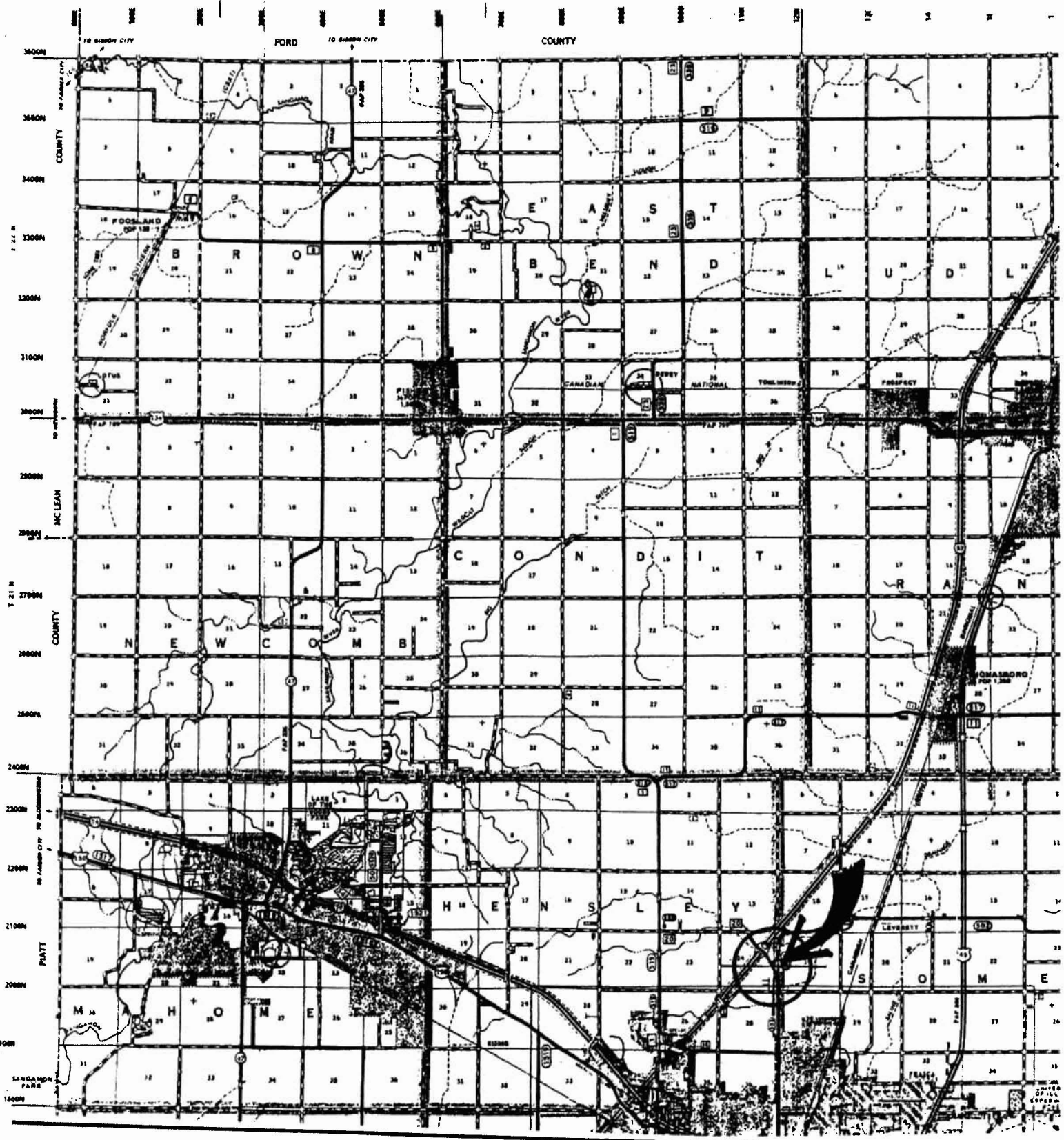
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
 - B Site plan
 - C Sign specification sheet
 - D Site plan indicating position and number of signs
 - E Sign inventory photographs
 - F Draft Summary of Evidence for Case 649-V-09
- 

ATTACHMENT A. LOCATION MAP

Case 649-V-07

MAY 25, 2006

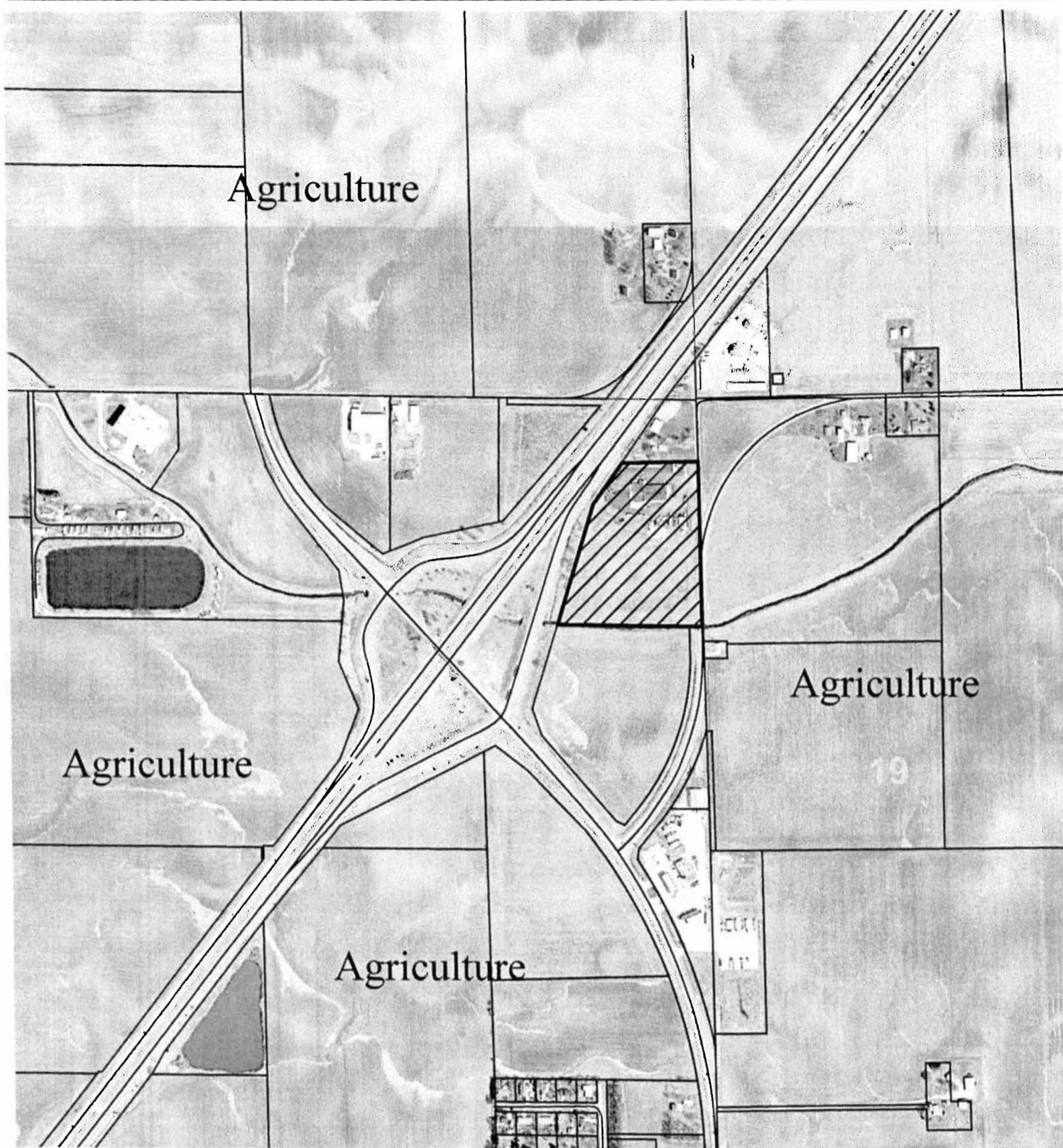


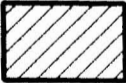
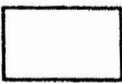
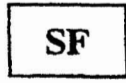
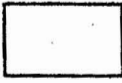

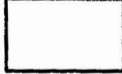
Cherokee
County
Department of
**PLANNING &
ZONING**

ATTACHMENT A. LAND USE MAP

Case 649-V-09

AUGUST 7, 2009



	Area of Concern	
	Single Family	
	Farmstead	

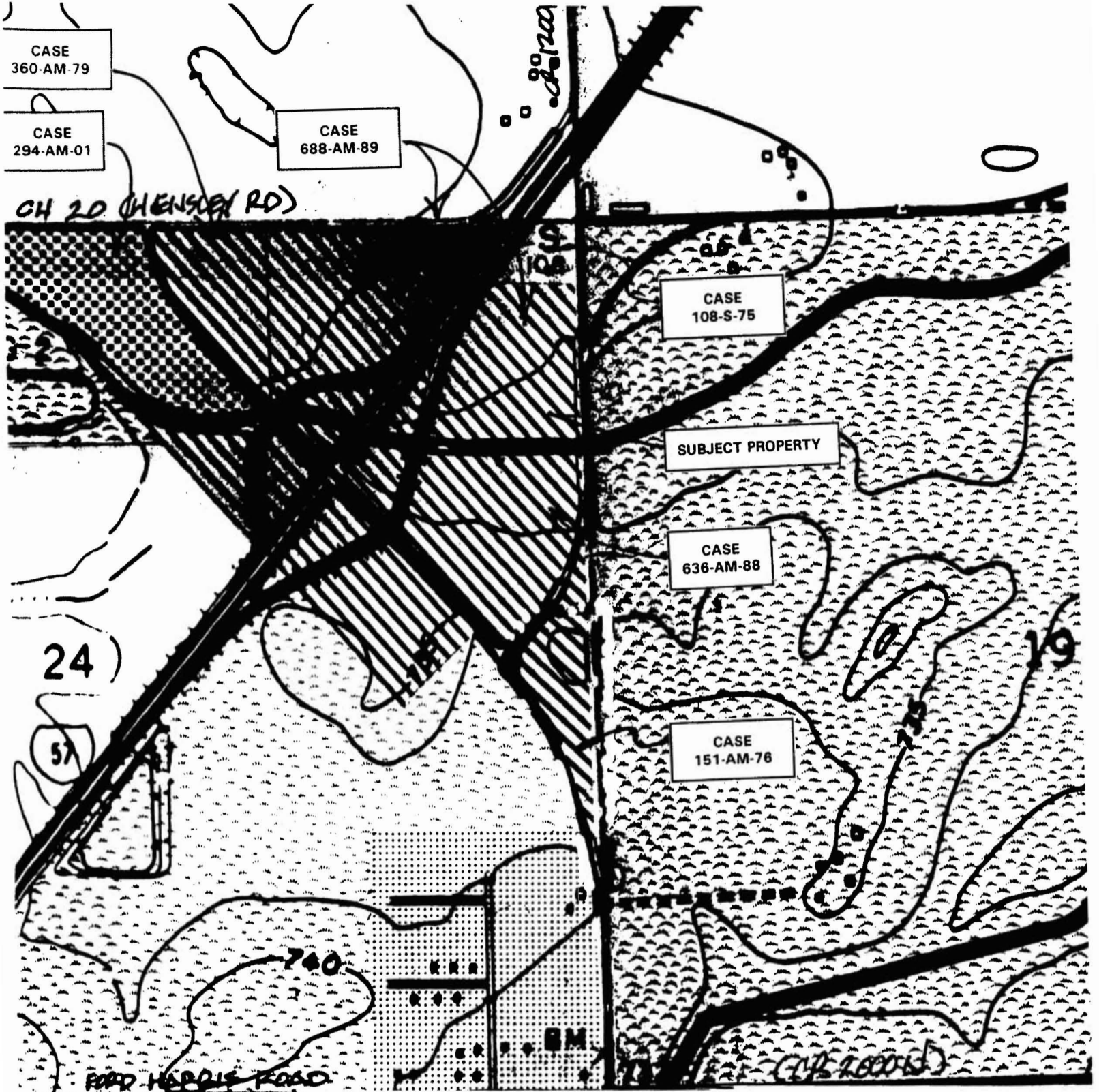


1 inch = 800 feet

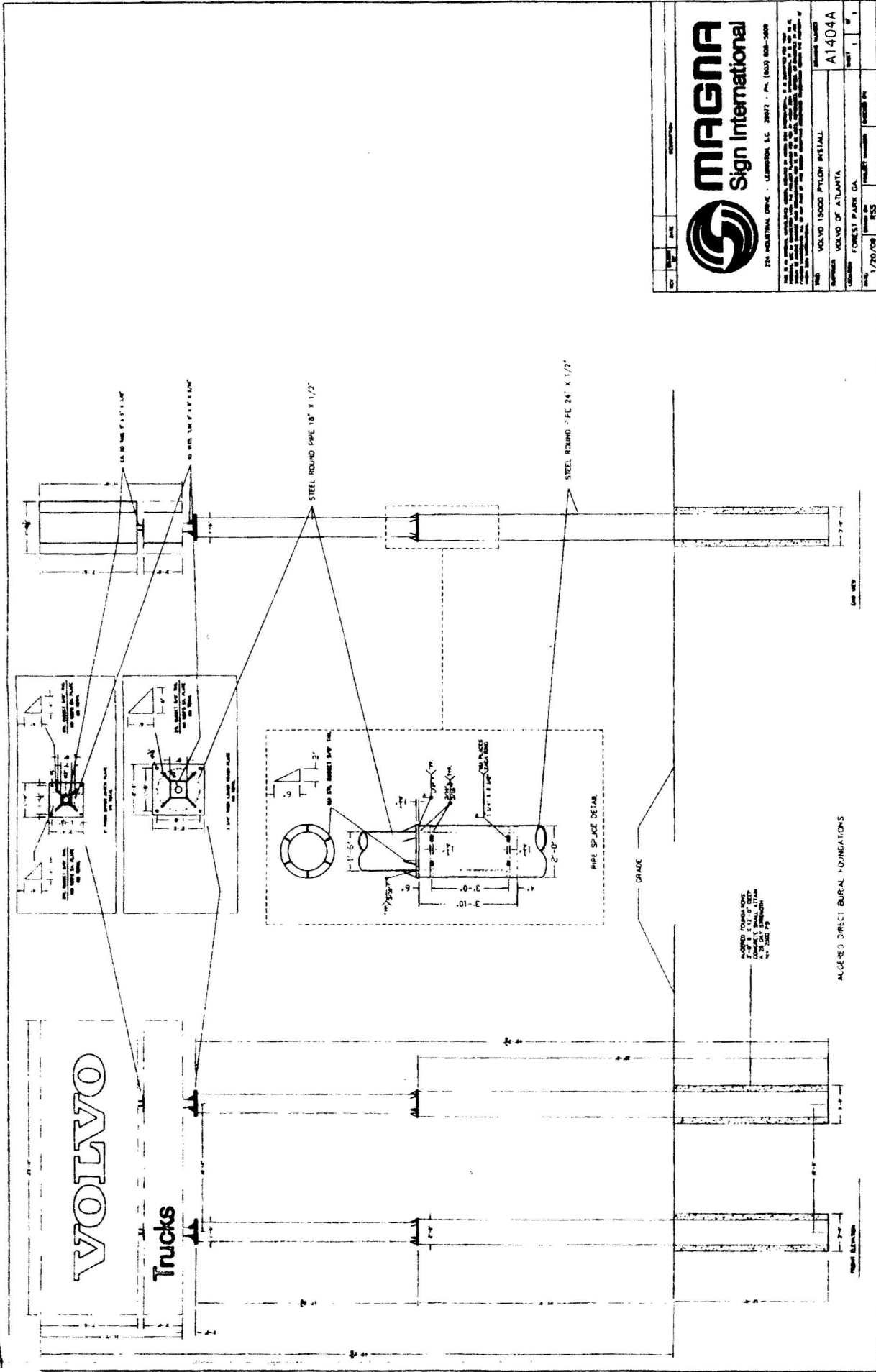
Champaign
County
Department of
**PLANNING &
ZONING**

ATTACHMENT A. ZONING MAP

Case 649-V-09
MAY 25, 2006



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 PLANNING & ZONING
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	



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 WWW.MAGNASIGN.COM

PROJECT NUMBER: 14044
 SHEET: 1 OF 1

DATE: 1/20/08
 BY: RJS

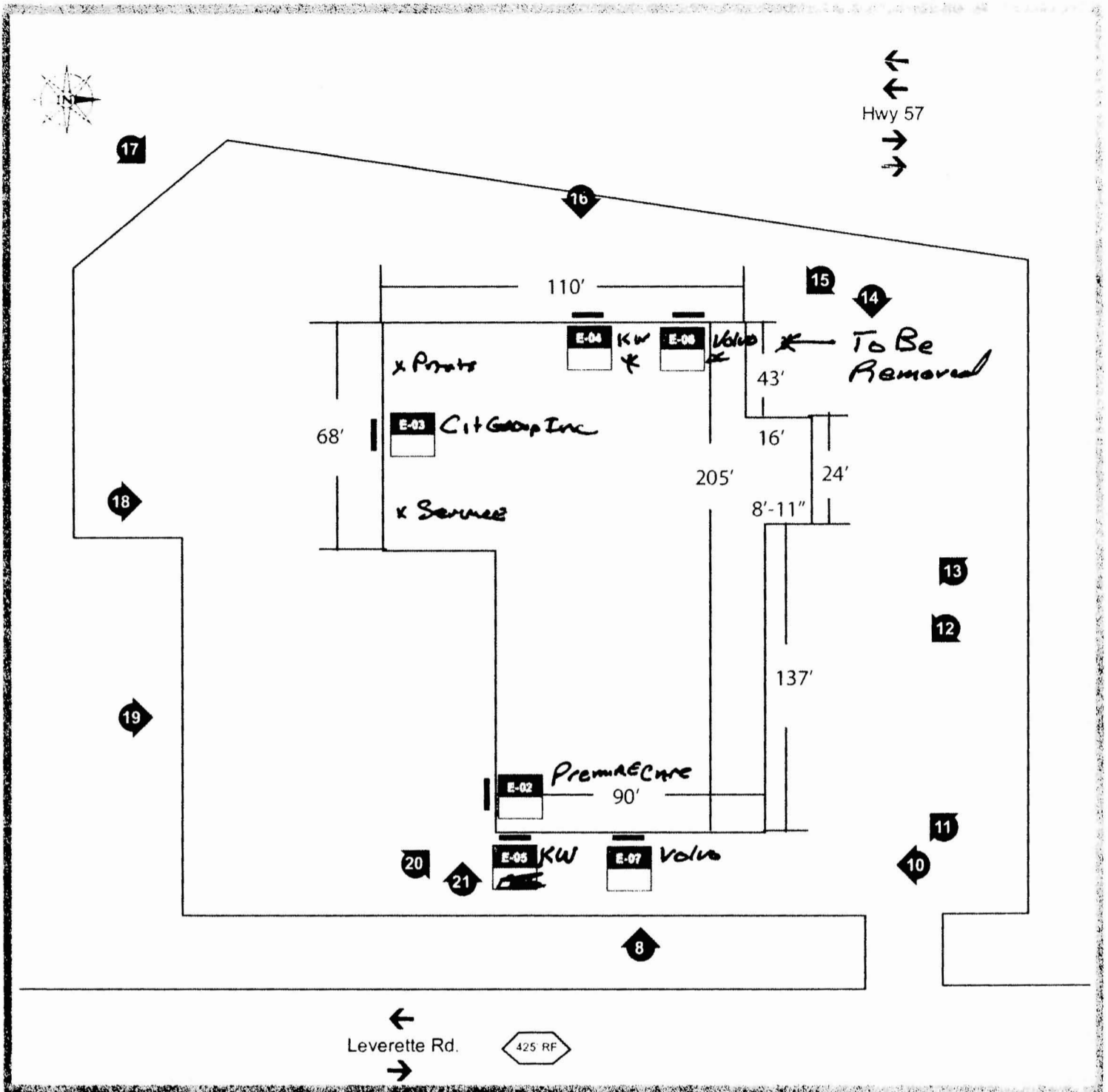
ALIGNED FOUNDATIONS
 COMPLETE SHALL BE AT THE
 SAME ELEVATION

ALIGNED DIRECT BURIAL FOUNDATIONS

SEE SHEET

SEE SHEET

Site Plan



Survey ID: B200839-2

Site Address:

Volvo
148 Leverette Road
Champaign, IL 61822

Inventory Detail

E01



Notes:

Dimensions are estimates only due to O.A.H.

Sign Copy

KENWORTH

Existing Sign Type

PS-Pylon Sign

Height	Width	Depth
10'-0"	30'-0"	6'-0"
Letter Height	OAH Above Grade	
N/A	75'-0"	Mount
Sign Material	SP-Single Pole	
AL-Aluminum	Face Material	
Face Type	PX-Plex	
FT-Flat	Retainer Size	
Retainer Type	Retainer Size	
LR-L 90 Retainer	2"	V.O. Width
V.O. Height	29'-8"	
9'-8"	Surface Material	
Surface Color	N/A	
N/A	Available Width	
Available Height	N/A	
N/A	Illuminated	
Double Face	Y-Internal	
Yes		

E02



Notes:

Sign Copy

KENWORTH Premier Care Express Lube

Existing Sign Type

WC-Wall Cabinet

Height	Width	Depth
3'-0"	6'-5"	6"
Letter Height	OAH Above Grade	
N/A	18'-6"	Mount
Sign Material	FW-Flush (Wall)	
AL-Aluminum	Face Material	
Face Type	PX-Plex	
FT-Flat	Retainer Size	
Retainer Type	Retainer Size	
N/A	N/A	V.O. Width
V.O. Height	N/A	
N/A	Surface Material	
Surface Color	CT-Concrete	
SW7057	Available Width	
Available Height	15'-0"	
8'-0"	Illuminated	
Double Face	Y-Internal	
No		

For signs and fascia having an overall height greater than 20 feet, measurements are estimates only.

Survey ID: B200839-2

Site Address:

Volvo
148 Leverette Road
Champaign, IL 61822

Inventory Detail

E03



Notes:

CIT Group, Inc.		Sign Copy	
Existing Sign Type		Width	Depth
WS-Wall Sign	Height	6'-0"	1/2"
N/A	Letter Height		OAH Above Grade
AL-Aluminum	Sign Material		12'-10 1/2"
N/A	Face Type		Mount
N/A	Retainer Type		FW-Flush (Wall)
N/A	V.O. Height		Face Material
N/A	Surface Color		Retainer Size
SW7057	Available Height		N/A
14'-5"	Double Face		N/A
No			N/A
			Surface Material
			CT-Concrete
			Available Width
			50'-0"
			Illuminated
			N-NonIlluminated

E04



Notes:

KENWORTH		Sign Copy	
Existing Sign Type		Width	Depth
WS-Wall Sign	Height	21'-0"	1/8"
N/A	Letter Height		OAH Above Grade
VL-Vinyl	Sign Material		19'-8"
N/A	Face Type		Mount
N/A	Retainer Type		FW-Flush (Wall)
N/A	V.O. Height		Face Material
N/A	Surface Color		Retainer Size
SW7057	Available Height		N/A
21'-11"	Double Face		N/A
No			N/A
			Surface Material
			CT-Concrete
			Available Width
			35'-0"
			Illuminated
			X-External

For signs and fascia having an overall height greater than 20 feet, measurements are estimates only.

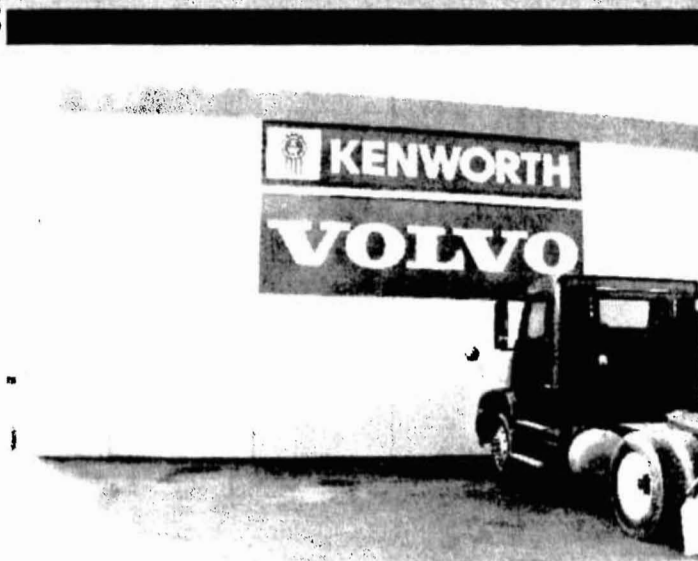
Survey ID: B200839-2

Site Address:

Volvo
148 Leverette Road
Champaign, IL 61822

Inventory Detail

E05



Notes:

KENWORTH

Sign Copy

Existing Sign Type

WS-Wall Sign	Height	Width	Depth
	3'-9"	21'-0"	1/8"
	Letter Height	OAH Above Grade	
N/A	Sign Material	19'-8"	
VL-Vinyl	Face Type	Mount	
N/A	Retainer Type	FW-Flush (Wall)	
N/A	V.O. Height	Face Material	
N/A	Surface Color	N/A	
SW7057	Available Height	Retainer Size	
21'-11"	Double Face	N/A	
No		V.O. Width	
		N/A	
		Surface Material	
		CT-Concrete	
		Available Width	
		35'-0"	
		Illuminated	
		X-External	

E06



Notes:

VOLVO

Sign Copy

Existing Sign Type

WS-Wall Sign	Height	Width	Depth
	5'-9"	21'-0"	1/8"
	Letter Height	OAH Above Grade	
N/A	Sign Material	13'-4"	
VL-Vinyl	Face Type	Mount	
N/A	Retainer Type	FW-Flush (Wall)	
N/A	V.O. Height	Face Material	
N/A	Surface Color	N/A	
SW7057	Available Height	Retainer Size	
21'-11"	Double Face	N/A	
No		V.O. Width	
		N/A	
		Surface Material	
		CT-Concrete	
		Available Width	
		35'-0"	
		Illuminated	
		X-External	

For signs and fascia having an overall height greater than 20 feet, measurements are estimates only.

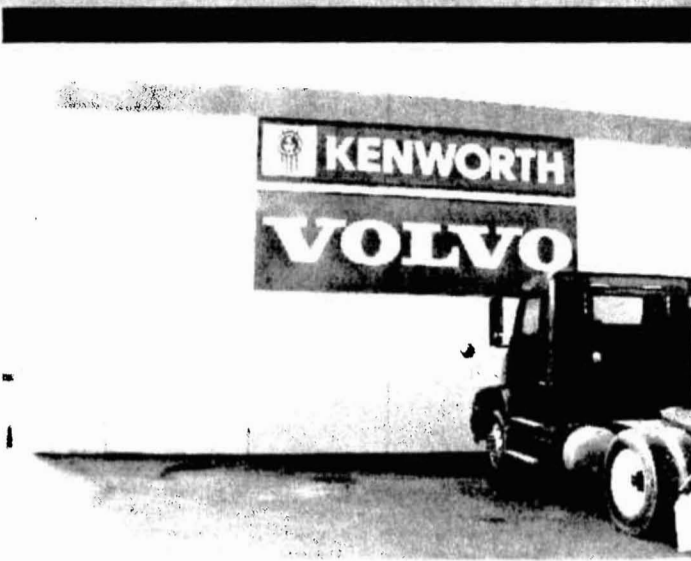
Survey ID: B200839-2

Site Address:

Volvo
148 Leverette Road
Champaign, IL 61822

Inventory Detail

E07



Notes:

Sign Copy			
Existing Sign Type			
Height	Width	Depth	
5'-9"	21'-0"	1/8"	
Letter Height	OAH Above Grade		
N/A	13'-4"	Mount	
Sign Material	FW-Flush (Wall)		
VL-Vinyl	Face Material		
Face Type	N/A	Retainer Size	
N/A	N/A	Retainer Size	
Retainer Type	N/A	V.O. Width	
N/A	N/A	V.O. Width	
V.O. Height	N/A	Surface Material	
N/A	N/A	Surface Material	
Surface Color	CT-Concrete		
SW7057	Available Width		
Available Height	35'-0"		
21'-11"	Illuminated		
Double Face	X-External		
No			



Notes:

Sign Copy			
Existing Sign Type			
Height	Width	Depth	
Letter Height	OAH Above Grade		
Sign Material	Mount		
Face Type	Face Material		
Retainer Type	Retainer Size		
V.O. Height	V.O. Width		
Surface Color	Surface Material		
Available Height	Available Width		
Double Face	Illuminated		

For signs and fascia having an overall height greater than 20 feet, measurements are estimates only.

Survey ID: B200839-2

Site Address:

Volvo
148 Leverette Road
Champaign, IL 61822

PRELIMINARY DRAFT

649-V-09

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

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

Date: August 13, 2009

Petitioners: Erick W. Miner, President; Jan R. Nussbaum, Vice President; Stephen J. Aubry, Vice President; Bruce D. Thomas, Vice President; Carl M. Herzog, Vice President; and Cory J. Hartke, Secretary/Treasurer; and Craig Harlin, representative, d.b.a. CIT Group, Inc.

Request: Authorize the establishment and use of a second on-premises freestanding advertising sign that is 253 square feet in area in lieu of the maximum allowable 75 square feet, and that is 49 feet, two inches in height, in lieu of the maximum allowable height of 35 feet, in the B-4 General Business Zoning District for a semi-truck repair and sales facility along an interstate highway.

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **August 13, 2009**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner, CIT Group, Inc. owns the subject property. The officers of CIT Group, Inc. are Erick W. Miner, President; Jan R. Nussbaum, Vice President; Stephen J. Aubry, Vice President, Bruce D. Thomas, Vice President; Carl M. Herzog, Vice President; and Cory J. Hartke, Secretary/Treasurer. Craig Hanlin is the General Manager of Central Illinois Trucks.
2. The subject property is a an approximately 15 acre tract in the East ½ of the Northeast ¼ of the Northeast ¼ of Section 24 of Hensley Township and located between Leverett Road and Interstate 57 and that is commonly known as the field on the west side of Leverett Road at the Interstate 57 interchange on Leverett Road and also known as 148 Leverett Road, Champaign.
3. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Champaign. 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 is zoned B-4 General Business (rezoned from B-3 Highway Business in Zoning Case 504-AM-05), and is in use as a truck dealership.
-

ITEM 4. CONTINUED

- B. Land north of the subject property is zoned AG-2 Agriculture and is in a business use (truck service stop, authorized in Zoning Case 108-S-75) and farmland use.
- C. Land south of the subject property is zoned B-4 General Business and is in farmland use.
- D. Land east of the subject property is zoned AG-2 Agriculture and is in farmland use.
- E. Land west of the subject property is zoned B-4 General Business and is in a business use (a landscape contractor) and farmland use.

GENERALLY REGARDING THE PROPOSED SITE PLAN

- 5. Regarding the proposed site plan and the proposed sign specifications:
 - A. The proposed site plan shows the subject property with the existing building and vehicle parking and display areas, with a note indicating the proposed sign's location along the I-57 frontage in the southwest corner of the subject property.
 - B. Regarding the proposed sign specifications:
 - (1) The proposed sign is supported by poles which are approximately 38 feet tall from the grade to the bottom of the sign.
 - (2) The proposed sign is made up of two separate panels located one over the other. Note that Zoning Administrator calculates the area of the proposed sign as if the two panels were a single panel, regardless of air space between the two parts of the sign.
 - (3) The proposed sign is 11 feet tall overall and 23 feet wide giving a total area of 253 square feet.

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 variances (capitalized words are defined in the Ordinance):
 - (1) "ACCESSORY USE" is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
 - (2) "FRONTAGE" is that portion of a LOT abutting a STREET or ALLEY.
 - (3) "HEIGHT" As applied to a DETACHED STRUCTURE is the vertical measurement from the average level of the surface of the ground immediately surrounding such STRUCTURE to the uppermost portion of such STRUCTURE.
-

ITEM 6.A. CONTINUED

- (4) "SIGN" is any name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a BUILDING, STRUCTURE or land which is placed out-of-doors and in view of the general public and which directs attention to a product, place, activity, person, institution, or business.
- (5) "SIGN, FREESTANDING" is a SIGN which is completely or principally self-supported by posts or other supports independent of any BUILDING or other STRUCTURE.
- (6) "SIGN, ON-PREMISES" is a SIGN which relates solely to a USE, business or profession conducted upon, or to a principal commodity, service, or entertainment sold, provided, or offered upon the PREMISES where the sign is located or on a LOT adjacent to the PREMISES advertised. Such SIGNS shall be ACCESSORY USES of a PROPERTY.

B. Section 7.3.2 of the *Zoning Ordinance* establishes that ON-PREMISES SIGNS must conform to all the standards in Sections 7.3.6 and 7.3.7.

- (1) Section 7.3.6 summarizes the standards for Maximum Number of Signs; Maximum Area of per Sign; Maximum Height per Sign; Location; and Miscellaneous Provisions, as follows:
 - (a) The maximum number of freestanding signs per property is one per frontage. However, in the case of lodging, food, outdoor recreational, or auto services facilities along interstate highways two freestanding signs are allowed per premise. In the case of the use on the subject property it would be similar to an auto services facility.
 - (b) The Maximum Area is determined by amount of frontage, which in this case is 451 feet, which permits the maximum allowable area of 75 feet.
 - (c) The Maximum Height is determined by the amount of setback from the property line, which is 20 feet, for a maximum height of 30 feet.
 - (d) However, the footnote to Section 7.3.6 states:

If a sign is primarily directed towards the user of an interstate highway; within a B-4 Zoning District; within 2,000 feet of the centerline of an interstate highway; and more than 500 feet from any residential district, school, park, hospital, or nursing home it may rise to the height necessary to be visible from within one-half mile distance each way along the interstate measured from the nearest exiting intersection, not to exceed 75 feet.

PRELIMINARY DRAFT

ITEM 6.B. CONTINUED

The proposed sign meets all of these requirements, but due to the difficulty of determining the correct maximum height as set by the footnote, the proposed variance is for the normal maximum allowable height in the B-4 district, or 35 feet.

- C. 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.
- D. 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 Petitioner has testified on the application that, **“This property is located along I-57 just north of Exit 240 on the east side. We have 451 feet of frontage on I-57. We are a Kenworth and Volvo Truck dealership and requesting a second “VOLVO” sign that is excess of 180 sq. ft.”**
-

ITEM 7. CONTINUED

- B. Regarding the height of the sign, the footnote to Section 7.3.6 already allows signs directed towards interstate viewers to go above the normal maximum height; however, the analysis required to establish the maximum allowable height under this provision is not feasible at this time.
- C. The Petitioners assert they are requesting a second sign to allow them to advertise all the products their business offers.
- D. The proposed sign will be directed at drivers on I-57, which has a much higher speed limit than would be anticipated on a typical street in a business district.
- E. Regarding the maximum sign size authorized by the *Zoning Ordinance*:
 - (1) In the B-3 Highway Business District a maximum area of 150 square feet is allowed, but in the B-4 General Business District only 75 square feet is allowed.
 - (2) The subject property is a highway location but does not have B-3 zoning.
 - (3) The B-4 District is a more popular business zoning district nowadays, and the B-3 District is considered obsolete despite allowing more sign area in cases like this.

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 Petitioner has testified on the application that, **“I-57 has a 65 mph speed limit passing this location and therefore with a smaller sign it will be more difficult to see.”**
 - B. Regarding the height of the sign, the footnote to Section 7.3.6 already allows signs directed towards interstate viewers to go above the normal maximum height; however, the analysis required to establish the maximum allowable height under this provision is not feasible at this time.
 - C. Regarding the maximum sign size authorized by the *Zoning Ordinance*:
 - (1) In the B-3 Highway Business District a maximum area of 150 square feet is allowed, but in the B-4 General Business District only 75 square feet is allowed.
 - (2) The subject property is a highway location but does not have B-3 zoning.
 - (3) The B-4 District is a more popular business zoning district nowadays, and the B-3 District is considered obsolete despite allowing more sign area in cases like this.
-

PRELIMINARY DRAFT

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 Petitioner has testified on the application that, **“No.”**
 - B. The petitioners requested to be rezoned to B-4 General Business in Case 504-AM-05.

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 Petitioner has testified on the application that, **“Central Illinois Truck is a retail service business and needs this signage to identify the service we provide.”**
 - B. Regarding compliance with the *Zoning Ordinance* and the *Stormwater Management Policy*:
 - (1) On March 31, 2006, Central Illinois Trucks was issued Zoning Use Permit 362-05-01, with the following conditions:
 - (a) The stormwater drainage plan for the Zoning Use Permit must either be approved or a Variance granted by the Zoning Board of Appeals within 6 months (by September 15, 2006) from the date of issuance of the permit.
 - (b) Freestanding signs or wall signs are not included as part of the permit approval. A new Zoning Use Permit must be obtained for any signs.
 - (c) Written approval from the Beaver Lake Drainage District must be received and on file with the Zoning Administrator before any construction in the drainage ditch occurs.
 - (2) On May 3, 2006, John Hall, Zoning Administrator, approved the Stormwater Drainage Plan.
 - (3) On January 30, 2007, a letter was received from Don Wauthier of Berns, Clancy, and Assoc., the County’s consulting engineer, regarding several concerns he had regarding the as-built certification of the stormwater drainage plan. There is no correspondence to suggest that any of his concerns were ever addressed.
 - (4) On January 22, 2007, Central Illinois Trucks submitted Zoning Use Permit Application 22-07-01 to place four wall signs on their building. However, the permit was not issued based on staff’s concern that there were too many signs and that they might have exceeded the maximum allowed size and no representative from CIT ever contacted staff with clearer information.

ITEM 10.B. CONTINUED

- (5) At this time no compliance certificate has been issued for ZUP 362-05-01, however, this is due to staffing issues and not any actions on the part of the petitioners. A new special condition will be available at the meeting that makes it clear that the petitioners must cooperate with staff to get a compliance certificate as soon as possible.
- C. The proposed sign requires the following amounts of variance:
 - (1) A second freestanding sign is 100% more than the allowed limit of one freestanding sign per frontage for a variance of 100%.
 - (2) The proposed area of 253 square feet is approximately 337% of the allowed maximum of 75 square feet for a variance of 237%.
 - (3) The proposed height of 49 feet, two inches is approximately 140% of the allowed maximum of 35 feet for a variance of 40%.
- D. 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:
 - A. The Petitioner has testified on the application that, **“At this same Interstate exit there are currently 2 existing businesses (1 is a truck stop) (1 is a truck road service) the balance is agriculture.”**
 - B. The Township Road Commissioner has received notice of this variance but no comments have been received.
 - C. The Drainage District has been notified of this variance but no comments have been received.
 - D. The Fire Protection District has been notified of this variance but no comments have been received.
- 12. On the application the Petitioner has also testified that, **“There is no current truck dealership along I-57 in Champaign County at this time.”**

GENERALLY REGARDING PROPOSED CONDITIONS OF APPROVAL

- 13. Regarding proposed special conditions of approval:
 - A. The following special condition would limit the variance so that it is only valid for uses that require interstate highway visibility:
-

ITEM 13.A. CONTINUED

This variance shall remain valid only so long as the sign is directed primarily toward the users of an interstate highway and is for a lodging, food, or auto or truck service facility on the subject property.

The above condition is necessary to ensure the following:

The variance is not used in the future for a use that does not merit the higher visibility granted by this variance.

- B. The subject property still requires a compliance certificate for construction of the principal building as well as the signs that have been constructed. Due to staffing issues this compliance certificate has not been issued yet, but a special condition will be available at the meeting to make it clear that the petitioners must cooperate with staff to ensure that compliance can be established and a certificate issued as quickly as possible.

DOCUMENTS OF RECORD

1. Variance Application from CIT Group, Inc., received on June 5, 2009, with attachments:
 - A Proposed site plan
 - B Proposed sign specifications

 2. Preliminary Memorandum for Case 649-V-09, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site plan
 - C Sign specification sheet
 - D Site plan indicating position and number of signs
 - E Sign inventory photographs
 - F Draft Summary of Evidence for Case 649-V-09
-

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 649-V-09 held on August 13, 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: _____

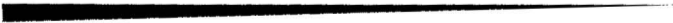
3. The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because: _____

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 649-V-09 is hereby *{GRANTED/GRANTED WITH CONDITIONS/DENIED}* to the petitioners, **Erick W. Miner, President; Jan R. Nussbaum, Vice President; Stephen J. Aubry, Vice President; Bruce D. Thomas, Vice President; Carl M. Herzog, Vice President; and Cory J. Hartke, Secretary/Treasurer; and Craig Harlin, representative, d.b.a. CIT Group, Inc.**, to authorize **the establishment and use of a second on-premises freestanding advertising sign that is 253 square feet in area in lieu of the maximum allowable 75 square feet, and that is 49 feet, two inches in height, in lieu of the maximum allowable height of 35 feet, in the B-4 General Business Zoning District for a semi-truck repair and sales facility along an interstate highway.**

{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

CASE NO. 650-V-09

PRELIMINARY MEMORANDUM

August 7, 2009

Petitioners: **Mike and Tammy Heath**

Request: **Authorize the following in the R-1 Single Family Dwelling District:**

Champaign
County
Department of



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

(217) 384-3708

Site Area: **11,250 square feet**

Time Schedule for Development:
Immediate

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

- A. **The construction and use of a garage addition with a front yard of 22 feet and a setback of 42 feet in lieu of the required front yard of 25 feet and setback of 55 feet in regard to Park Street, a minor street, and a side yard of seven feet in lieu of the required ten feet; and**
- B. **The construction and use of a bedroom addition with a side yard of five feet, nine inches, in lieu of the required ten feet.**

Location: **Lot 11 of Kienietz Subdivision in Section 33 of Compromise Township and commonly known as the house at 2484 Park Street, Thomasboro.**

BACKGROUND

The petitioners submitted a Zoning Use Permit Application (ZUPA) for two additions to their existing, nonconforming house on June 12, 2009, and it was immediately discovered by staff that the two additions would need variances for front yard, setback, and side yard. The petitioners submitted their variance application the same day.

The subject property is located in the Special Flood Hazard Area and in order for staff to issue a Zoning Use Permit (ZUP) for the construction of the two proposed additions, not only must the variance be granted but the petitioners must submit natural ground elevations that prove their property is located above the Base Flood Elevation (BFE) (100-year floodplain). If they are not located above the BFE a Floodplain Development Permit will be required in addition to the variance before a ZUP can be issued. At this time the petitioners have not submitted any ground elevation information.

EXTRATERRITORIAL JURISDICTION

The subject property is not within the one and one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning. Municipalities with zoning do not have protest rights in variance cases and they are not notified of such cases.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Single Family Dwelling	R-1 Single Family Dwelling
North	Single Family Dwelling	R-1 Single Family Dwelling
East	Single Family Dwelling	R-1 Single Family Dwelling
West	Farmland	AG-1 Agriculture
South	Single Family Dwelling	R-1 Single Family Dwelling

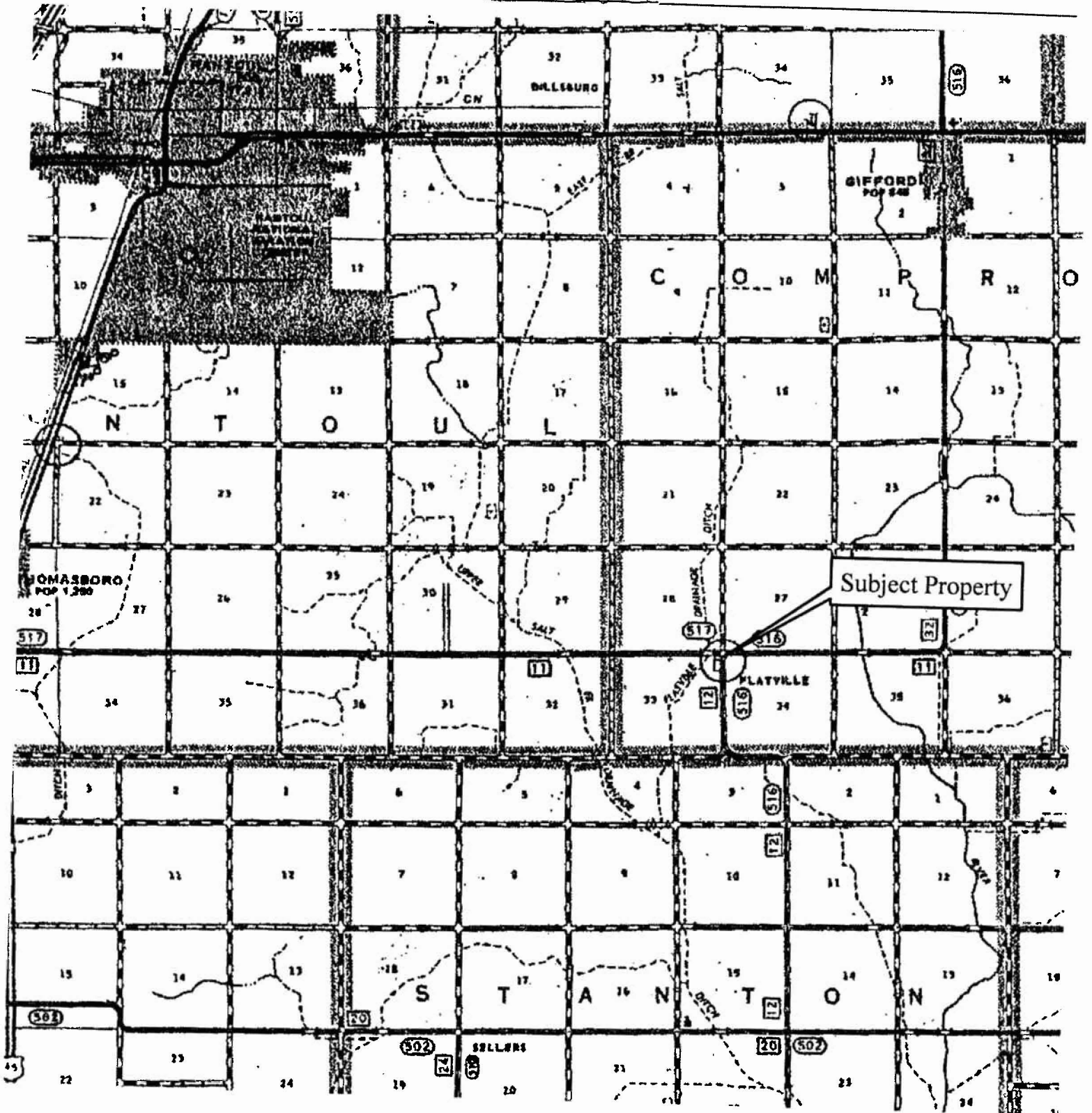
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Proposed site plan
- C Aerial photograph of subject property in 1972
- D Draft Summary of Evidence, Finding of Fact, and Final Determination for Case 650-V-09



ATTACHMENT A. LOCATION MAP

Cases 650-V-09
AUGUST 7, 2009

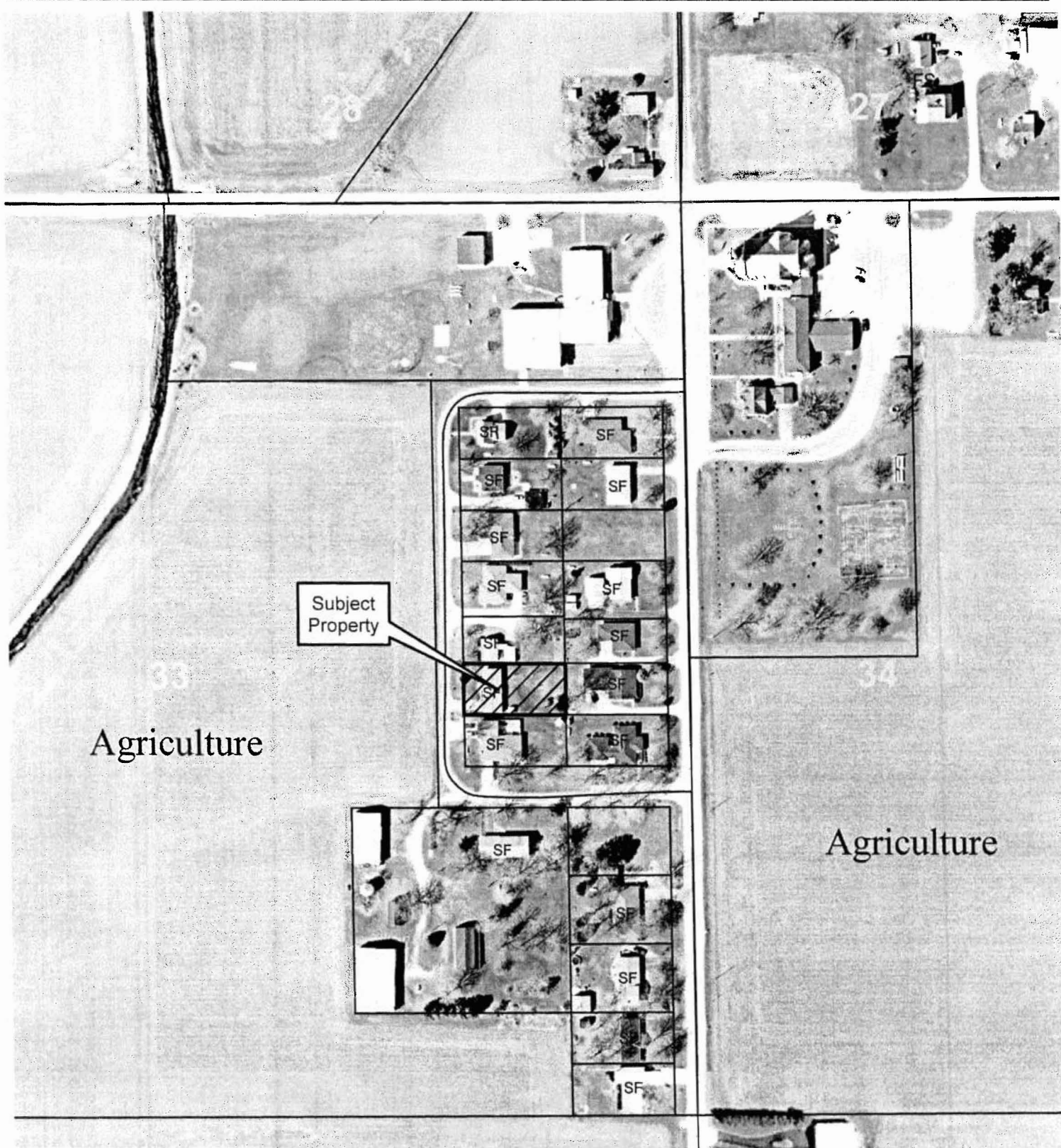


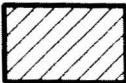


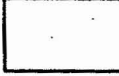


Champaign
County
Department of
**PLANNING &
ZONING**

ATTACHMENT A. LAND USE MAP

Case 650-V-09

AUGUST 7, 2009



	Area of Concern	
	Single Family	
	Farmstead	

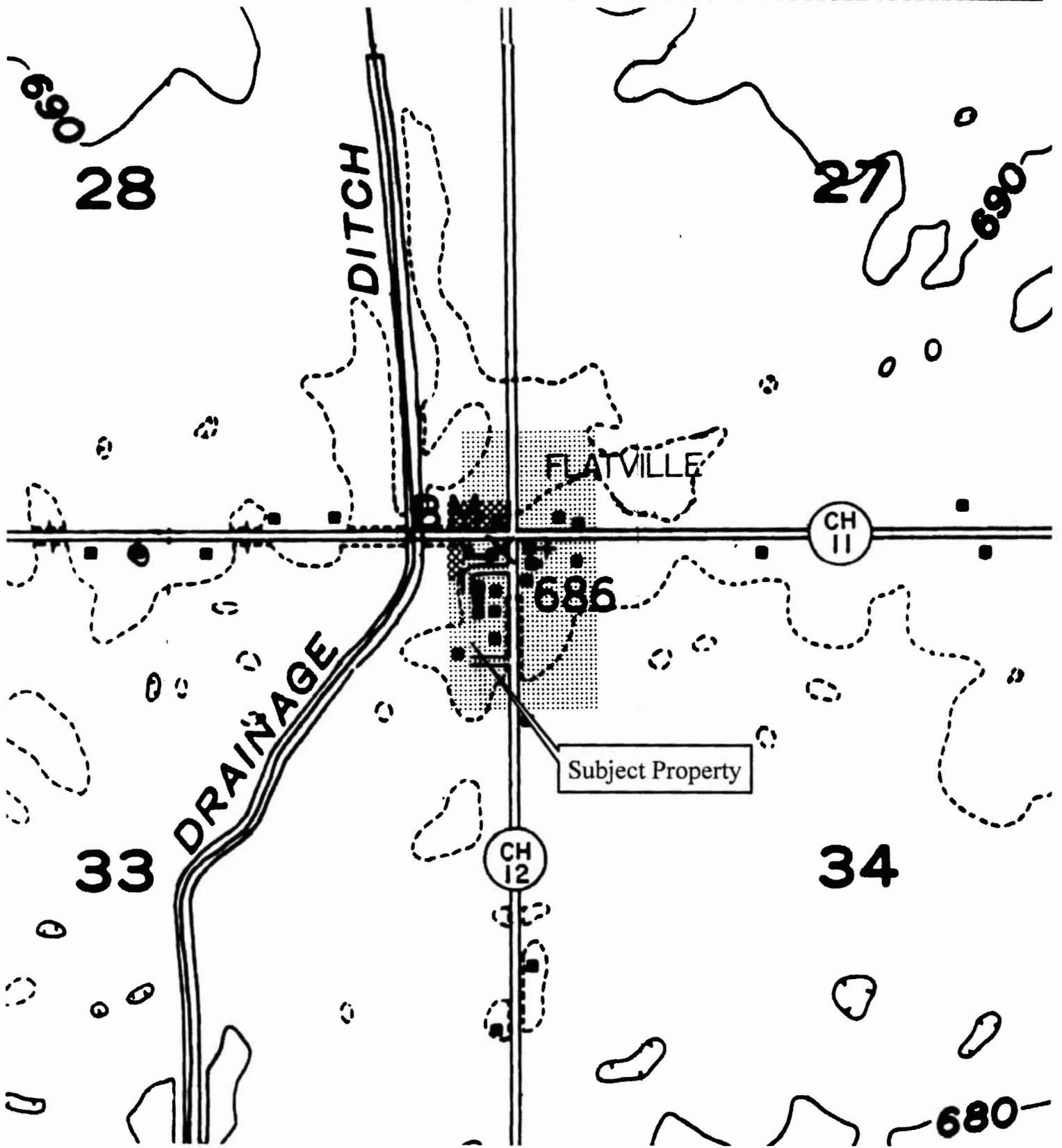


1 inch = 200 feet

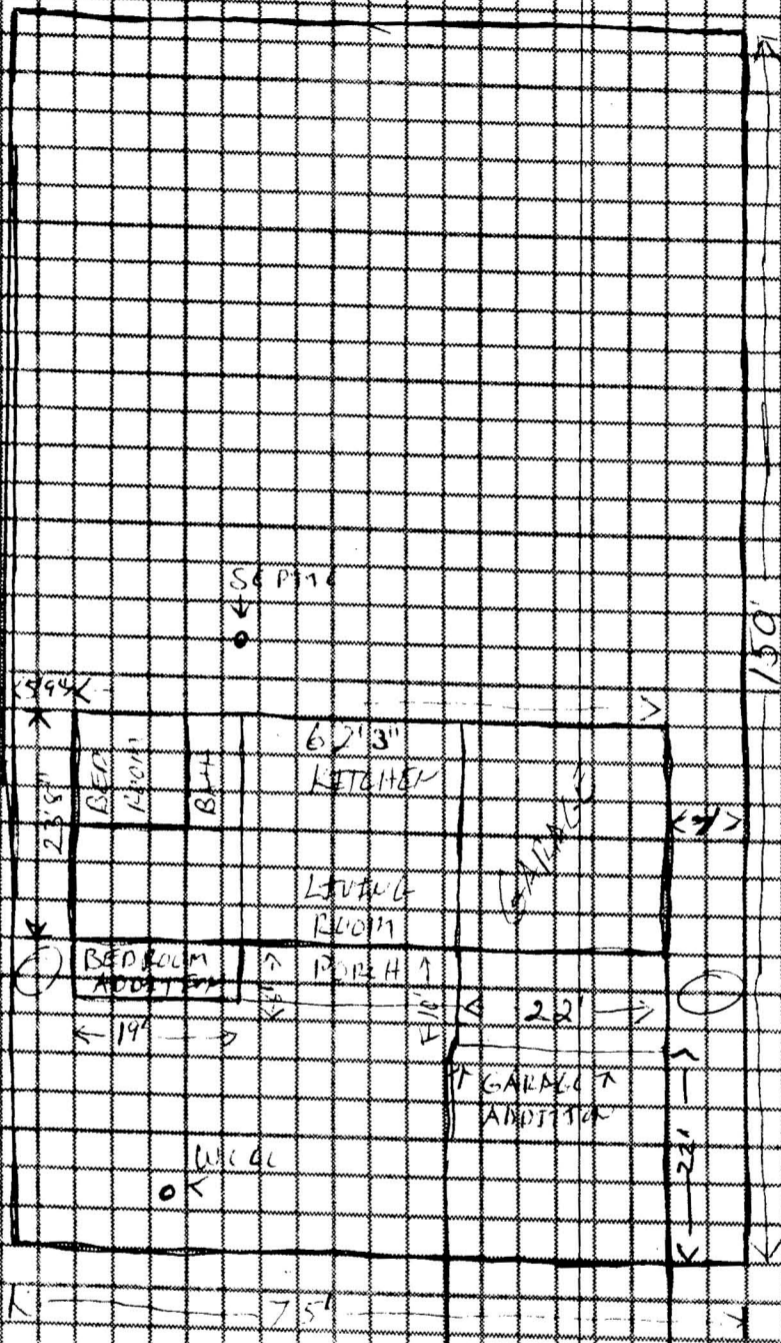
Champaign
County
Department of
**PLANNING &
ZONING**

ATTACHMENT A. ZONING MAP

Cases 650-V-09
AUGUST 7, 2009

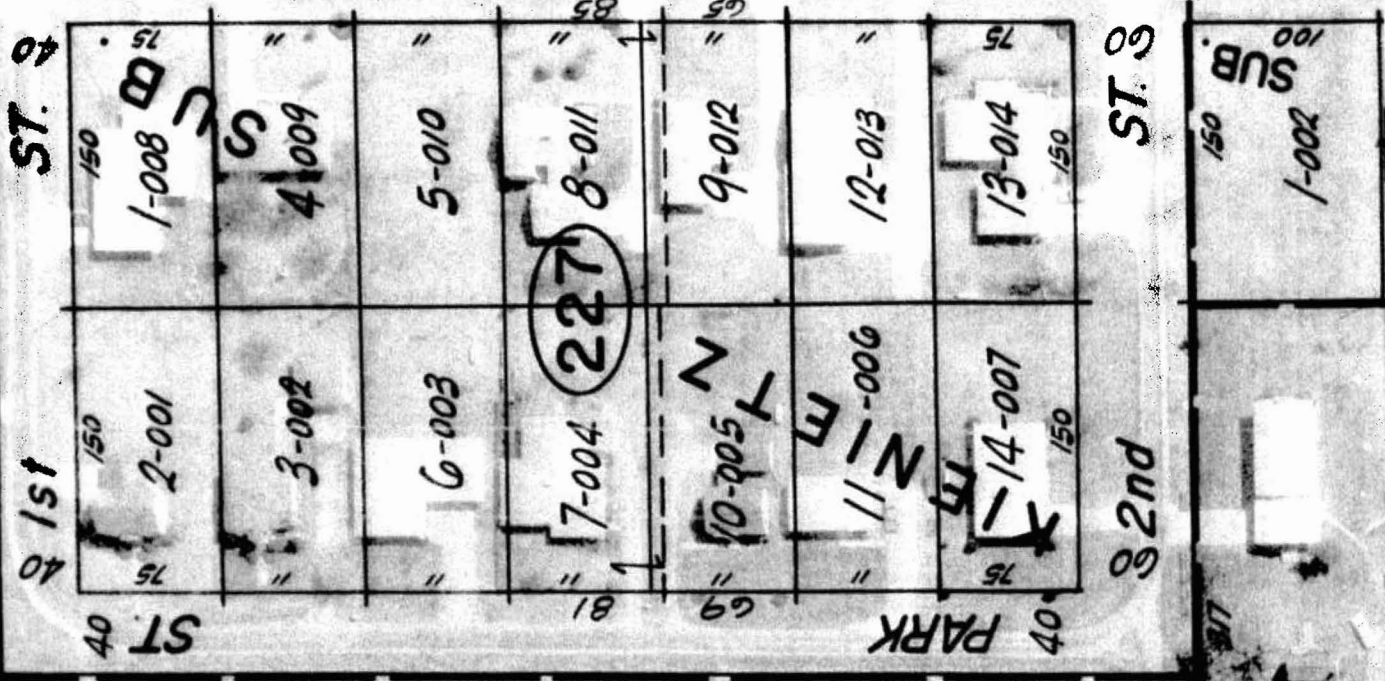


AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business	NORTH Champaign County Department of PLANNING & ZONING
AG-2 Agriculture	R-2 Single Family Residence	R-5 Mobile Home Park	B-3 Highway Business	I-1 Light Industry	
CR Conservation- Recreation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



COUNTY ROAD 2095 E

1972



200



Drainage



PRELIMINARY DRAFT

650-V-09

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

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

Date: August 13, 2009

Petitioners: Mike and Tammy Heath

Request: Authorize the following in the R-1 Single Family Dwelling District:

- A. The construction and use of a garage addition with a front yard of 22 feet and a setback of 42 feet in lieu of the required front yard of 25 feet and setback of 55 feet in regard to Park Street, a minor street, and a side yard of seven feet in lieu of the required ten feet; and
- B. The construction and use of a bedroom addition with a side yard of five feet, nine inches, in lieu of the required ten feet.

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **August 13, 2009**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioners, Mike and Tammy Heath, own the subject property.
2. The subject property is Lot 11 of Kienietz Subdivision in Section 33 of Compromise Township and commonly known as the house at 2484 Park Street, Thomasboro.
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 is zoned R-1 Single Family Dwelling, and is in use as a single family dwelling.
 - B. Land to the north, east, and south of the subject property is zoned R-1 Single Family Dwelling and is in use as single family dwellings.
-

ITEM 4. CONTINUED

- C. Land to the west of the subject property is zoned AG-1 Agriculture and is in use as farmland.

GENERALLY REGARDING THE PROPOSED SITE PLAN

- 5. Regarding the proposed site plan, the subject property is 75 feet wide by 150 feet deep. A single structure is located on the subject property, as follows:
 - A. The structure is a single family dwelling that was constructed before the adoption of zoning on October 10, 10973, and is indicated as being approximately 1475 square feet in area.
 - B. Two additions to the existing house are proposed:
 - (1) On the south side of the house a garage addition that is 22 feet wide by 10 feet deep will have a front yard of 22 feet and a setback of 42 feet. It will also be seven feet from the south lot line, which is the same as the rest of the house on that side of the lot.
 - (2) On the north side of the house a bedroom addition that is 19 feet wide by six feet deep will have a side yard of five feet, nine inches, which is an extension of the same side yard as the rest of the house on that side of the lot.
 - C. The subject property fronts onto Park Street, a minor street, with a right-of-way of 40 feet, which is less than the 60 feet the *Zoning Ordinance* anticipates for minor streets.

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 variances (capitalized words are defined in the Ordinance):
 - (1) "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.
 - (2) "DWELLING, SINGLE FAMILY" is a DWELLING containing one DWELLING UNIT.
 - (3) "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.
 - (4) "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.
 - (5) "SETBACK LINE" is the BUILDING RESTRICTION LINE nearest the front of and across a LOT establishing the minimum distance to be provided between a line of a STRUCTURE located on said LOT and the nearest STREET RIGHT-OF-WAY line.
-

ITEM 6.A. CONTINUED

- (6) "STREET" is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
 - (a) MAJOR STREET: Federal or State highways
 - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
 - (c) MINOR STREET: Township roads and other local roads.
 - (7) "VARIANCE" is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or Zoning Board of Appeals are permitted to grant.
 - (8) "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.
 - (9) "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.
 - (10) "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. In the *Zoning Ordinance*, setback requirements are established in two sections, as follows:
- (1) Subsection 4.3.2. Setback Line states, "All BUILDINGS and all MAIN or PRINCIPAL STRUCTURES shall be positioned in conformance with the SETBACK LINE regulations and standards specified hereinafter for the DISTRICT in which they are located," and drawings in 4.3.2 further specify that in the case of a MINOR STREET the required setback is 55 feet with a front yard of 25 feet.
 - (2) Section 5.3 is the Schedule of Area, Height, and Placement Regulations by District and indicates that the setback from a MINOR STREET is 55 feet and footnote 3 further specifies that in no case shall the FRONT YARD be less than 25 feet from a MINOR STREET.
- C. In the *Zoning Ordinance*, the requirements for SIDE YARDS for principals structures is established in Section 5.3, which indicates that in the R-1 Single Family Dwelling District the minimum required side yard is 10 feet.
-

ITEM 6. CONTINUED

- D. 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.
- E. 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.
- F. 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 Petitioner has testified on the application that, **“Other homes have been granted a variance. Need to make bedroom larger. Predates County Ordinance and will improve property value.”**
-

ITEM 7. CONTINUED

- B. The subject property is located in Kienietz Subdivision, which was platted and developed before the adoption of the *Zoning Ordinance* on October 10, 1973.
- C. The subject property is nonconforming with regards to average lot width in the R-1 Zoning District. It is 75 feet wide while Section 4.3.4 of the *Zoning Ordinance* requires all lots created before September 21, 1993, and that do not have public water or sewer to be a minimum of 100 feet wide on average.
- D. Lot 14 of Kienietz Subdivision, which is located immediately south of the subject property was the subject property of Zoning Case 559-V-06, which was a variance for the setback and front yards of the existing house; the replacement of an existing shed with nonconforming side and rear yards; and the construction of a new garage with nonconforming front yard, setback, and side yard.
- E. There do not appear to be any issues regarding the subject property being in common ownership or usage with any neighboring lots before October 10, 1973, as the 1972 Supervisor of Assessments aerial photograph shows that all the lots bordering the subject property have houses on them.

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 Petitioner has testified on the application that, **“Yes, it would not allow us to increase bedroom size. Other homes currently closer to property line now.”**
 - B. The subject property is nonconforming with regards to average lot width in the R-1 Zoning District. It is 75 feet wide while the minimum required width in the *Zoning Ordinance* is 80 feet in the R-1 Zoning District.
 - C. The existing house appears to have a front yard of 26 feet and setback of 46 feet based on the measurements provided on the petitioner’s site plan. This is due to the 40 feet wide right-of-way for Park Street, which does not match the *Zoning Ordinance*’s expectation of a 60 feet wide right-of-way for minor streets.
 - D. The side yards are not being made any narrower. The additions on either side of the house are extending the amount of structure that is located next to each side lot line.
-

PRELIMINARY DRAFT

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 Petitioner has testified on the application that, **“No, home already exists.”**
 - B. The practical difficulties appear to stem from the nonconforming lot size and narrow right-of-way which are due to Kienietz Subdivision being platted and developed before the adoption of zoning.

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 Petitioner has testified on the application that, **“It will not obstruct or cause traffic issues or an issue with any other structures.”**
 - B. The Zoning Ordinance does not clearly state the considerations that underlay the setback and front yard requirements. In general, the setback is presumably intended to ensure the following:
 - (1) Right of way acquisition: Park Street is a minor street in a subdivision with houses on only one side of the street. It is unlikely to be widened in the future.
 - (2) Off-street parking: The subject property provides the required amount of off-street parking outside of the setback.
 - (3) Aesthetics: Aesthetic benefit may be a consideration for any given front yard and setback but can be very subjective.
 - C. The Zoning Ordinance does not clearly state the considerations that underlay the side yard requirements. In general, the side yard is presumably intended to ensure the following:
 - (1) Adequate light and air: The proposed additions will not adversely affect the amount of light and air on the subject property or neighboring properties. All the lots on Park Street have a view across the neighboring farmland to the west.
 - (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 protection area of the Gifford Fire Department and the station is approximately seven road miles or 17 minutes from the subject property.
 - (3) Aesthetics may also play a part in minimum yard requirements.
-

ITEM 10. CONTINUED

- E. Regarding compliance with the *Zoning Ordinance* and the *Special Flood Hazard Areas Ordinance*:
 - (1) The subject property is located within the Special Flood Hazard Area as seen on the Flood Insurance Rate Map (FIRM) Map Panel No.
 - (2) At this time the petitioners have not provided any elevation information to staff to indicate whether the subject property is above 684 feet above mean sea level, the Base Flood Elevation (BFE) for that area.
 - (3) If the petitioners provide elevation information that indicates they are above the BFE no further requirements will apply.
 - (4) If provided elevation information indicates the subject property is below the BFE, the petitioners will be required to get a Floodplain Development Permit (FDP) before a Zoning Use Permit can be approved for the proposed additions.
- F. The proposed site plan requires the following amounts of variance:
 - (1) In Part A of the case, the proposed front yard of 22 feet is 88% of the required 25 feet for a variance of 22%. The proposed setback of 42 feet is 76% of the required 55 feet for a variance of 24%. The proposed side yard of seven feet is 70% of the required ten feet for a variance of 30%.
 - (2) In Part B of the case, the proposed side yard of five feet, nine inches, is 57.5% of the required ten feet for a variance of 42.5%.
- G. 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:
 - A. The Petitioner has testified on the application that, **“Will not cause safety issues with public or neighborhood”**
 - B. The Township Road Commissioner has received notice of this variance, and spoke with Lori Busboom, Zoning Technician, on August 6, 2009, he stated that he was going to inspect the subject property and if he would only call back again if he had concerns after his inspection. The Commissioner did call back but only stated that he would be discussing his concerns with the petitioner on August 7, 2009, but not in enough time to be included in this Summary of Evidence.
 - C. The Drainage District has been notified of this variance but no comments have been received.
-

ITEM 11. CONTINUED

- D. The Fire Protection District has been notified of this variance but no comments have been received.
- 12. On the application the Petitioner has also testified that, **“Can’t add to back due to septic it will be more attractive and fit in the neighborhood best in front.”**

GENERALLY REGARDING PROPOSED CONDITIONS OF APPROVAL

- 13. No special conditions of approval are proposed at this time.
-

DOCUMENTS OF RECORD

1. Zoning Use Permit Application submitted on June 12, 2009, with attachment:
 - A Site plan
 2. Variance Application from Mike and Tammy Heath, received on June 12, 2009
 3. Preliminary Memorandum for Case 650-V-09, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Proposed site plan
 - C Aerial photograph of subject property in 1972
 - D Draft Summary of Evidence, Finding of Fact, and Final Determination for Case 650-V-09
-

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **650-V-09** held on **August 13, 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: _____

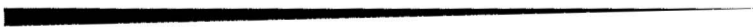
3. The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because: _____

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 **650-V-09** is hereby *{GRANTED/GRANTED WITH CONDITIONS/DENIED}* to the petitioners, **Mike and Tammy Heath**, to authorize **the following in the R-1 Single Family Dwelling District:**

- A. The construction and use of a garage addition with a front yard of 22 feet and a setback of 42 feet in lieu of the required front yard of 25 feet and setback of 55 feet in regard to Park Street, a minor street, and a side yard of seven feet in lieu of the required ten feet; and**
- B. The construction and use of a bedroom addition with a side yard of five feet, nine inches, in lieu of the required ten 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:

Doug Bluhm, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals
Date
