

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: June 11, 2015
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

*Note: The full ZBA packet is now available
on-line at: www.co.champaign.il.us.*

***Case 803-V-15** Petitioner: **Corbitt and Yvonne Griffith**

Request: **Authorize the following Variance in the R-1 Single Family Residence
Zoning District:**

**A detached shed with a side yard of 2 feet in lieu of the minimum required 5
feet.**

Location: **Lot 23 in Block 6 of the Edgewood Subdivision in Section 10 of Urbana
Township and commonly known as the residence at 307 E. Dodson, Urbana.**

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

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

CASE NO. 803-V-15

PRELIMINARY MEMORANDUM

June 4, 2015

Petitioners: **Corbitt and Yvonne Griffith**

Request: **Authorize the following Variance in the R-1 Single Family Residence Zoning District:**

A detached shed with a side yard of 2 feet in lieu of the minimum required 5 feet.

Subject Property: **Lot 23 in Block 6 of the Edgewood Subdivision in Section 10 of Urbana Township and commonly known as the residence at 307 E Dodson, Urbana.**

Site Area: **9,512 square feet (0.22 acre)**

Time Schedule for Development: **As Soon as Possible**

Prepared by: **Susan Chavarria**
Interim Associate Planner

John Hall
Zoning Administrator

BACKGROUND

The Petitioners request a variance to maintain the location of a shed that provides less of a side yard than the minimum required by ordinance. They constructed the shed about 15 years ago not knowing that a permit was required to do so. When they came to apply for a permit to construct a sunroom addition to their house, staff told them that they needed to include the shed construction in the application as well and apply for a variance for its minimal side yard. The existing residence was constructed prior to the October 10, 1973 Zoning Ordinance adoption.

They believe that the shed would not withstand a move to another location. Further, they state that the only other feasible location in the southwest corner of the back yard has a utilities transformer that has caught fire twice during their 16 years at the residence.

EXTRATERRITORIAL JURISDICTION

The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Urbana, a municipality with zoning.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Single Family Residence	R-1 Single Family Residence
North	Single Family Residence	R-1 Single Family Residence
East	Single Family Residence	R-1 Single Family Residence
West	Single Family Residence	R-1 Single Family Residence
South	Single Family Residence	R-1 Single Family Residence

ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received May 15, 2015
- C Images of Subject Property taken May 28, 2015
- D Draft Summary of Evidence, Finding of Fact, and Final Determination dated June 4, 2015

Location Map

Case 803-V-15

June 11, 2015

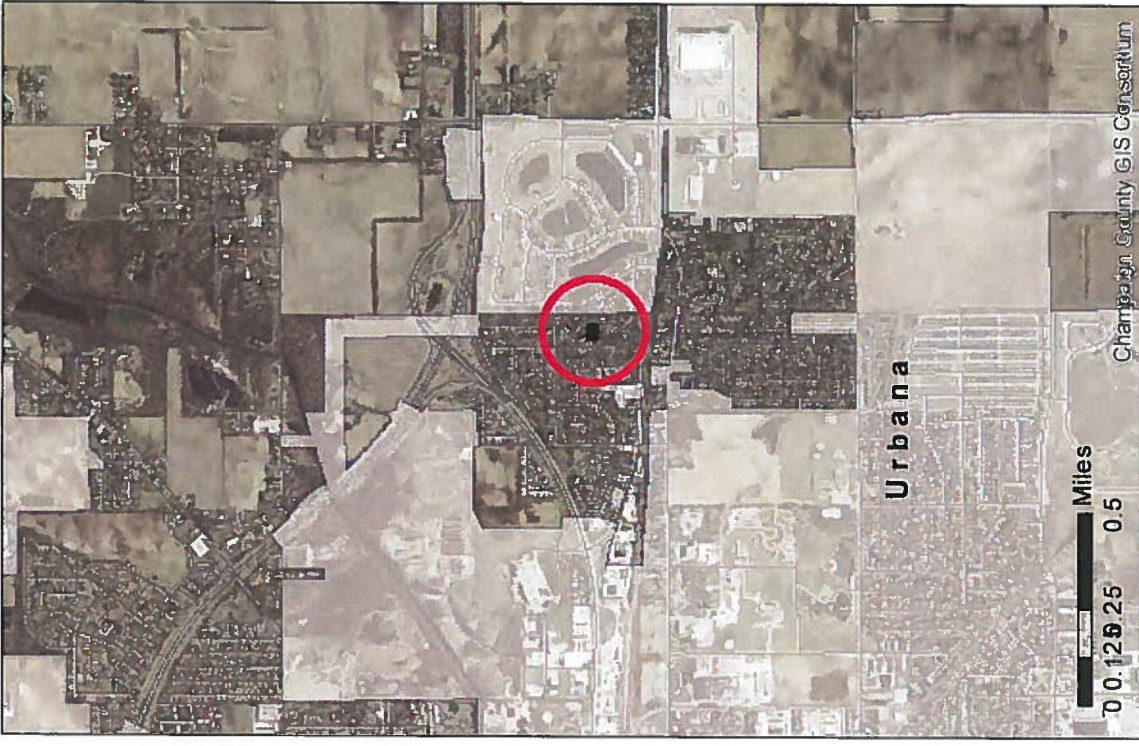
Subject Property



Legend

-  Subject Property
-  Parcels

Property location in Champaign County



Champaign County
Department of
PLANNING &
ZONING

Land Use Map

Case 803-V-15
June 11, 2015



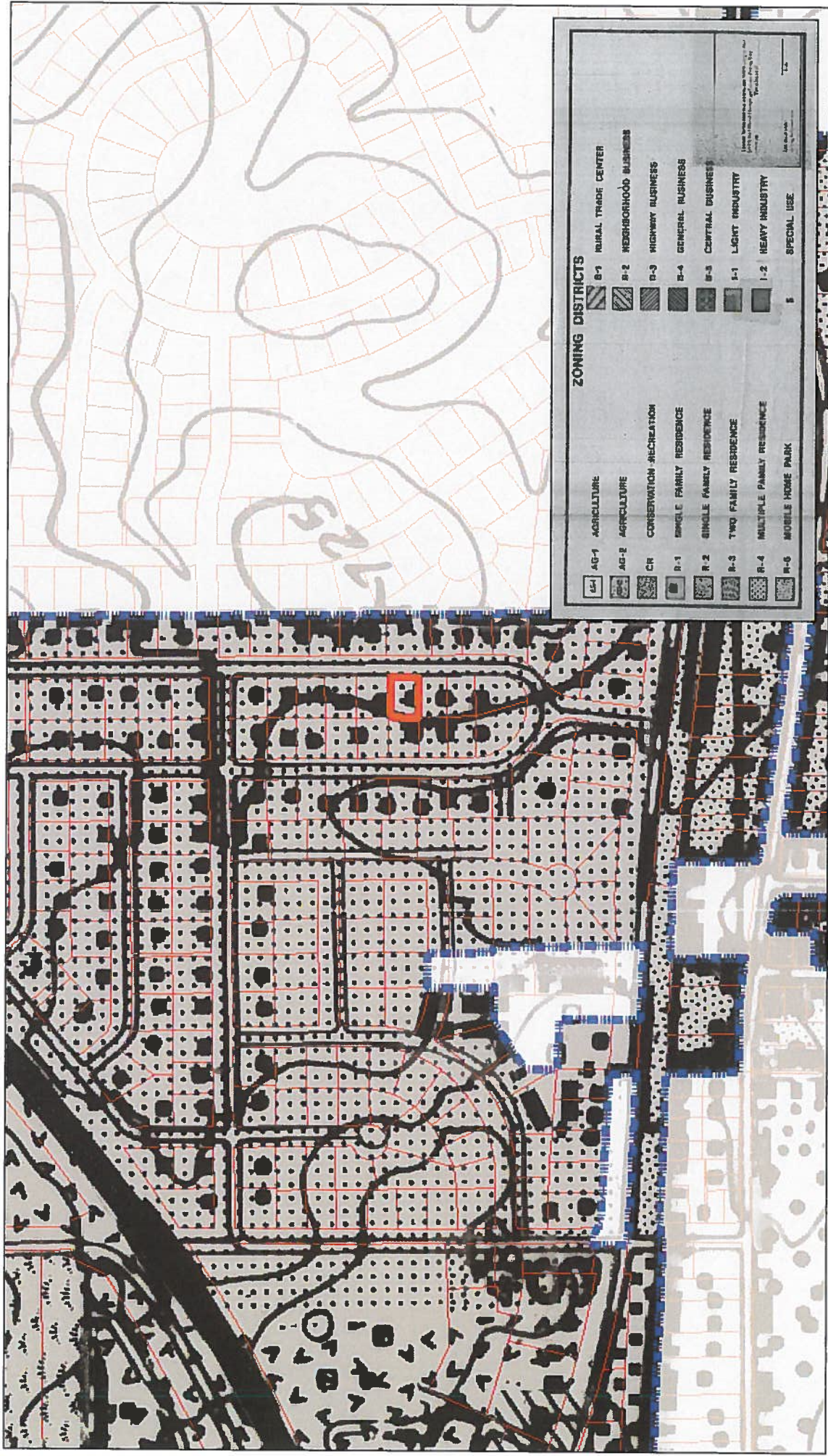
Legend

- Urbana Corporate Limits
- Subject Property
- SF Residential
- Mobile Home Park
- Non-residential



Zoning Map

Case 803-V-15
June 11, 2015



Legend

- Subject Property
- Urbana Corporate Limits



E. DODSON DR. URBANA IL.

CHAMPAIGN CO. P & Z DEPARTMENT

MAY 13 2015

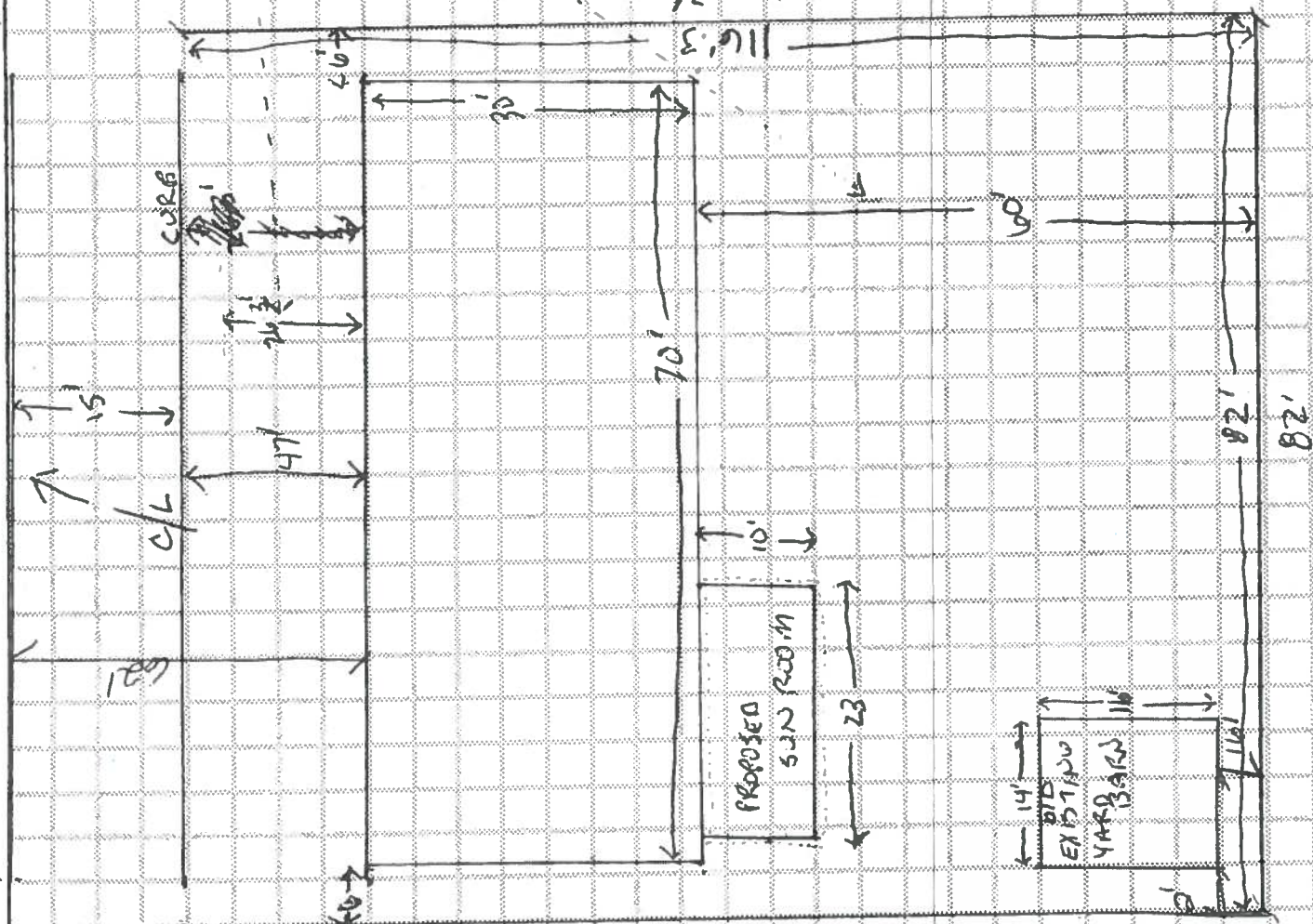
RECEIVED

PROPERTY LINE



1/4" SCALE

15 years old
measured & wood
falls apart.



803-V-15 Images



Area between shed and north fence



Facing north – shed on right, temporary storage on left

803-V-15 Images



Facing north – tree in front of shed limiting its relocation



Facing south from in front of shed

803-V-15 Images



Utility pole in southwest corner of back yard limiting shed relocation

06/04/15 DRAFT

803-V-15

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

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

Date: ***{June 11, 2015}***

Petitioners: Corbitt and Yvonne Griffith

Request: Authorize the following Variance in the R-1 Single Family Residence Zoning District: A detached shed with a side yard of 2 feet in lieu of the minimum required 5 feet.

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **June 11, 2015**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioners, Corbitt and Yvonne Griffith, own the subject property.
2. The subject property is a 9,512 square feet lot (0.22 acre) that is on Lot 23 in Block 6 of the Edgewood Subdivision in Section 10 of Urbana Township and commonly known as the residence at 307 E Dodson, Urbana.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the City of Urbana, a municipality with zoning. Municipalities do not have protest rights on a variance and are not notified of such cases.
 - B. The subject property is located within Urbana Township, which does not have a Planning Commission.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is a 9,512 square feet lot and is currently zoned R-1 Single Family Residential. Land use is a single family residence.
 - B. Land on the north, south, east, and west of the subject property is zoned R-1 Single Family Residential and is residential in use.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan of the subject site:
 - A. The Petitioner's Site Plan, received May 13, 2015, indicates the following:
 - (1) Existing buildings consist of the following:
 - a. A 70 foot by 30 foot residence;
 - b. A 14 feet by 16 feet shed on the northwest side of the property (the subject of this Variance); and
 - c. A 23 feet by 10 feet "proposed sun room".
 - B. There are no previous Zoning Use Permits on the subject property; the house was constructed prior to the Zoning Ordinance adoption on October 10, 1973.
 - C. The required variance is as follows: A detached shed with a side yard of 2 feet in lieu of the minimum required 5 feet.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

6. Regarding authorization for the proposed variance:

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 within 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) “AREA, BUILDING” is the total area taken on a horizontal plane at the largest floor level of the MAIN or PRINCIPAL BUILDING and all ACCESSORY BUILDINGS on the same LOT exclusive of uncovered porches, terraces, steps, or awnings, marquees, and nonpermanent CANOPIES and planters.
- (3) “AREA, LOT” is the total area within the LOT LINES.
- (4) “BUILDING” is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.
- (5) “BUILDING, DETACHED” is a BUILDING having no walls in common with other BUILDINGS.
- (6) “BUILDING, MAIN or PRINCIPAL” is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
- (7) “DWELLING” is a BUILDING or MANUFACTURED HOME designated for non-transient residential living purposes and containing one or more DWELLING UNITS and/or LODGING UNITS.
- (8) “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.
- (9) “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.
- (10) “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.

- (11) "LOT LINES" are the lines bounding a LOT.
- (12) "NONCONFORMING LOT, STRUCTURE or USE" is a LOT, SIGN, STRUCTURE, or USE that existed on the effective date of the adoption or amendment of this ordinance which does not conform to the regulations and standards of the DISTRICT in which it is located.
- (13) "SPECIAL CONDITION" is a condition for the establishment of a SPECIAL USE.
- (14) "STRUCTURE" is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.
- (15) "STRUCTURE, DETACHED" is a STRUCTURE not connected to another STRUCTURE.
- (16) "STRUCTURE, MAIN or PRINCIPAL" is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.
- (17) "USE" is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted USE" or its equivalent shall not be deemed to include any NONCONFORMING USE.
- (18) "YARD" is an OPEN SPACE, other than a COURT, of uniform width or 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.
- (19) "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 but a STREET RIGHT-OF-WAY both such YARDS shall be classified as front YARDS.
- (20) "YARD, REAR" is a YARD extending the full width of a LOT and situated between the REAR LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT.
- (21) "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. The R-1 Single Family Residence DISTRICT is intended to provide areas for single FAMILY detached DWELLINGS, set on LOTS and is intended for application in mainly non-urban and developing areas where community facilities can be made readily available.
- 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 9.1.9 C. 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 9.1.9 D.2.
- D. Minimum SIDE YARD for an accessory structure in the R-1 Residential District is established in Section 7.2.2.B. of the *Zoning Ordinance* as 5 feet.

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, **“Shed unmovable because old structure is 15 years old and would fall apart. Two feet from the rear of the shed is a fence, two feet in front of the shed is a huge maple tree, approximately 100 years old, and in front of the tree is where septic tank is located.”**

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, **“Same as letter ‘A’ above.”**
 - B. Regarding the proposed Variance:
 - (1) Without the proposed variance, the Petitioner states they would have to demolish the shed because it would fall apart if moved from its current position (two feet from the side property line).

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, **“Yes, didn’t realize a garden shed required a permit. We determined placement of shed in its current location because had we built it in the southwest corner (only other option) it would be immediately under the utilities transformer that has caught on fire twice since we have lived there in the past 16 years.”**
 - B. According to the Assessor’s property records, the Petitioner has owned the property since 1999.

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, **“Permit applied for on new structure, (4-Season Sun Room), and old structure (shed) plus applying for the Variance.”**
 - B. Regarding the proposed Variance for an accessory building with a side yard of 2 feet in lieu of the minimum required 5 feet: the requested variance is 40% of the minimum required, for a variance of 60%.
 - C. Regarding the proposed Variance:
 - (1) 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:
 - a. Adequate light and air: The subject property is in residential use. The surrounding properties are in residential use.
 - b. Separation of structures to prevent conflagration: The subject property is within the Edge-Scott Fire Protection District and the station is

approximately 0.5 road miles from the subject property. The nearest structure on adjacent property to the shed is approximately 18 feet away.

- c. Aesthetics: Aesthetic benefit may be a consideration for any given yard and can be very subjective.

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: **“1) Not located near fire hazards such as utilities transformer; 2) We keep it well maintained - last year was painted, new roof, put guttering on, etc.; 3) We try and keep overgrown trees from neighbors on north end of property cut back as well as keep branches from our tree trimmed back so no structural or roof damage occurs and no debris exists behind shed; and 4) Shed or new 4-Season Sun Room structure not visible from front view of house.”**
 - B. The Township Road Commissioner has been notified of this variance but no comments have been received.
 - C. The Edge-Scott Fire Protection District has been notified of this variance but no comments have been received.
 - D. The nearest building on neighboring property is approximately 18 feet from the shared property line.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

- 12. Generally regarding and other circumstances which justify the Variance:
 - A. The Petitioner has testified on the application: **“We live approximately 3 blocks from Edge-Scott Fire Department. The fire dept. has never found or expressed concern about our shed’s location and is easily accessible by fire department if necessary. New structure will not impair surface or subsurface drainage.”**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

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

DOCUMENTS OF RECORD

1. Variance Application received on May 15, 2015, with attachments:
 - A Site Plan received May 15, 2015

2. Preliminary Memorandum dated June 4, 2015 with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received May 15, 2015
 - C Images of Subject Property taken May 28, 2015
 - D Draft Summary of Evidence, Finding of Fact, and Final Determination

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **803-V-14** held on **June 11, 2015**, 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 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 for approval in 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 **803-V-15** is hereby *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* to the petitioners **Corbitt and Yvonne Griffith** to authorize the following variance in the R-1 Residential Zoning District:

A detached shed with a side yard of 2 feet in lieu of the minimum required 5 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:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date