

CASE NO. 883-FV-17

PRELIMINARY MEMORANDUM

September 21, 2017

Petitioner: **Tim Asire**

Request: **Authorize the following Variance from the Champaign County Special Flood Hazard Areas Ordinance:**

Authorize the construction and use of two additions to a dwelling in which the top of the lowest floor of the addition is 8.5 inches above the Base Flood Elevation instead of 1.0 feet above the Base Flood Elevation.

Subject Property: **Lot 27 of the Meadows Subdivision in Section 36, Township 21 North, Range 7 East of the Third Principal Meridian in Newcomb Township, commonly known as the residence at 2610 Appaloosa Lane, Mahomet.**

Site Area: **5 acres**

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

Prepared by: **Susan Burgstrom**
Senior Planner

John Hall
Zoning Administrator

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

(217) 384-3708
zoningdept@co.champaign.il.us
www.co.champaign.il.us/zoning

BACKGROUND

Tim Asire requests a variance from the *Champaign County Special Flood Hazard Areas Ordinance (SFHA Ordinance)* so that he can construct two additions to his existing residence, which borders the Sangamon River. The house was built in 1978 under ZUPA 346-77-01, and an addition was constructed in 1978 under ZUPA 227-78-01. Mr. Asire purchased the property in 1992.

In 2005, Mr. Asire applied for a permit to construct an addition, and was required to apply for a Floodplain Development Permit (ZUPA 273-05-04FP) and also a set of variances from the SFHA under Case 527-FV-05. Item 5.D.(1) of the Summary of Evidence for Case 883-FV-17 outlines the required variances:

- (1) Zoning Case 527-FV-05 was approved on April 13, 2006, and authorized the following variances from the Champaign County *Special Flood Hazard Areas Ordinance*:
 - a. Authorize the use of an existing dwelling in which the top of the lowest floor is 8.5 inches above the Base Flood Elevation instead of 1.0 feet above the Base Flood Elevation.
 - b. Authorize the construction and use of an addition to a dwelling in which the top of the lowest floor of the addition is 8.5 inches above the Base Flood Elevation instead of 1.0 feet above the Base Flood Elevation.
 - c. Authorize the use of an existing shed in which the top of the lowest floor is 4 feet 7 inches below the Base Flood Elevation instead of 1.0 feet above the Base Flood Elevation and that is 720 square feet in area instead of no more than 500 square feet in area.

The Finding of Fact for Case 527-FV-05 explained the following:

“ZUPA 346-77-01 was previously issued to authorize the construction of the existing house on the subject property. The Zoning Administrator rounded off the BFE to 695 feet above Mean Sea Level (MSL) and indicated that elevation to the property owner in a letter dated January 17, 1978. The owner then responded with a letter, dated February 10, 1978, saying that he was raising the house to 696 feet above MSL. Now this leaves the subject property several inches short of the actual FPE.”

ZUPA 273-05-04FP was approved on November 23, 2005 contingent upon approval of Case 527-FV-05, and the ZBA recommended Floodplain Variance Case 527-FV-05 for approval on April 13, 2006. The County Board approved Case 527-FV-05 on May 18, 2006.

Mr. Asire now seeks to construct two additions to his house, both at the same floor level as the rest of the house. A new variance case is required because the additions will be less than one foot above BFE, and the additions were not part of the approved Site Plan from Case 527-FV-05. In Case 527-FV-05, he commented that he did not desire to have a bump in levels for different parts of the house. Without the proposed variance, the petitioner would have bumps in floor level at each addition.

FLOODPLAIN VARIANCE REQUIREMENTS

Floodplain variances have always required a public hearing and recommendation by the Champaign County Zoning Board of Appeals (ZBA), with the final determination by the Champaign County Board. The *Special Flood Hazard Areas Ordinance* identifies seven conditions that must be met for any requested variance; these are listed in the Ordinance under Item 11 C. and in the Summary of Evidence under Item 6.C. The ZBA can recommend any condition it deems necessary in order to meet the required conditions.

EXTRATERRITORIAL JURISDICTION

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

The subject property is located within Mahomet Township, which has a Plan Commission. Townships with Plan Commissions have protest rights on a variance and are 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 Residence	CR Conservation Recreation
North	Residential	CR Conservation Recreation
South	Residential	AG-2 Agriculture
East	Residential	CR Conservation Recreation
West	Agriculture	CR Conservation Recreation

COMPLIANCE WITH THE *SFHA ORDINANCE*

The petitioner's application includes a crawlspace for each addition, which is one of the methods by which the additions can meet the residential building protection requirements in paragraph 7 A. of the *SFHA Ordinance*. Mr. Asire submitted a cross section of the crawlspace with his application, received July 17, 2017. Mr. Asire submitted specification sheets for the flood vents he intends to install via email received August 31, 2017. In the same email, Mr. Asire stated that there will be no utility ductwork under the additions. It would appear from these submittals that the proposed additions are compliant with the *SFHA Ordinance*, other than being less than 12 inches above BFE.

ATTACHMENTS

- A Case Maps: Location, Land Use and Zoning
- B Site Plan received July 17, 2017
- C Email from Tim Asire received August 31, 2017, with attachment: flood vent specs
- D Map of FEMA Special Flood Hazard Area - October 2, 2013 created by staff on September 12, 2017
- E Excerpt from the Preliminary Plat of the Meadows subdivision
- F Draft Summary of Evidence, Finding of Fact and Final Determination dated September 28, 2017

Location Map

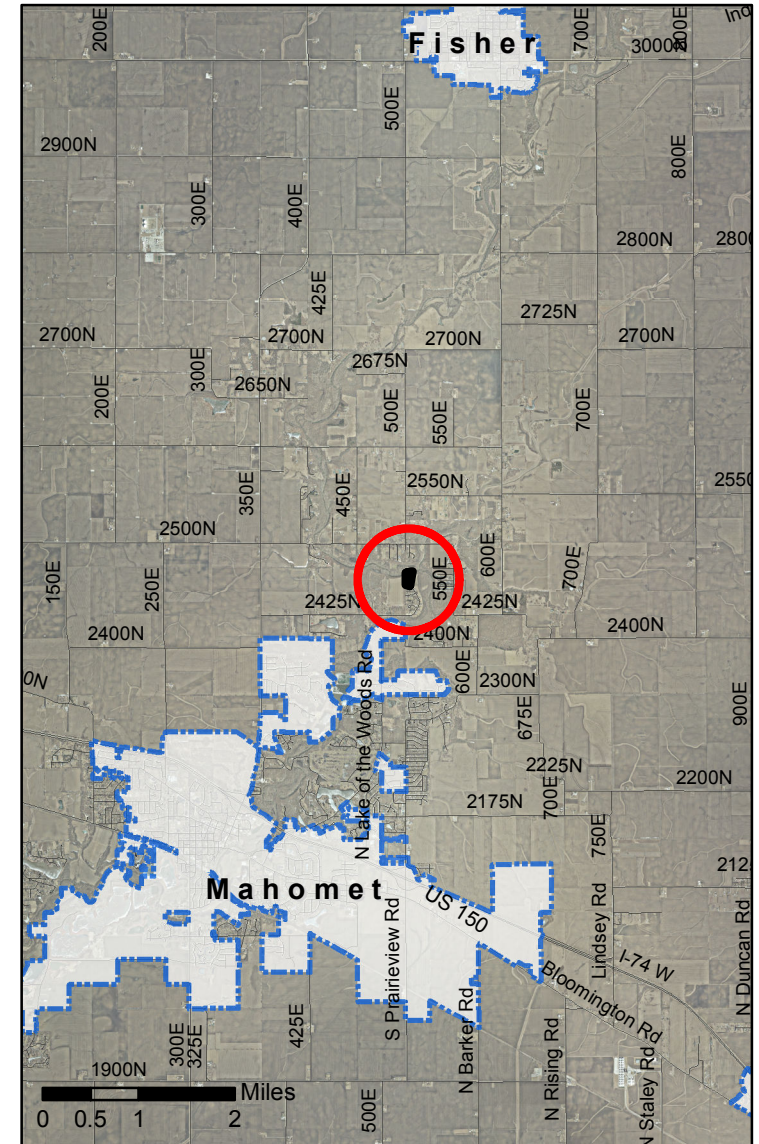
Case 883-FV-17

September 28, 2017





Subject Property



Property location in Champaign County



Legend

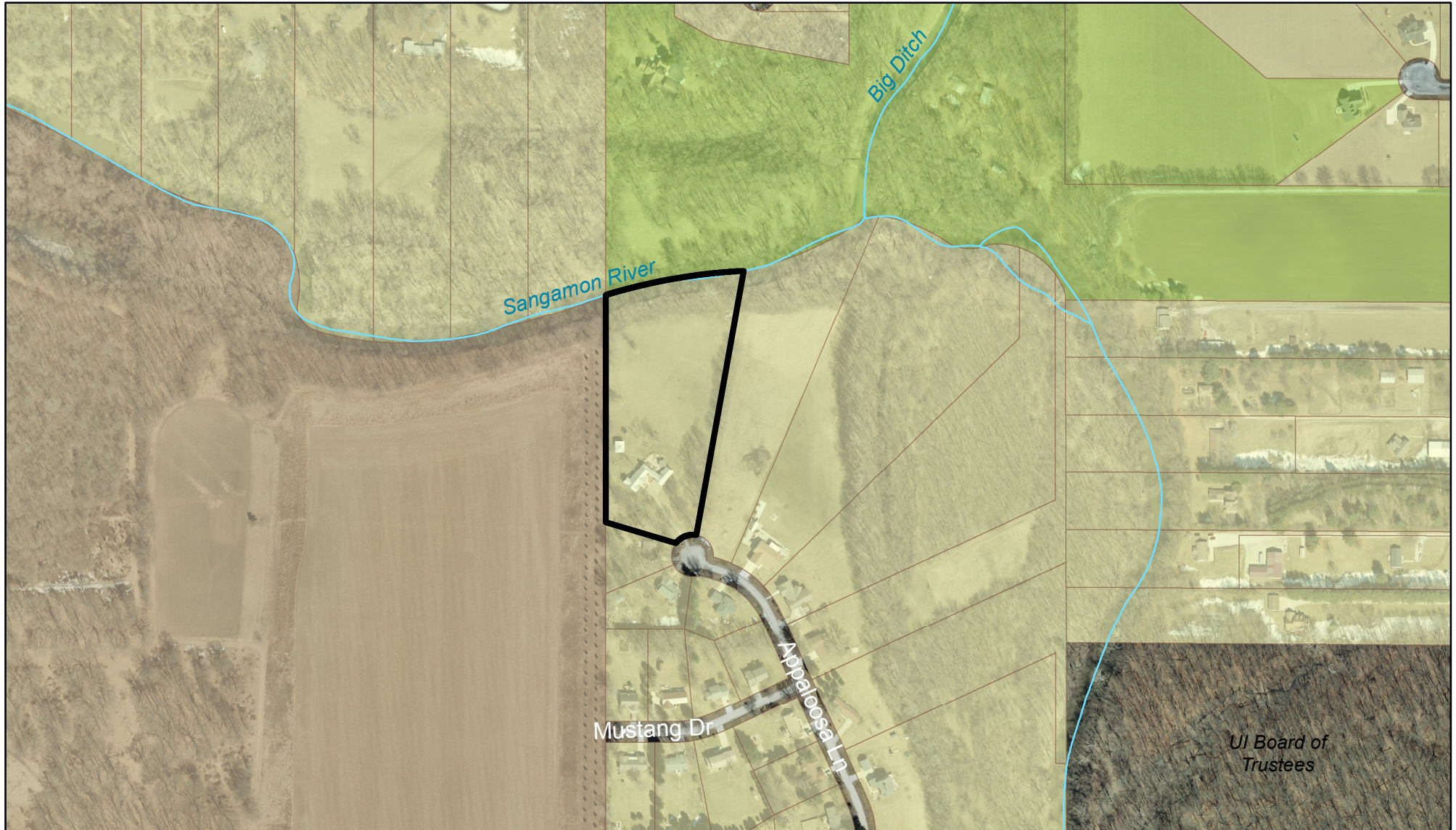
-  Subject Property
-  Municipal Boundary
-  Non-Intermittent Stream
-  FEMA 2013 Flood Hazard Area



Champaign County
Department of
**PLANNING &
ZONING**

Land Use Map

Case 883-FV-17
September 28, 2017



Legend

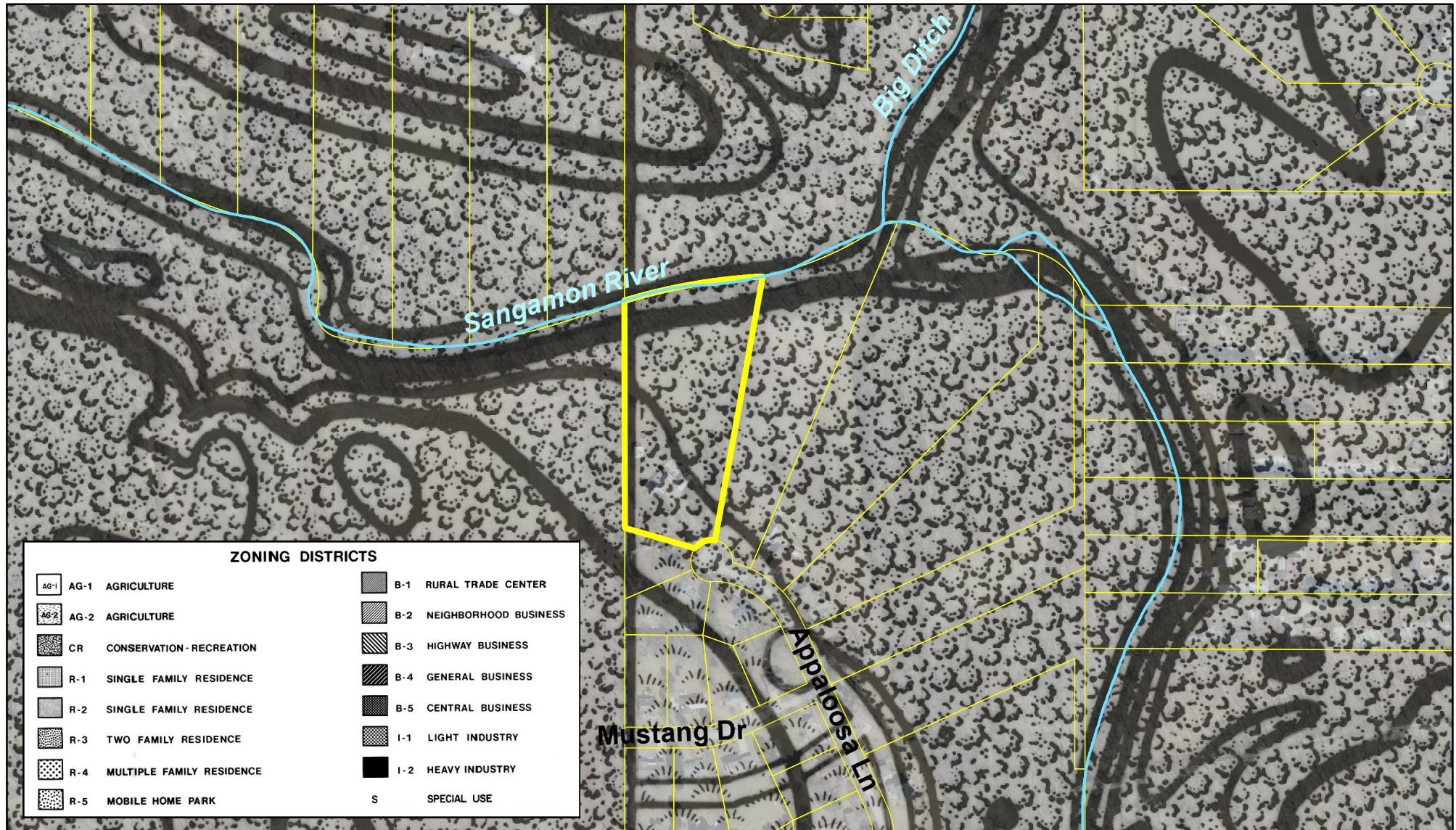
- Subject Property
- Streams
- Parcels
- Residential
- Ag/Single Family
- Agriculture

0 100 200 400 Feet




Champaign County
Department of
PLANNING &
ZONING

Zoning Map

Case 883-FV-17
September 28, 2017

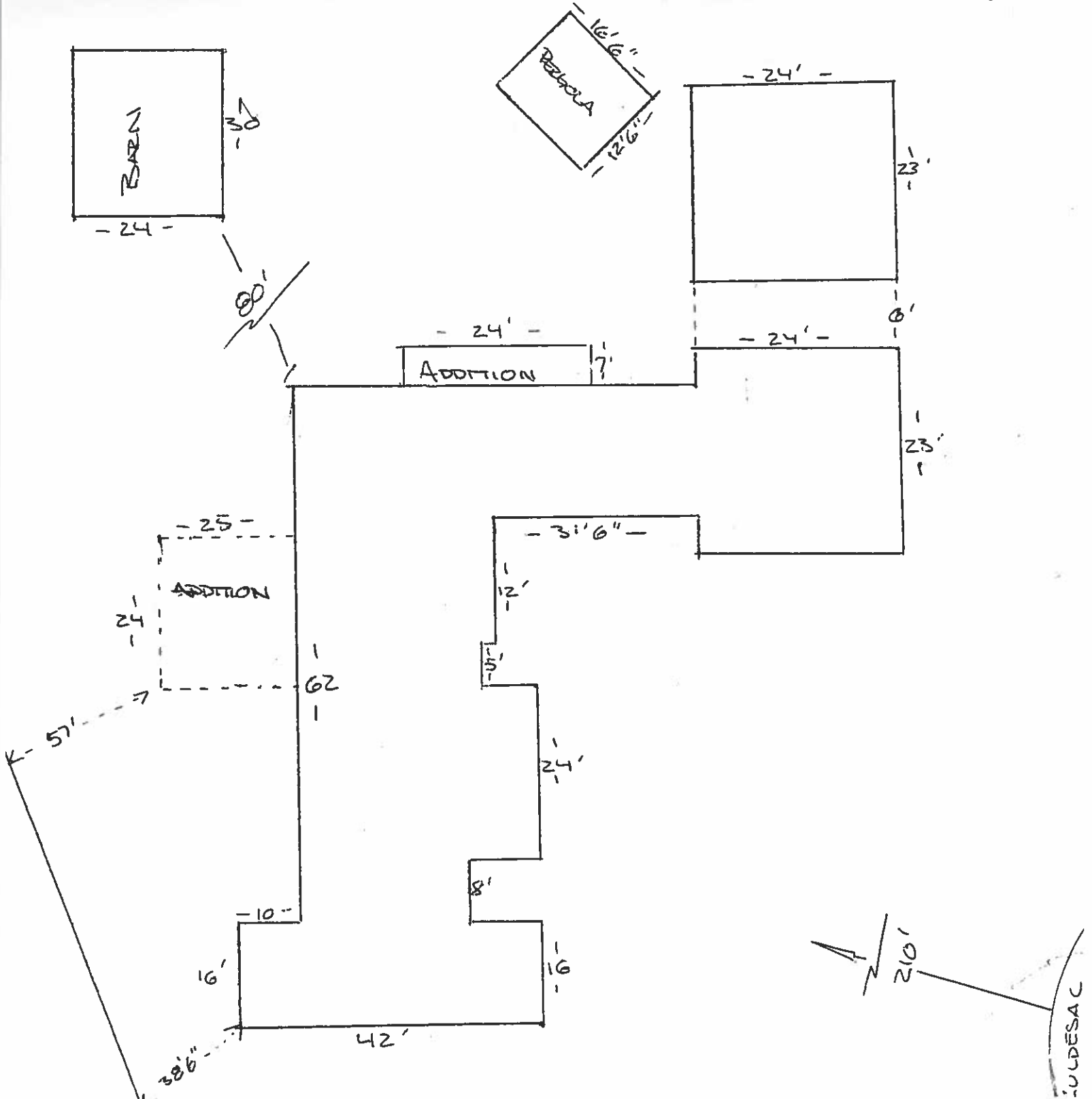


Legend

-  Subject Property
-  Parcels
-  Streams

0 100 200 400 Feet





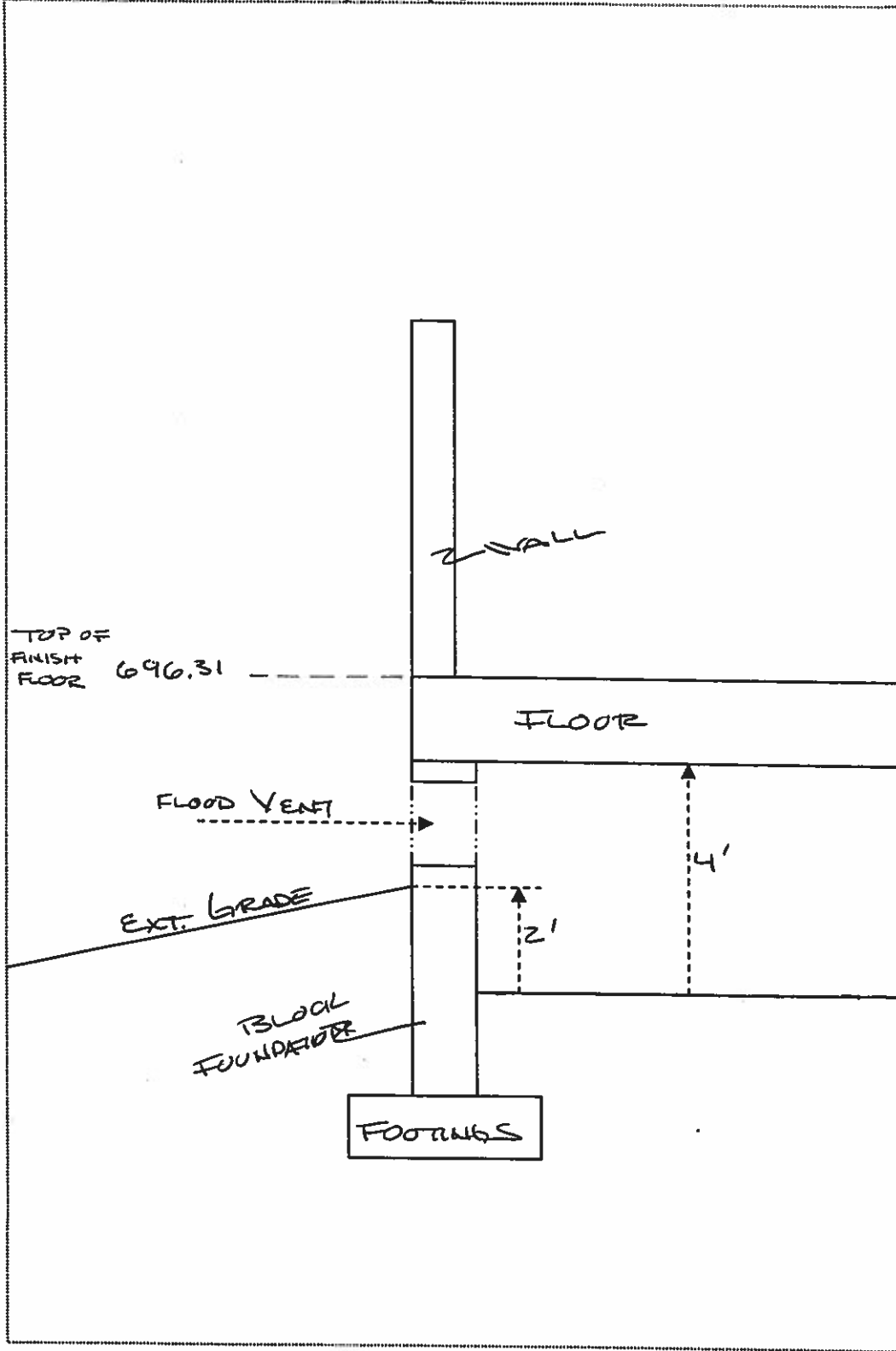
RECEIVED

JUL 17 2017

CHAMPAIGN CO. P & Z DEPARTMENT

TO: LONNIE RERRY

FROM: TIM ASIRE



ASIRE ADDITION - CROSSSECTION OF WALL/FOUNDATION DETAIL

Susan Burgstrom

From: Tim Asire <tasire@jimmyjohns.com>
Sent: Thursday, August 31, 2017 3:02 PM
To: Susan Burgstrom
Subject: RE: zoning case questions
Attachments: SPEC-dualfunction-web.pdf

Susan,

Attached is the spec sheet for the flood vent

No ducts are planned under the additions.

Than you
Tim

RECEIVED
AUG 31 2017
CHAMPAIGN CO P & Z DEPARTMENT

(This message is intended only for the use of the individual (s) or entity to which it is addressed and may contain information that is privileged, confidential, and/or proprietary to Jimmy Johns. Whether the reader of this message is or is not the intended recipient, you are hereby notified that any dissemination, distribution, forwarding or copying of this communication is prohibited without the express permission of the sender. If you have received this communication in error, please notify the sender immediately and delete the original message).

From: Susan Burgstrom [<mailto:sburgstrom@co.champaign.il.us>]
Sent: Thursday, August 31, 2017 9:37 AM
To: Tim Asire <tasire@jimmyjohns.com>
Subject: zoning case questions

Hi Tim,

I am starting to process your floodplain development variance for the additions you propose to the house. As soon as possible, could you please respond to the following questions?

1. For the flood vents, are you purchasing them from a manufacturer, and if so, could you please send me more specifications no them? A spec sheet would be perfect.
2. Will there be any duct work under the additions?

The legal ad for this case must be submitted tomorrow, and your answers will determine how much more specific I need to be on the ad so we don't have to re-advertise later.

Thanks,
Susan

Susan Burgstrom, AICP, PCED
Senior Planner
Champaign County Department of Planning & Zoning
1776 East Washington Street
Urbana, IL 61802

P: 217-384-3708
F: 217-819-4021

DUAL FUNCTION SERIES

This series of vents offers certified flood venting protection with superior automatic natural ventilation control. Ideal for crawlspace applications and other areas requiring flood venting protection as well as natural air ventilation.

VENTILATION

A bimetal coil automatically opens and closes the ventilation louvers as temperature changes from 35° F to 75° F.

No electricity is required.

In the event of a flood, the internal floats lift to release the flood door to rotate open and relieve the hydrostatic pressure regardless of the louvers' position, open or closed.



1 Smart Vent
1540-510

2 Stacker
1540-511

Stacker Models are twice as efficient as a single unit and are a great solution for large amounts of square footage, and in situations where there is not enough wall space to fit in the necessary or required single units.



1 Pictured in custom powder coat black



2 Pictured in powder coat white

RECEIVED

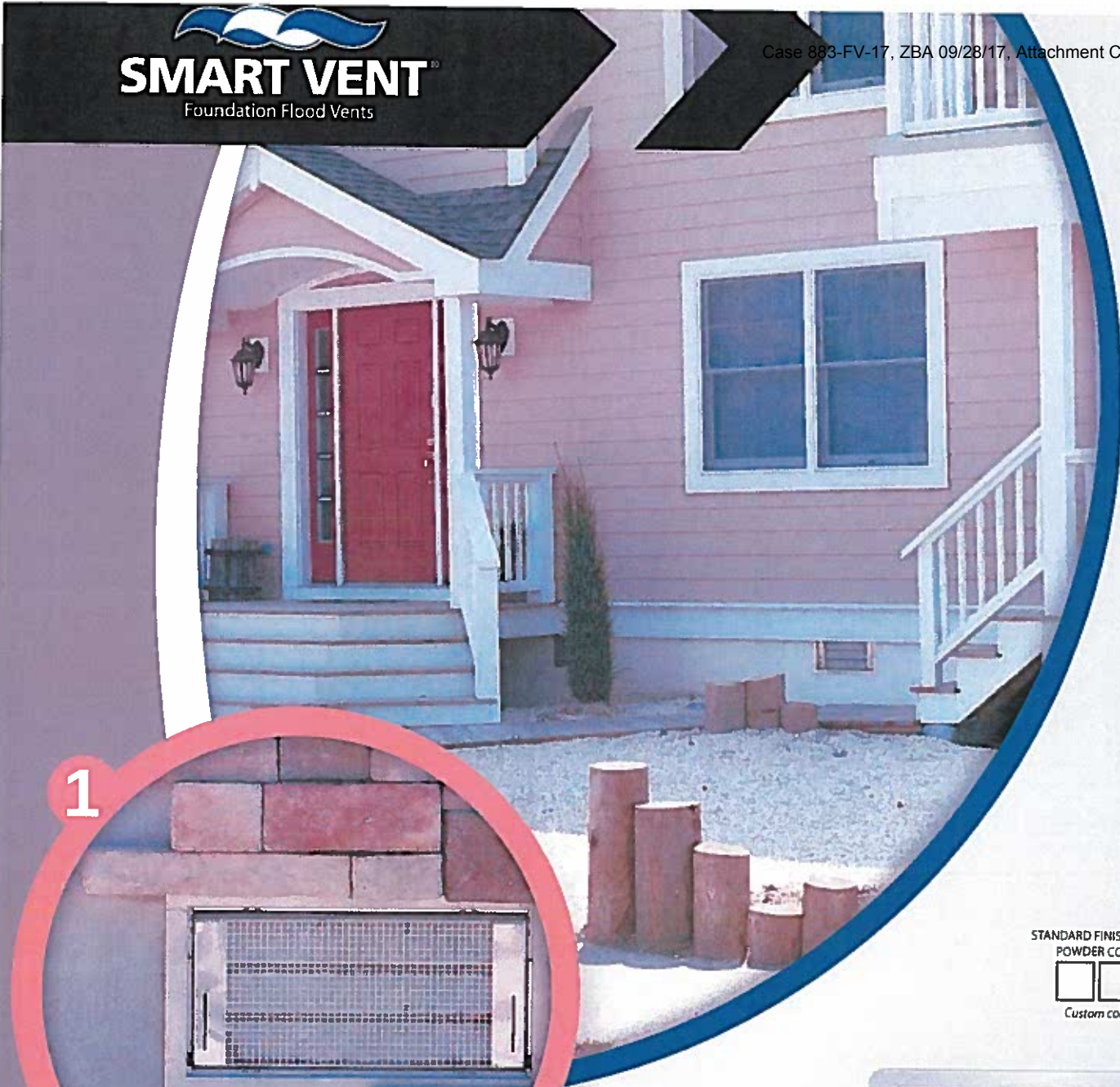
AUG 31 2017

CHAMPAIGN CC P & Z DEPARTMENT

For more information on Flood Protection Solutions, contact:

Smart Vent 430 Andbro Drive, Unit 1 • Pitman, NJ 08071

Website: www.smartvent.com Tel: (877) 441-8368 Email: info@smartvent.com



STANDARD FINISH POWDER COAT WHITE
POWDER COAT PAINT OPTIONS:



Custom colors also available



MODEL NUMBER	FLOOD COVERAGE	AIR VENTILATION	VENT SIZE	ROUGH OPENING
1540-510	200 sq. ft.	51 sq. in.	16" W x 8" H x 3" D	16 $\frac{1}{4}$ in x 8 $\frac{1}{4}$ in
1540-511	400 sq. ft.	102 sq. in.	16" W x 16" H x 3" D	16 $\frac{1}{4}$ in x 16 $\frac{3}{8}$ in



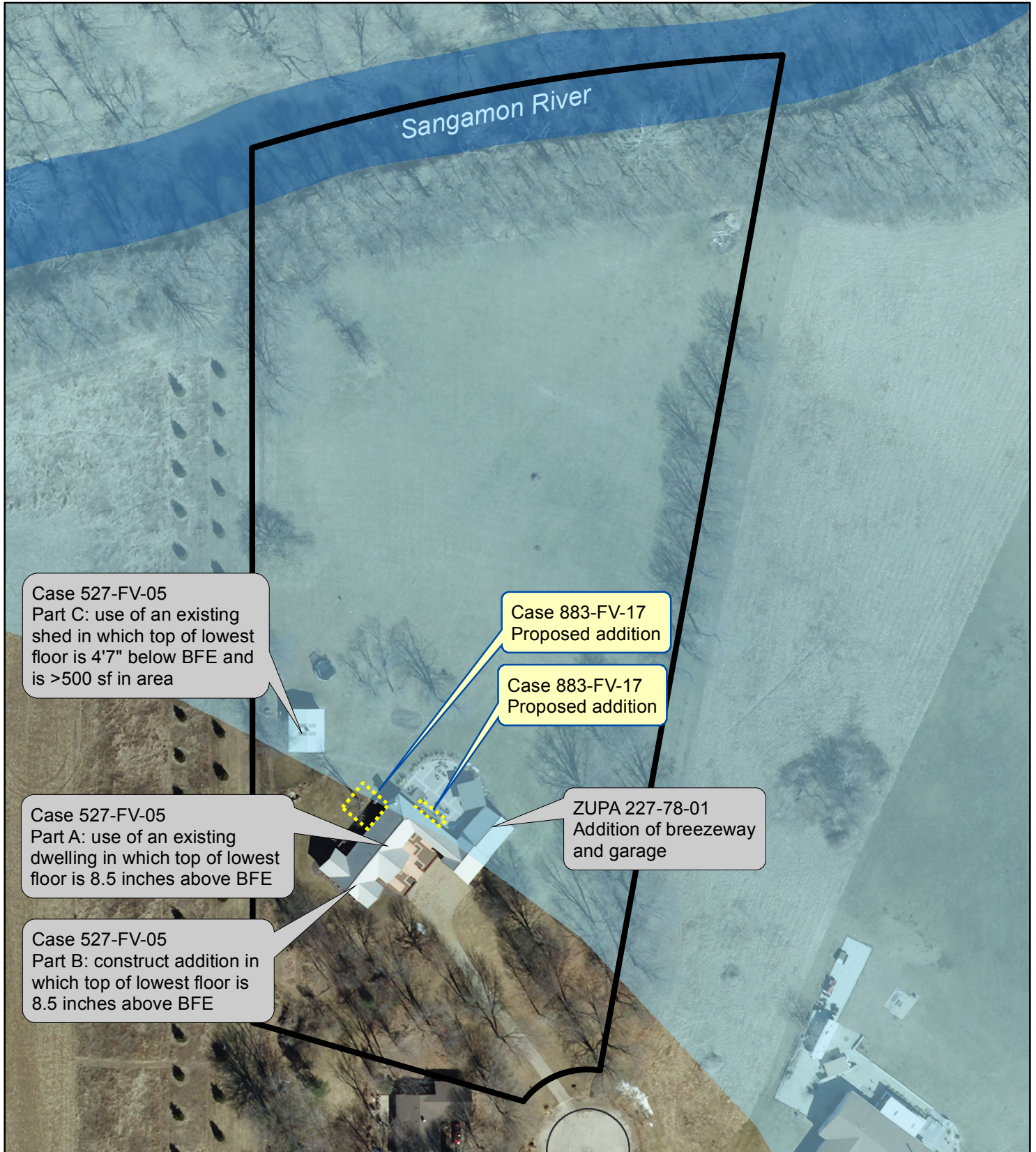
To view other sizing options see Multi-frames

For more information on Flood Protection Solutions, contact:

Smart Vent 480 Andbro Drive Unit 1 • Pitman, NJ 08071
Website www.smartvent.com Tel: (877) 441-8368 Email: info@smartvent.com

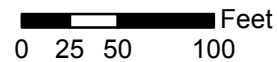
FEMA Special Flood Hazard Area - October 2, 2013

Case 883-FV-17
September 28, 2017



Legend

- Subject Property
- FEMA 2013 Flood Hazard Area
- Sangamon River



Champaign County
Department of
PLANNING &
ZONING

200 1/2" x 28 1/2" x 28 1/2" 200 1/2"

THE MEADOWS' SUBDIVISION

Champaign County, Illinois

OWNER-DEVELOPER
Country Village, Inc.
5 S. S. Parkhill, Jr.
Champaign, Illinois

ENGINEER-DESIGNER
Russell-Phillips and Associates, Inc.
1705 S. Parkhill Ave.
Champaign, Illinois



SMALL DESCRIPTION

The Northwest Quarter of the Southwest Quarter of Section 34, Township 23 North, Range 7 East of the Third Principal Meridian and all of that part of the South One Half of the Southwest Quarter and all that part of the West One Half of the Northwest Quarter of said Section 34 lying South and West and South of the centerline of the Sangamon River so said River flows through said Section 34, situated in Champaign County, Illinois.

LEGEND

- Double line boundary of tract surveyed
- Double line pipe easement set to enclose this survey
- Double line 25 foot building setback line
- Double line boundary of easement for public utilities or drainage
- R Double center of river.
- △ Double center angle of curve.

NOTES

1. All easements are 5 feet off each lot unless otherwise noted.
2. All dimensions are horizontal distances and are between adjacent monuments unless otherwise indicated.
3. Dimensions along curves are arc lengths.
4. All bearings refer to local meridian, the datum for the survey.
5. All side lot lines are aerial to front lot lines unless otherwise indicated.
6. A portion of the described tract lies within 500 feet of a point on a watercourse downstream from a watershed of 500 acres.
7. No portion of the described tract lies within 1/2 mile of any municipality having an adopted master plan.
8. All lot corners except those shown with concrete monuments are marked with 5/8" dia. 6" long iron pipe monuments with base stamped IHS 8 2011.
9. Accuracies: 1" = 100'
10. Shows approximate jurisdiction wet hole terraces. Note of description shown.
11. Double line easement set with 5/8" dia. 6" iron pipe monuments - set stamped I.S.S. No. 2011 at or near 850 elevation U.S.G.S. datum. No construction permitted within 6ft elevation.



CERTIFICATE OF COUNTY SUPERVISORS OF HIGHWAYS

I, John A. P. County Superintendent of Highways of Champaign County, do hereby certify that the attached plat has been examined by me and found to comply with the Highway Department, as set forth in the regulations governing plat of subdivided lands adopted by the Board of Supervisors of Champaign County, Illinois.

Dated this 11 day of June, A.D. 1973.
John A. P.
County Superintendent of Highways

COUNTY PLAT COMMISSIONERS CERTIFICATE

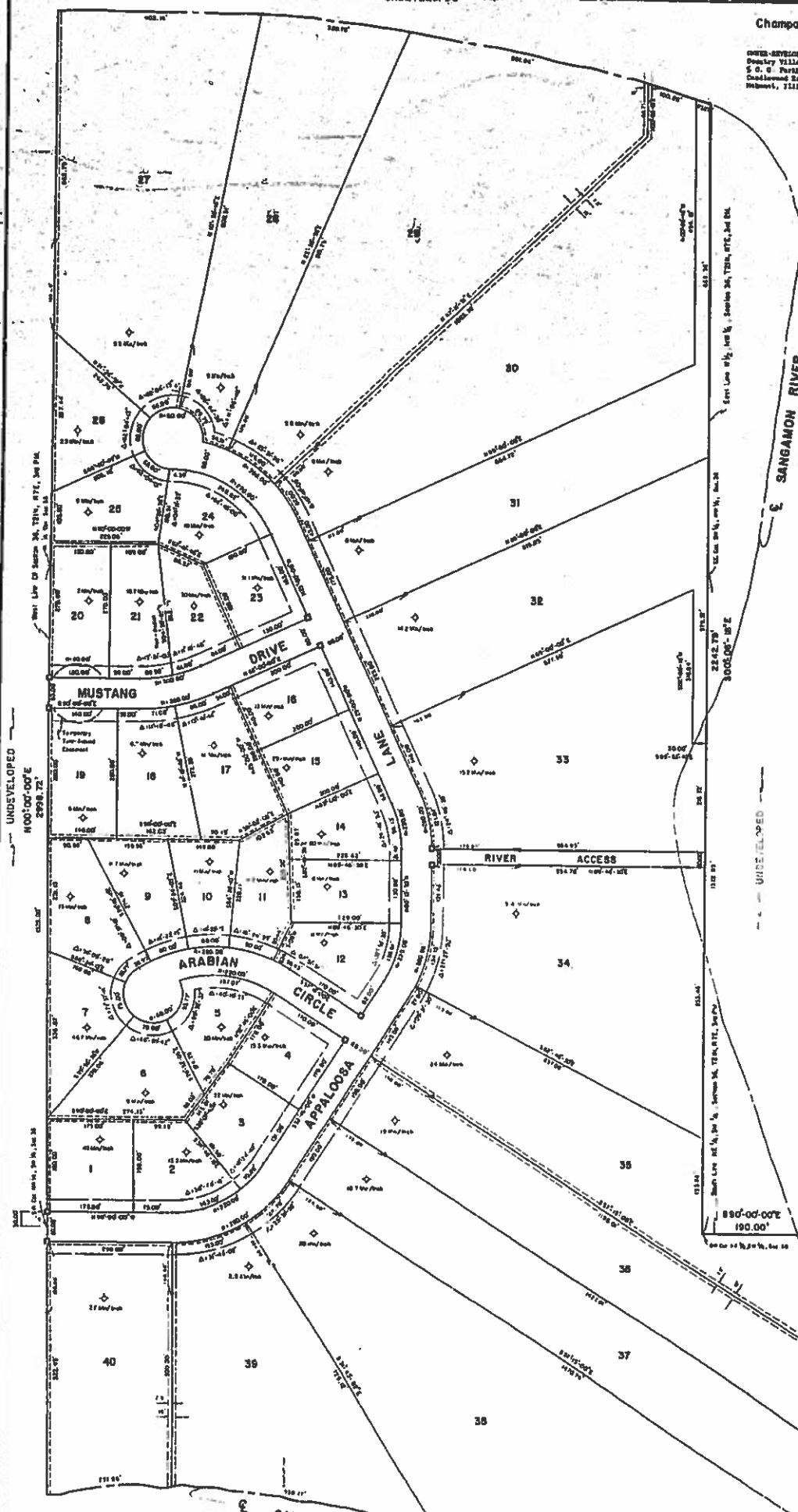
Approved this 20 day of June, A.D. 1973
Champaign County Plat Commission

R. L. Sawchuk
Chairman
Robert
Secretary

William E. Shunk
William E. Shunk
Illinois Land Surveyor No. 5031
Champaign, Illinois
June 7, 1973



73R1747



PRELIMINARY DRAFT

883-FV-17

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

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

Date: { *September 28, 2017* }

Petitioner: Tim Asire

Request: Authorize the following variance from the *Champaign County Special Flood Hazard Areas Ordinance*:

Authorize the construction and use of two additions to a dwelling in which the top of the lowest floor of the addition is 8.5 inches above the Base Flood Elevation instead of 1.0 feet above the Base Flood Elevation.

Table of Contents

General Application Information.....2 - 4
Requested Variance 4
Specific Ordinance Requirements.....4 - 8
Variance Evidence8 - 11
Documents of Record..... 12
Case 883-FV-17 Findings of Fact 13
Case 883-FV-17 Final Determination 14

PRELIMINARY DRAFT

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **September 28, 2017**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is Tim Asire.
2. The subject property is Lot 27 of the Meadows Subdivision in Section 36, Township 21 North, Range 7 East of the Third Principal Meridian in Newcomb Township, commonly known as the residence at 2610 Appaloosa Lane, Mahomet.
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 Village of Mahomet, a municipality with zoning. Municipalities do not have protest rights on a variance and generally are not notified of such cases.
 - B. The subject property is located within Mahomet Township, which has a Plan Commission. Townships with Plan Commissions have protest rights on a variance and are notified of such cases.

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 zoned CR Conservation Recreation, and is residential in use.
 - B. Land to the north and east is zoned CR Conservation Recreation and is residential in use.
 - C. Land to the south is zoned AG-2 and is residential in use.
 - D. Land to the west is zoned CR and is agricultural in use.

GENERALLY REGARDING THE REQUESTED VARIANCE AND THE PROPOSED SITE PLAN

5. Regarding the Site Plan received July 17, 2017:
 - A. The following are existing features on the subject property:
 - (1) One 5,040 square feet home;
 - a. A letter from HDC Engineering dated November 7, 2005 stated that an elevation survey of the existing home had been completed and the lowest finished floor had an elevation of 696.31 feet above Mean Sea Level (MSL).
 - b. The Base Flood Elevation for the Meadows Subdivision is 695.6 MSL as documented on the Preliminary Plat of the Meadows Subdivision received March 27, 1973.
 - (2) One 24 feet by 30 feet barn; and
 - (3) One 16 feet 6 inches by 12 feet 6 inches pergola.

PRELIMINARY DRAFT**Cases 883-FV-17**
Page 3 of 14

- B. Regarding the proposed additions:
- (1) The following sheets were received on July 17, 2017:
 - a. A cross section of the proposed crawlspace under the proposed addition, which indicated the following:
 - (a) The elevation of the finished floor of the addition will be at least 696.31 feet above MSL.
 - (b) Flood vents will be installed above the existing grade.
 - (c) The total height of the crawlspace is four feet, the maximum allowed.
 - b. An aerial view of the subject property, which indicated the following:
 - (a) A 24 feet by 25 feet proposed addition on the northwest side; and
 - (b) A 24 feet by 7 feet proposed addition on the northeast side.
 - (2) The proposed additions total 768 square feet, which is 15.2% of the total floor area of the existing home.
 - (3) The proposed additions will have the same finished floor height of the existing home and the addition that was approved under ZUPA 227-78-01 approved August 24, 1978.
- C. Previous and current permits on the subject property are the following:
- (1) ZUPA 346-77-01 approved on February 16, 1978, was to construct a new single family dwelling with attached garage. A Zoning Compliance Certificate was issued on March 29, 1978.
 - (2) ZUPA 227-78-01 approved August 24, 1978, was to construct a breezeway and attached garage to the existing house. A Zoning Compliance Certificate was issued on December 6, 1978.
 - (3) ZUPA 273-05-04FP approved November 23, 2005, was to construct an addition to the west end of the home, contingent upon approval of zoning Case 527-FV-05, which authorized a set of variances from the Champaign County *Special Flood Hazard Areas Ordinance*. No Zoning Compliance Certificate is on file.
 - (4) Approval of ZUPA 165-17-01FP is contingent upon current zoning Case 883-FV-17.
 - a. The Site Plan received June 14, 2017, indicates a 20 feet 4 inches by 23 feet proposed addition on the northwest side of the existing home.
 - (a) The Site Plan differs from the Site Plan for zoning Case 883-FV-17 received July 17, 2017, in that the proposed addition has increased to 25 feet by 24 feet, and the petitioner has included a second proposed addition of 24 feet by 7 feet on the northeast side of the existing house.

PRELIMINARY DRAFT

- D. There is one previous zoning case on the subject property:
- (1) Zoning Case 527-FV-05 was approved on April 13, 2006, and authorized the following variances from the Champaign County *Special Flood Hazard Areas Ordinance*:
 - a. Authorize the use of an existing dwelling in which the top of the lowest floor is 8.5 inches above the Base Flood Elevation instead of 1.0 feet above the Base Flood Elevation.
 - b. Authorize the construction and use of an addition to a dwelling in which the top of the lowest floor of the addition is 8.5 inches above the Base Flood Elevation instead of 1.0 feet above the Base Flood Elevation.
 - c. Authorize the use of an existing shed in which the top of the lowest floor is 4 feet 7 inches below the Base Flood Elevation instead of 1.0 feet above the Base Flood Elevation and that is 720 square feet in area instead of no more than 500 square feet in area.
- E. The requested variance from the *Champaign County Special Flood Hazard Areas Ordinance* is as follows:
- (1) Authorize the construction and use of two additions to a dwelling in which the top of the lowest floor of the addition is 8.5 inches above the Base Flood Elevation instead of 1.0 feet above the Base Flood Elevation.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

6. *Special Flood Hazard Areas Ordinance* requirements that are directly relevant to this case are the following:
- A. Paragraph 7 B. establishes the following: Residential or non-residential buildings can meet the building protection requirements of paragraph 7.A. by one of the following methods:
 - (1) The building and/ or building related development may be constructed on permanent land fill in accordance with the following:
 - a. The lowest floor (including basement) shall be at or above the flood protection elevation.
 - b. The fill shall be placed in layers no greater than six inches before compaction and should extend at least ten (10) feet beyond the foundation before sloping below the flood protection elevation.
 - c. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure.
 - d. The fill shall be composed of rock or soil and not incorporate debris or refuse material.
 - e. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary storm water management techniques such as swales or basins shall be incorporated.

PRELIMINARY DRAFT**Cases 883-FV-17**

Page 5 of 14

- f. Footings shall be placed on undisturbed earth or a Licensed Illinois Professional Engineer shall certify in writing that the building shall be reasonably safe from flooding.
- (2) The building or building related development may be elevated in accordance with the following:
- a. The building or improvements and/ or building related development shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to flood waters.
 - b. The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters on the property shall be located at or above the flood protection elevation except that water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed.
 - c. If walls are used to elevate the building and/ or building related development, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a licensed professional engineer or by having a minimum of one (1) permanent opening on each wall no more than one (1) foot above grade with a minimum of two (2) openings per enclosed area. The openings shall provide a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding below the base flood elevation. Insect screens may cover flood openings provided that the insect screen does not unduly impede the entry and exit of floodwaters.
 - d. The foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice, and floating debris.
 - e. All structural components below the base flood elevation shall be constructed of materials resistant to flood damage.
 - f. The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space.
 - g. Footings shall be placed on undisturbed earth or a Licensed Illinois Professional Engineer shall certify in writing that the building shall be reasonably safe from flooding.
 - h. In lieu of the above criteria, the design methods to comply with these requirements may be certified by an Illinois Licensed Professional Engineer or Illinois Licensed Architect.

PRELIMINARY DRAFT

- (3) The building and/ or building related development may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:
- a. The building and/or building related development must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - b. Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. There shall be a minimum of one-permanent opening on each wall no more than one (1) foot above grade with a minimum of two (2) openings per enclosed area. The openings shall provide a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding below the base flood elevation. Insect screens may cover flood openings provided that the insect screen does not unduly impede the entry and exit of floodwaters.
 - c. The interior grade of the crawlspace below the flood protection elevation must not be more than two (2) feet below the lowest adjacent exterior grade.
 - d. The interior height of the crawlspace measured from the interior grade of the crawlspace to the top of the foundations wall must not exceed four (4) feet at any point.
 - e. An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event.
 - f. Portions of the building and/or building related development below the base flood elevation must be constructed with materials resistant to flood damage.
 - g. Utility systems within the crawlspace and outside of the crawl space including all electrical, heating, ventilating, plumbing, air conditioning equipment, and utility meters on the property, must be elevated above the flood protection elevation except for the following:
 - (a) Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed.
 - (b) Fuel storage tanks must either be elevated above the flood protection elevation or adequately anchored to prevent flotation following manufacturer's recommendations and protected from flood debris impact.

PRELIMINARY DRAFT**Cases 883-FV-17**

Page 7 of 14

- h. Footings shall be placed on undisturbed earth or a Licensed Illinois Professional Engineer shall certify in writing that the building shall be reasonably safe from flooding.
- B. The following definitions from the *Special Flood Hazard Areas Ordinance* are especially relevant to the requested variance (capitalized words are defined in the Ordinance).
- (1) “Base Flood” is the flood having a one-percent probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in Section 3 of this ordinance.
 - (2) “Base Flood Elevation” (BFE) is the elevation in relation to mean sea level of the crest of the base flood.
 - (3) “Flood” is a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff to surface waters from any source.
 - (4) “Floodplain” and “Special Flood Hazard Areas” are synonymous. Those lands within the jurisdiction of the County that are subject to inundation by the base flood. The floodplains of the County are generally identified on the countywide Flood Insurance Rate Map of Champaign County prepared by the Federal Emergency Management Agency and dated October 2, 2013. Floodplain also includes those areas of known flooding as identified by the community.
 - (5) “Floodplain Development Permit” is a permit required for any development in the floodplain. Zoning Use Permit is not a Floodplain Development Permit.
 - (6) “Floodproofing” is any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.
 - (7) “Flood Protection Elevation” (FPE) is the elevation of the base flood plus one foot of freeboard at any given location in the floodplain.
 - (8) “Floodway” is that portion of the floodplain required to store and convey the base flood. The floodway for the floodplains of Copper Slough, McCullough Creek, Saline branch Ditch, Salt Fork River, Sangamon River, Upper Boneyard Creek and Phinney Branch Ditch shall be as delineated on the countywide Flood Insurance Rate Map of Champaign County prepared by FEMA and dated October 2, 2013. The floodways for each of the remaining floodplains of Champaign County shall be according to the best data available from the Federal, State, or other sources.
 - (9) “Freeboard” is an increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.
 - (10) “IDNR/OWR” is the Illinois Department of Natural Resources/Office of Water Resources.

PRELIMINARY DRAFT

- (11) “Lowest Floor” is the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 7 of this Ordinance.
- C. Subsection 11 C. of the *Special Flood Hazard Areas Ordinance* states that a variance from the terms of the *Champaign County Special Flood Hazard Areas Ordinance* shall not be granted by the Board unless the applicant demonstrates all of the following:
- (1) The development activity cannot be located outside the floodplain.
 - (2) An exceptional hardship would result if the variance were not granted.
 - (3) The relief requested is the minimum necessary.
 - (4) There will be no additional threat to public health or safety or creation of a nuisance.
 - (5) There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.
 - (6) The applicant’s circumstances are unique and do not establish a pattern inconsistent with the National Flood Insurance Program.
 - (7) All other state and federal permits have been obtained.

GENERALLY REGARDING WHETHER THE DEVELOPMENT ACTIVITY COULD BE LOCATED OUTSIDE OF THE FLOODPLAIN

7. Regarding the SFHA Ordinance requirement that the development activity cannot be located outside of the floodplain:
- A. The Petitioner has testified on the application: **“While most of the house is not within the floodplain, part of it is, as is a large portion of the lot and subdivision.”**
 - B. The October 2, 2013 FEMA Special Flood Hazard Area is shown on the “FEMA Special Flood Hazard Area – October 2, 2013” map; while most of the property is within the SFHA, some of the existing home is outside the SFHA. It appears that the proposed addition on the northwest side of the house will be partially inside the SFHA, while the proposed addition to the northeast side of the house will be entirely within the SFHA.

GENERALLY REGARDING WHETHER AN EXCEPTIONAL ECONOMIC HARDSHIP WOULD RESULT IF THE FLOODPLAIN VARIANCE WERE NOT GRANTED

8. Regarding the SFHA Ordinance requirement that an exceptional hardship would result if the floodplain variance were not granted:
- A. The Petitioner has testified on the application: **“The house was built in 1978. We have lived here for 26 years and having to raise the house 3” to be one foot above BFE is not affordable.”**

PRELIMINARY DRAFT**Cases 883-FV-17****Page 9 of 14**

- B. ZUPA 346-77-01 was previously issued to authorize the construction of the existing house on the subject property. The Zoning Administrator rounded off the BFE to 695 feet above Mean Sea Level (MSL) and indicated that elevation to the property owner in a letter dated January 17, 1978. The owner then responded with a letter, dated February 10, 1978, saying that he was raising the house to 696 feet above MSL. Now this leaves the subject property several inches short of the actual FPE.
- C. On April 13, 2006, the ZBA approved Case 527-FV-05 for Mr. Asire on the subject property, which authorized the construction and use of an addition to a dwelling in which the top of the lowest floor of the addition is 8.5 inches above BFE instead of 1 foot above the BFE.

GENERALLY REGARDING WHETHER THE REQUESTED VARIANCE IS THE MINIMUM NECESSARY TO AVOID A SUBSTANTIAL ECONOMIC HARDSHIP

- 9. Generally regarding the SFHA Ordinance requirement that the relief requested is the minimum necessary:
 - A. The Petitioner has testified on the application: **“The request is minimal. We were granted a variance to keep the house as built (3 inches lower than required) and all we are asking is to be able to add on to it at the same height.”**
 - B. Regarding the proposed addition to the existing house: in Case 527-FV-05, the Petitioner expressed that he would like to avoid a 3.5 inch bump between sections of his house, and would like to construct the proposed addition at the same level as the rest of the house.

GENERALLY REGARDING WHETHER THERE WILL BE ANY ADDITIONAL THREAT TO PUBLIC HEALTH AND SAFETY OR CREATION OF A NUISANCE

- 10. Generally regarding the SFHA Ordinance requirement that there will be no additional threat to public health and safety or creation of a nuisance:
 - A. The Petitioner has testified on the application: **“We are simply building at the same height of the current structure.”**

GENERALLY REGARDING WHETHER THERE WILL BE ADDITIONAL PUBLIC EXPENSE

- 11. Regarding the SFHA Ordinance requirement that there be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities:
 - A. The Petitioner has testified on the application: **“Any addition to the house at the same level does not increase the risk of it flooding nor any additional risk to policing, roads, utilities or any other public facilities.”**

GENERALLY REGARDING WHETHER THE CIRCUMSTANCES ARE UNIQUE

- 12. Regarding the SFHA Ordinance requirement that the applicant’s circumstances are unique, and do not establish a pattern inconsistent with the National Flood Insurance Program:
 - A. This is only the 18th flood variance that has been applied for since Champaign County began fulfilling the requirements of the National Flood Insurance Program on January 17, 1984.

PRELIMINARY DRAFT

- B. The last SFHA variance was Case 619-FV-08, recommended for approval by the ZBA on November 13, 2008. There have been approximately 110 variance cases heard since Case 619-FV-08.

GENERALLY REGARDING WHETHER ALL OTHER REQUIRED PERMITS HAVE BEEN OBTAINED

13. Regarding whether all other required state and federal permits have been obtained:
- A. FEMA Technical Bulletin 11-01 establishes standards for crawlspace construction in Special Flood Hazard Areas:
- (1) For all crawlspaces:
 - a. The building must be designed and anchored to resist floatation, collapse, and lateral movement.
 - b. The crawlspace is an enclosed area below the BFE and, as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters.
 - c. Crawlspace construction is not permitted in V zones.
 - d. Portions of the building below the BFE must be constructed with materials resistant to flood damage.
 - e. Any building utility systems within the crawlspace must be elevated above the BFE or designed so floodwaters cannot enter or accumulate within system components during flood conditions.
 - (2) Additional standards apply to below grade crawlspace construction, as follows:
 - a. The interior grade of a crawlspace below the BFE must not be more than 2 feet below the lowest adjacent exterior grade.
 - b. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed 4 feet.
 - c. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace.
 - d. The velocity of floodwaters at this site should not exceed 5 feet per second for any crawlspace.
 - e. Crawlspaces constructed in accordance with the above conditions will not be considered basements.
 - (3) According to the materials included with ZUPA 165-17-01FP, the proposed crawlspace meets all the listed requirements because it will be identical to the crawlspace approved for ZUPA 273-05-04FP.

PRELIMINARY DRAFT

Cases 883-FV-17

Page 11 of 14

- B. The Illinois Department of Natural Resources requires either a Statewide Permit or a general construction permit for construction in the floodways of rivers, lakes, and streams.
 - (1) The Zoning Administrator has determined that the subject property is not located within a floodway, so no IDNR permit is required.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

- 14. Generally regarding and other circumstances which justify the Variance:
 - A. The Petitioner has testified on the application: **“The Board of Appeals has previously established its ‘Finding of Facts’ on 4-13-06 that adding on to this house cannot be located outside of the floodplain; would result in exceptional hardship without a variance; relief requested is the minimum necessary; will not result in any additional threats or nuisance; will not result in additional public expense; circumstances are unique and do not set a pattern inconsistent with the NFIP.”**

DOCUMENTS OF RECORD

1. Application for a variance from the Special Flood Hazard Areas Ordinance received July 17, 2017, with attachments:
 - A Site Plan
 - B Cross section of the proposed crawlspaces

2. Email from Tim Asire received August 31, 2017, with attachment:
 - A Specification sheets for flood vent

3. Preliminary Memorandum for Case 883-FV-17, with attachments:
 - A Case Maps: Location, Land Use and Zoning
 - B Site Plan received July 17, 2017
 - C Email from Tim Asire received August 31, 2017, with attachment: flood vent specs
 - D Map of FEMA Special Flood Hazard Area - October 2, 2013 created by staff on September 12, 2017
 - E Excerpt from the Preliminary Plat of the Meadows subdivision
 - F Draft Summary of Evidence, Finding of Fact and Final Determination dated September 28, 2017

PRELIMINARY DRAFT**Cases 883-FV-17**
Page 13 of 14**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning Case 883-FV-17 held on **September 28, 2017**, the Zoning Board of Appeals of Champaign County finds that:

1. The development activity *{CAN / CANNOT}* be located outside the floodplain because:
2. An exceptional hardship *{WOULD / WOULD NOT}* result if the floodplain variance were not granted because:
3. The relief requested *{IS / IS NOT}* the minimum necessary because:
4. The requested floodplain variance *{WILL / WILL NOT}* result in any additional threat to public health and safety or creation of a nuisance because:
5. The requested floodplain variance *{WILL / WILL NOT}* result in additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities because:
6. The applicant's circumstances *{ARE / ARE NOT}* unique and *{DO / DO NOT}* establish a pattern inconsistent with the National Flood Insurance Program because:
7. All other required state and federal permits *{HAVE / HAVE NOT}* been obtained.

Cases 883-FV-17

PRELIMINARY DRAFT

Page 14 of 14

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 11 C. of the *Special Flood Hazard Areas Ordinance* **{HAVE/ HAVE NOT}** been met, and determines that:

The Floodplain Variance requested in Case 883-FV-17 is hereby **{GRANTED / GRANTED WITH CONDITIONS / DENIED}** to the Petitioner, Tim Asire, to authorize the following variances from the *Champaign County Special Flood Hazard Areas Ordinance*:

Authorize the construction and use of two additions to a dwelling in which the top of the lowest floor of the addition is 8.5 inches above the Base Flood Elevation instead of 1.0 feet above the Base Flood Elevation.

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