

**CASE 940-V-19**  
**PRELIMINARY MEMORANDUM**  
May 23, 2019

**Petitioners:** Eastern Prairie Fire Protection District, via agents Richard Brown and John Bell

**Request:** Authorize the following Variance in the I-2 Heavy Industry Zoning District:

~~Part A: Authorize a variance for an existing, non-conforming joint lot development that has a lot area of 13,100 square feet (0.3 acre) in lieu of the minimum required 20,000 square feet, per Section 5.3 of the Zoning Ordinance. **PART A NOT NEEDED**~~

Part B: Authorize a variance for an existing non-conforming structure with a setback of at least 41 feet from the street centerline of Wilber Avenue with a front yard of at least 3 feet, and a setback of 43 feet from the street centerline of North Fifth Street with a front yard of 1 foot, in lieu of the minimum required 55 feet setback and 25 feet front yard, per Section 5.3 of the Zoning Ordinance.

Part C: Authorize a variance for an existing non-conforming structure with a side yard of 5 feet in lieu of the minimum required 20 feet, per Section 5.3 of the Zoning Ordinance.

Part D: Authorize a variance for an addition to an existing non-conforming structure with a setback of 41 feet from the street centerline of Wilber Avenue with a front yard of 3 feet, in lieu of the minimum required 55 feet setback and 25 feet front yard, per Section 5.3 of the Zoning Ordinance; and

Part E. Authorize a variance for an addition to an existing non-conforming structure with a side yard of 1 foot in lieu of the minimum required 20 feet, per Section 5.3 of the Zoning Ordinance.

Part F. Authorize a variance for an existing non-conforming structure encroaching on the visibility triangle of a corner lot, per Section 4.3.3 F.1. of the Zoning Ordinance.

Part G. Authorize a variance for parking 0 feet from the front lot line on both Wilber Avenue and North Fifth Street, and 0 feet from the rear and side lot lines, in lieu of the minimum distance of 10 feet from any front lot line and 5 feet from any side or rear lot line, per Section 7.4.1 A.3. of the Zoning Ordinance.

**Location:** A 13,100 square feet tract comprised of Lots 1, 2, 11, and 12 of the Wilber Heights Subdivision in the Southeast Quarter of the Southwest Quarter of Section 31, Township 20N Range 9E in Somer Township and commonly known as the Eastern Prairie Fire Protection District Station with an address of 424 Wilber Avenue, Champaign.

**Site Area:** 13,100 square feet (0.3 acre)

**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](mailto:zoningdept@co.champaign.il.us)  
[www.co.champaign.il.us/zoning](http://www.co.champaign.il.us/zoning)

## BACKGROUND

Eastern Prairie Fire Protection District (EPFPD) would like to expand their fire station in order to accommodate newer vehicles, which are taller and longer than their current vehicles. The fire station was built prior to the adoption of the Zoning Ordinance on October 10, 1973. Non-conforming structures are included in the variance request so that the building can be replaced should it ever be destroyed.

The Wilber Heights Subdivision was created in 1924 as a residential subdivision to house employees of Clifford Jacobs Forging Company. The subject property was zoned I-2 Heavy Industry with the adoption of the Zoning Ordinance on October 10, 1973, consistent with the regulation of land use that the City of Champaign had implemented prior. As the Wilber Heights Subdivision transition continues toward Industrial uses, owners are finding that the small lots created for residential purposes approximately 100 years ago are difficult to design for current non-residential needs and/or requirements. Streets in the Wilber Heights subdivision have wide rights-of-way, which creates an additional limitation on how lots can be built upon and used.

The petitioners have researched moving to another location, but have found it to be cost prohibitive.

Note that Variance Part A was determined to be unnecessary, and has been crossed out in the Summary of Evidence dated May 30, 2019.

## EXISTING LAND USE AND ZONING

**Table 1. Land Use and Zoning Summary**

Direction	Land Use	Zoning
Onsite	Fire Station	I-2 Heavy Industry
North	Industrial	I-2 Heavy Industry
West	Industrial	I-2 Heavy Industry
East	Industrial	I-2 Heavy Industry
South	Industrial	I-2 Heavy Industry

## EXTRATERRITORIAL JURISDICTION

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

The subject property is located within Somer Township, which does not have a Plan Commission. Townships without Plan Commissions do not have protest rights on a variance.

## **PROPOSED SPECIAL CONDITIONS**

No special conditions are proposed.

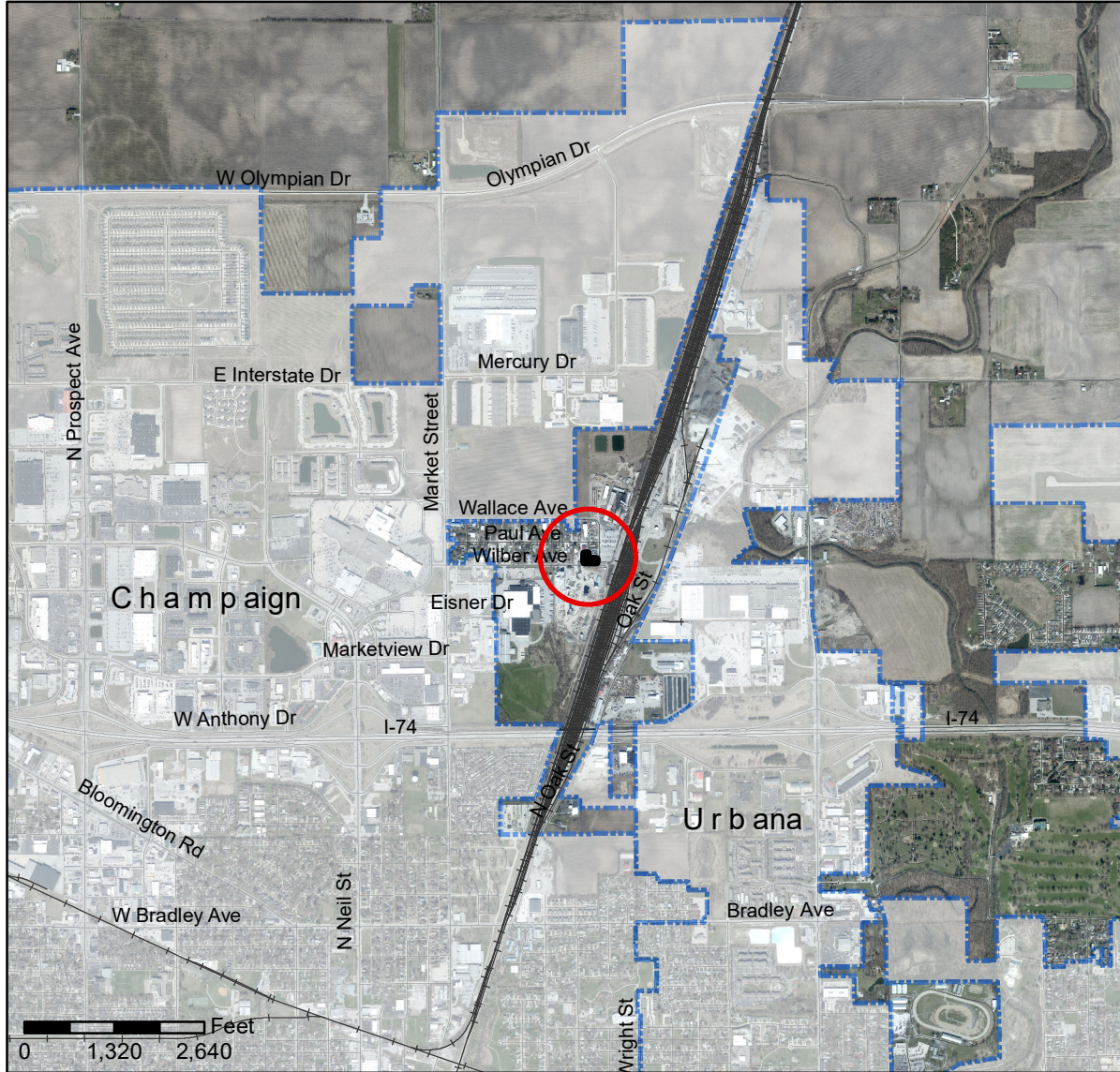
## **ATTACHMENTS**

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received April 22, 2019
- C Variances diagram created by P&Z Staff on May 3, 2019
- D Plat of Wilber Heights Subdivision recorded on October 8, 1924
- E Site photos taken May 10, 2019
- F Draft Summary of Evidence, Finding of Fact, and Final Determination dated May 30, 2019

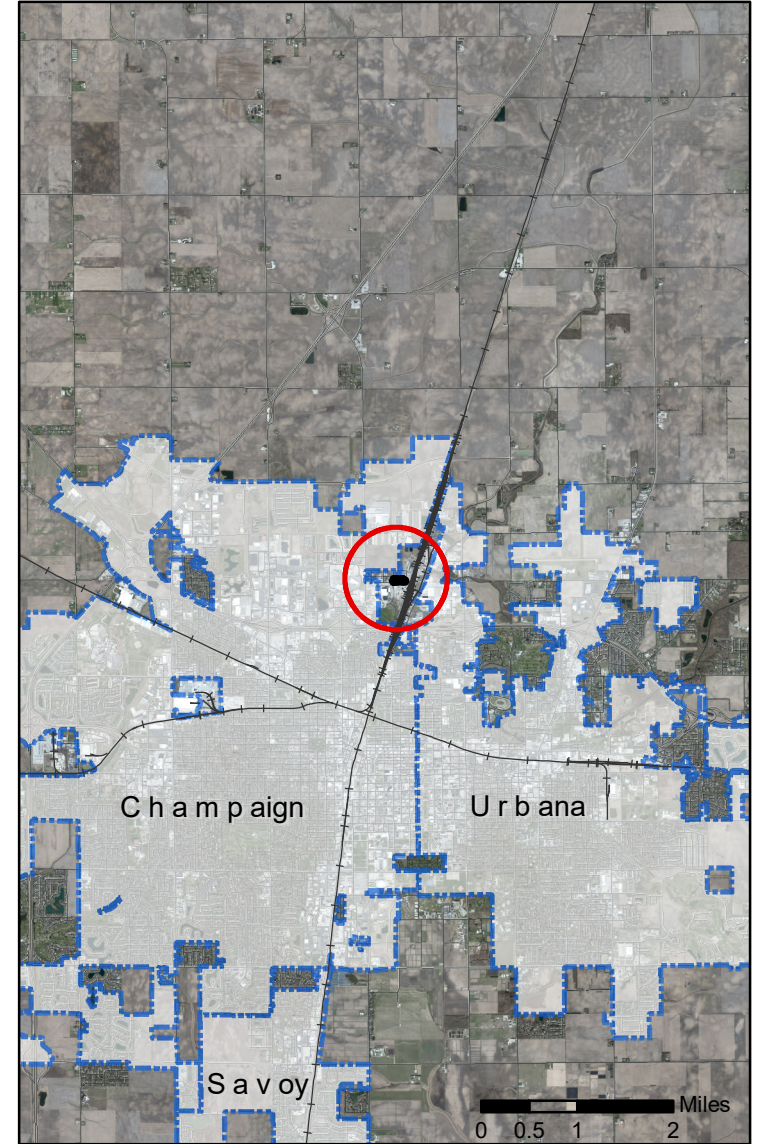
# Location Map

Case 940-V-19  
May 30, 2019




### Subject Property



### Property location in Champaign County



## Legend

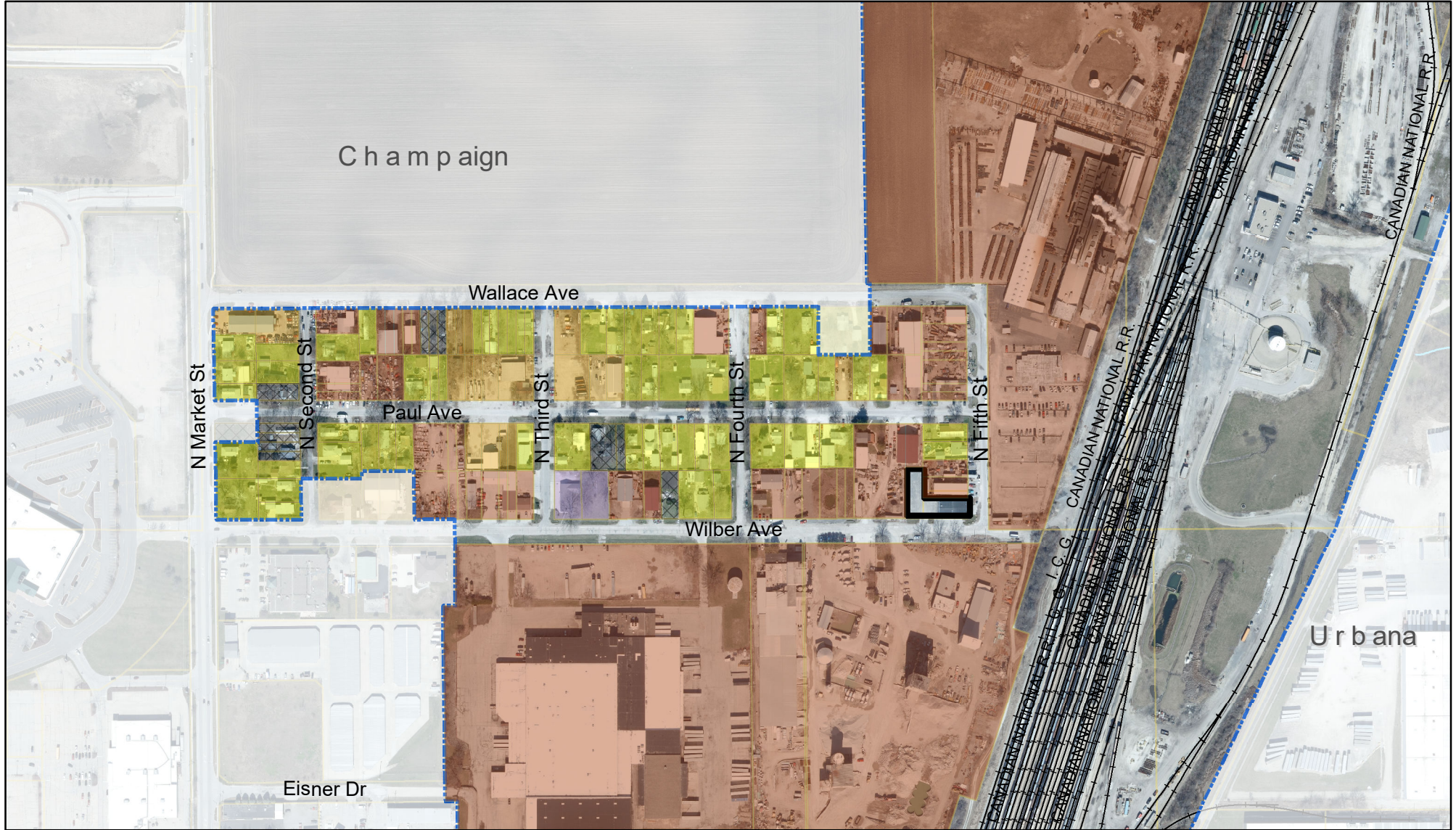
-  Subject Property
-  Municipal Boundary
-  Streets










Champaign County  
Department of  
PLANNING &  
ZONING

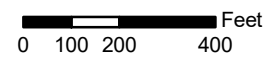
# Land Use Map

Case 940-V-19  
May 30, 2019



## Legend

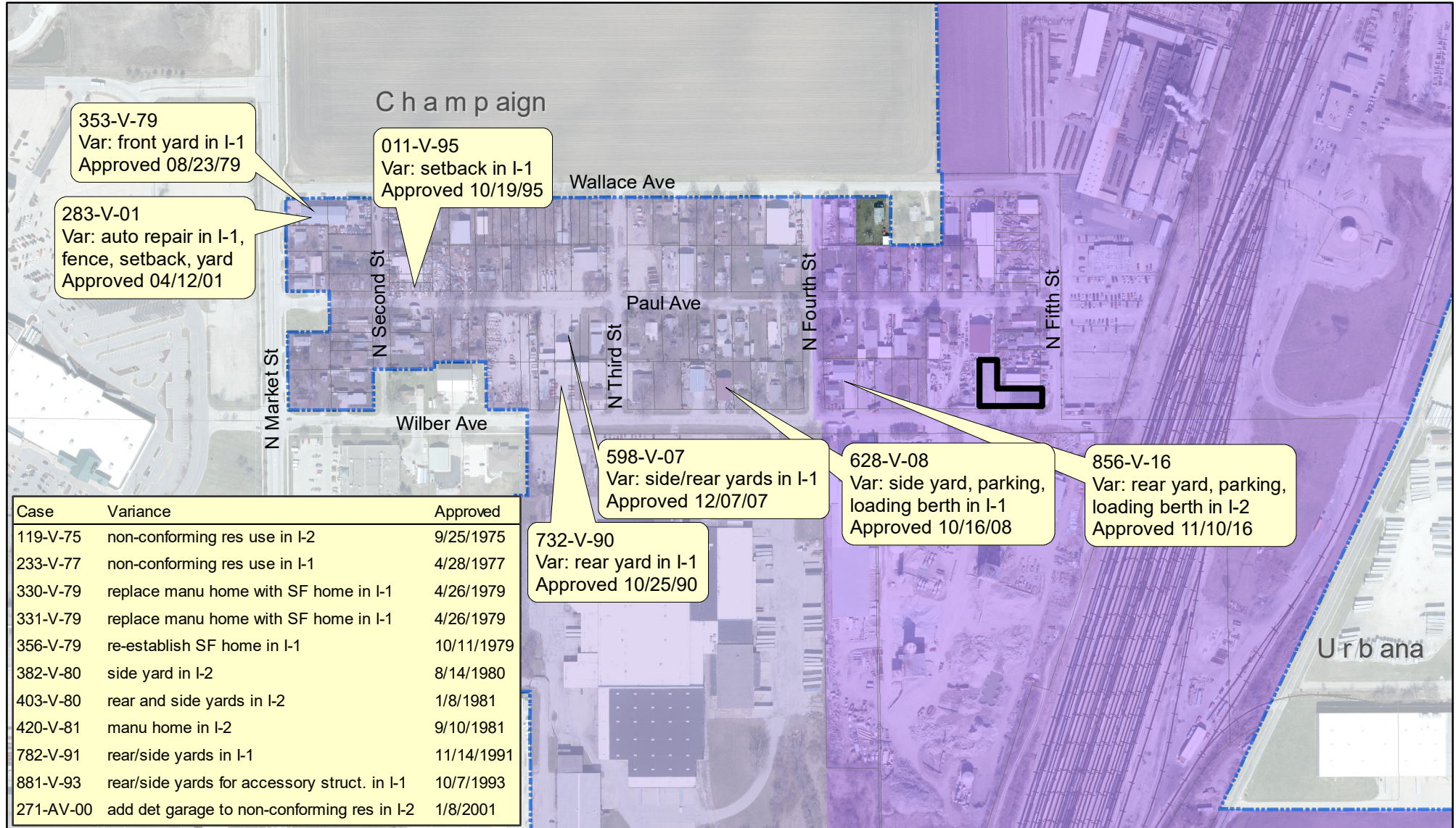
- |   |  |   |  |
|---|--|---|--|
|  Subject Property   |  Industrial |  Residential |  vacant |
|  Municipal Boundary |  Commercial |  Tax Exempt  |  |



# Zoning Map

Case 940-V-19  
May 30, 2019

Zoning cases shown on map only include non-residential variances in Wilber Heights; see table inset for residential variances.



## Legend

- Subject Property
- Municipal Boundary
- I-1 Light Industry
- I-2 Heavy Industry

Champaign County  
Department of  
**PLANNING &  
ZONING**

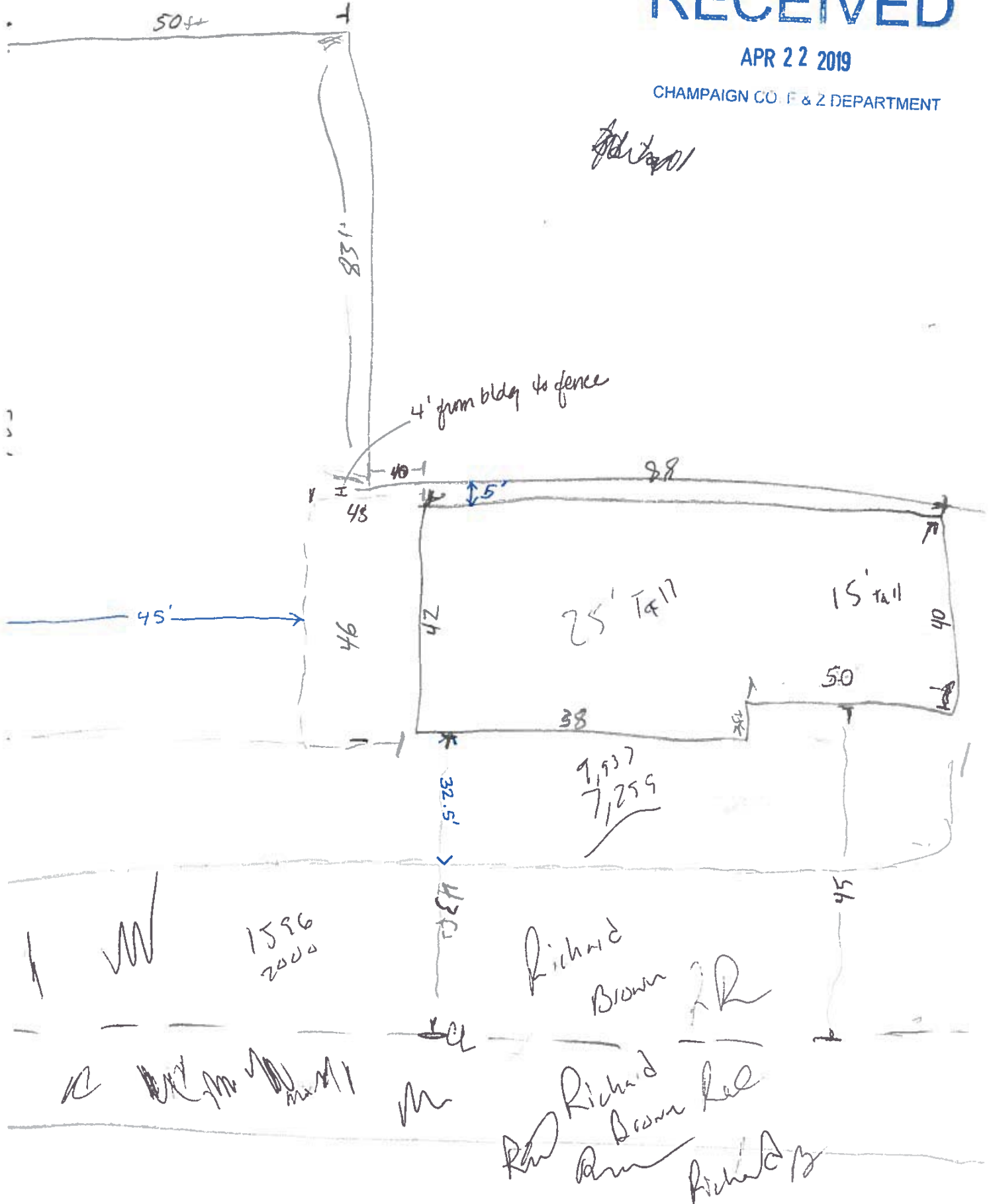
0 100 200 400 Feet

# RECEIVED

APR 22 2019

CHAMPAIGN CO F & Z DEPARTMENT

*[Handwritten signature]*





**Legend**

- Asphalt Patch
- Building Addition
- New Conc. Drive



# Site Layout and Required Variances



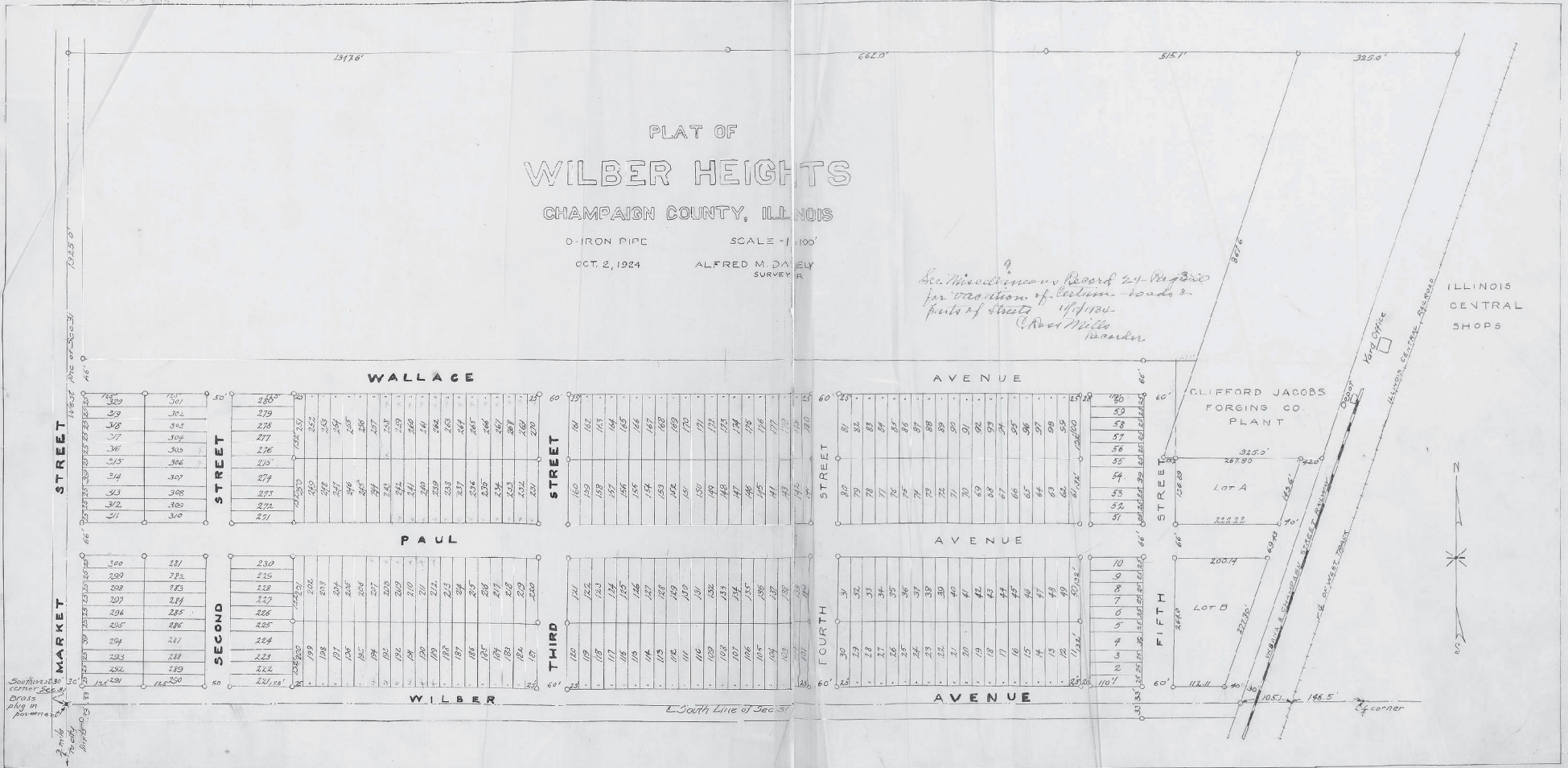
See Book 951 page 399 for vacation of Road & Paul Avenue

# PLAT OF WILBER HEIGHTS

CHAMPAIGN COUNTY, ILLINOIS

D-IRON PIPE SCALE = 1" = 100'  
OCT. 2, 1924 ALFRED M. DALEY  
SURVEYOR

See Miscellaneous Record 24-148320  
for vacation of section roads &  
parts of streets  
Clifford Jacobs  
Boarder



SEE PAGE 316 FOR DESCRIPTION



**Fire Station, from Wilber Avenue facing NE**



**Fire Station parking lot**



**From intersection of Wilber Avenue and North Fifth Street, facing NW**



**From North Fifth Street, facing SW**



**From North Fifth Street facing west, showing distance between fire station and building to the north**



**From north end of fire station parking lot, facing south**



**From west edge of parking lot, facing east**



**From fire station parking lot, facing east**

*PRELIMINARY DRAFT*

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**SUMMARY OF EVIDENCE, FINDING OF FACT  
AND FINAL DETERMINATION**

of

**Champaign County Zoning Board of Appeals**

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

Date: *{May 30, 2019}*

Petitioners: **Eastern Prairie Fire Protection District, via agents Richard Brown and John Bell**

Request: **Authorize the following Variance in the I-2 Heavy Industry Zoning District:**

~~Part A: Authorize a variance for an existing, non-conforming joint lot development that has a lot area of 13,100 square feet (0.3 acre) in lieu of the minimum required 20,000 square feet, per Section 5.3 of the Zoning Ordinance. **PART A NOT NEEDED**~~

**Part B: Authorize a variance for an existing non-conforming structure with a setback of at least 41 feet from the street centerline of Wilber Avenue with a front yard of at least 3 feet, and a setback of 43 feet from the street centerline of North Fifth Street with a front yard of 1 foot, in lieu of the minimum required 55 feet setback and 25 feet front yard, per Section 5.3 of the Zoning Ordinance.**

**Part C: Authorize a variance for an existing non-conforming structure with a side yard of 5 feet in lieu of the minimum required 20 feet, per Section 5.3 of the Zoning Ordinance.**

**Part D: Authorize a variance for an addition to an existing non-conforming structure with a setback of 41 feet from the street centerline of Wilber Avenue with a front yard of 3 feet, in lieu of the minimum required 55 feet setback and 25 feet front yard, per Section 5.3 of the Zoning Ordinance; and**

**Part E. Authorize a variance for an addition to an existing non-conforming structure with a side yard of 1 foot in lieu of the minimum required 20 feet, per Section 5.3 of the Zoning Ordinance.**

**Part F. Authorize a variance for an existing non-conforming structure encroaching on the visibility triangle of a corner lot, per Section 4.3.3 F.1. of the Zoning Ordinance.**

**Part G. Authorize a variance for parking 0 feet from the front lot line on both Wilber Avenue and North Fifth Street, and 0 feet from**

***PRELIMINARY DRAFT***

**the rear and side lot lines, in lieu of the minimum distance of 10 feet from any front lot line and 5 feet from any side or rear lot line, per Section 7.4.1 A.3. of the Zoning Ordinance.**

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**PRELIMINARY DRAFT****Case 940-V-19**  
**Page 3 of 15****SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **May 30, 2019**, the Zoning Board of Appeals of Champaign County finds that:

1. Eastern Prairie Fire Protection District, 424 Wilber Avenue, Champaign, owns the subject property.
  - A. Eastern Prairie FPD Chief Jason Brown and Captain John Bell are the agents for this zoning case.
2. The subject property is a 13,100 square foot tract comprised of Lots 1, 2, 11, and 12 of the Wilber Heights Subdivision in the Southeast Quarter of the Southwest Quarter of Section 31, Township 20N Range 9E in Somer Township and commonly known as the Eastern Prairie Fire Protection District Station with an address of 424 Wilber Avenue, Champaign.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - A. The subject property is located within the one and one-half mile extraterritorial jurisdiction (ETJ) of the City of Champaign, a municipality with zoning. Municipalities with zoning do not have protest rights on a variance case, and are typically not notified of such cases.
  - B. The subject property is located within Somer Township, which does not have a Plan Commission. Townships without Plan Commissions do not have protest rights on a variance.

**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 13,100 square foot joint lot development that is currently zoned I-2 Heavy Industry. Land use is a fire station that was built prior to the adoption of the Zoning Ordinance on October 10, 1973.
    - (1) The subject properties are non-conforming lots of record.
  - B. Land to the north and west of the subject property is zoned I-2 Heavy Industry and is industrial in use.
  - C. Land to the east of the subject property is zoned I-2 Heavy Industry and is a parking lot for Clifford Jacobs Forging to the north.
  - D. Land to the south is zoned I-2 Heavy Industry and is in use by Duce Construction.

**GENERALLY REGARDING THE PROPOSED SITE PLAN**

5. Regarding the site plan for the subject property:
  - A. The Petitioner's Site Plan received April 22, 2019, includes a hand-drawn diagram and a color-coded aerial photo, which indicate the following existing and proposed features:
    - (1) Existing structures include:
      - a. A 3,596 square feet fire station; and
      - b. A parking lot with approximately 24 parking spaces.

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- c. Chief Jason Brown confirmed that the fire station has a septic system located on the east side of the building near the north end of the subject property.
- (2) Proposed features include:
    - a. A 46 feet by 48 feet (2,208 square feet) addition west of the existing station; and
      - (a) The proposed addition will not add sleeping quarters, so no improvements to the septic system are necessary.
    - b. A new concrete drive leading to the addition.
- C. There are no previous Zoning Use Permits for the subject property.
  - D. There are no prior zoning cases for the subject property.
  - E. The required variance is as follows:
    - (1) ~~Part A: Authorize a variance for an existing, non-conforming joint lot development that has a lot area of 13,100 square feet (0.3 acre) in lieu of the minimum required 20,000 square feet, per Section 5.3 of the Zoning Ordinance.~~
    - (2) Part B: Authorize a variance for an existing non-conforming structure with a setback of at least 41 feet from the street centerline of Wilber Avenue with a front yard of at least 3 feet, and a setback of 43 feet from the street centerline of North Fifth Street with a front yard of 1 foot, in lieu of the minimum required 55 feet setback and 25 feet front yard, per Section 5.3 of the Zoning Ordinance.
    - (3) Part C: Authorize a variance for an existing non-conforming structure with a side yard of 5 feet in lieu of the minimum required 20 feet, per Section 5.3 of the Zoning Ordinance.
    - (4) Part D: Authorize a variance for an addition to an existing non-conforming structure with a setback of 41 feet from the street centerline of Wilber Avenue with a front yard of 3 feet, in lieu of the minimum required 55 feet setback and 25 feet front yard, per Section 5.3 of the Zoning Ordinance; and
    - (5) Part E. Authorize a variance for an addition to an existing non-conforming structure with a side yard of 1 foot in lieu of the minimum required 20 feet, per Section 5.3 of the Zoning Ordinance.
    - (6) Part F. Authorize a variance for an existing non-conforming structure encroaching on the visibility triangle of a corner lot, per Section 4.3.3 F.1. of the Zoning Ordinance.
    - (7) Part G. Authorize a variance for parking 0 feet from the front lot line on both Wilber Avenue and North Fifth Street, and 0 feet from the rear and side lot lines, in lieu of the minimum distance of 10 feet from any front lot line and 5

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feet from any side or rear lot line, per Section 7.4.1 A.3. of the Zoning Ordinance.

**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) “AREA, LOT” is the total area within the LOT LINES.
  - (2) “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, animals, and chattels.
  - (3) “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.
  - (4) “FRONTAGE” is that portion of a LOT abutting a STREET or ALLEY.
  - (5) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
  - (6) “LOT, CORNER” is a LOT located:
    - (a) at the junction of and abutting two or more intersecting STREETS; or
    - (b) at the junction of and abutting a STREET and the nearest shoreline or high water line of a storm or floodwater runoff channel or basin; or
    - (c) at and abutting the point of abrupt change of a single STREET where the interior angle is less than 135 degrees and the radius of the STREET is less than 100 feet.
  - (7) “LOT LINE, FRONT” is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.
  - (8) “LOT LINE, REAR” is any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE or to a tangent to the midpoint of the FRONT LOT LINE. In the case of a triangular or gore shaped LOT or where the LOT comes to a point opposite the FRONT LOT LINE it shall mean a line within the LOT 10 feet long and parallel to and at the maximum distance from the FRONT LOT LINE or said tangent.
  - (9) “LOT LINES” are the lines bounding a LOT.
  - (10) “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.

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- (11) “NONCONFORMING PREMISES” is a NONCONFORMING LOT with a NONCONFORMING STRUCTURE located on it.
- (12) “RIGHT-OF-WAY” is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
- (13) “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.
- (14) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (15) “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.
- (16) “VARIANCE” is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or the Zoning BOARD of Appeals are permitted to grant.
- (17) “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.
- (18) “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.
- (19) “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.
- (20) “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.

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- B. The 1-2, Heavy Industry DISTRICT is established to accommodate those manufacturing USES that have moderate environmental effects and are located in areas relatively remote from residential and prime retail development.
- C. Section 7.4 establishes requirements for off-street PARKING SPACES and LOADING BERTHS:
- (1) Section 7.4.1 A. states:
    - a. All off-street PARKING SPACES shall be located on the same LOT or tract of land as the USE served.
    - b. All spaces for the accommodation of an AUTOMOBILE shall total at least 300 square feet including both parking and maneuvering area.
    - c. Location
      - (a) No such space shall be located less than 10 feet from any FRONT LOT LINE.
      - (b) No such space shall be located less than five feet from any side or REAR LOT LINE.
  - (2) Section 7.4.1 B. states that the minimum size of off-street PARKING SPACES shall be at least 9 feet wide by 20 feet long.
  - (3) Section 7.4.1 D. states that off-street PARKING SPACES for Industrial USES shall be provided as follows:
    - a. One space shall be provided for each three employees based upon the maximum number of persons employed during one work period during the day or night, plus one space for each VEHICLE used in the conduct of such USE. A minimum of one additional space shall be designated as a visitor PARKING SPACE.
    - b. All such spaces shall be surfaced with an all-weather dustless material.
- D. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 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.

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- 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. Requirements for non-conforming lots in common ownership are established in Section 8.1.2 of the Zoning Ordinance: “Once two or more contiguous LOTS or combination of LOTS and portions of LOTS which individually do not meet any dimensional, geometric, LOT ACCESS or other standards are brought into common ownership the LOTS involved shall be considered to be a single LOT for the purpose of this ordinance. No portion of said LOT shall be used separately or conveyed to another owner which does not meet all of the dimensional, geometric, LOT ACCESS and other standards established by this ordinance unless a VARIANCE is granted by the BOARD in accordance with Section 9.1.9.”
  - E. Minimum SETBACK from a MINOR STREET in the I-2 Heavy Industry District is established in Section 4.3.2 of the *Zoning Ordinance* as 55 feet.
  - F. Minimum FRONT YARD in the I-2 Heavy Industry District is established in Section 4.3.2 of the *Zoning Ordinance* as 25 feet.
  - G. Minimum SIDE YARD in the I-2 Heavy Industry District is established in Section 5.3 of the *Zoning Ordinance* as 20 feet.
  - H. No encroachment in the visibility triangle is established in Section 4.3.3 F.1. of the *Zoning Ordinance*.
  - I. No parking within 5 feet from any side or rear lot line and within 10 feet of any front lot line is established in Section 7.4.1 A.3. of the *Zoning Ordinance*.

**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, “**Two street frontages, original 1961 building has similar setbacks.**”
  - B. Including variance parts B, C, and F for the existing fire station provides an opportunity to include other dimensional variances so that the property can be brought

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into complete conformance at one time and non-conforming structures could thus be rebuilt if destroyed.

- C. Zoning in the unincorporated area was established on October 10, 1973, and this property was zoned I-2, consistent with the regulation of land use that the City of Champaign had implemented prior. As the transition continues toward Industrial uses, owners are finding that the small lots created for residential purposes approximately 100 years ago are difficult to design for current Industrial use needs and/or requirements.
- (1) Streets in the Wilber Heights subdivision have right of ways which often extend farther into the yards than owners realize; this creates an additional limitation on how lots can be built upon and used.
  - (2) Wilber Avenue has a 66 feet right of way and North Fifth Street has a 60 feet right of way, per the original Plat of Wilber Heights Subdivision recorded on October 8, 1924.
- D. The subject property lots meet the requirements of being non-conforming lots of record per section 8.1.1.

**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: **“Our current building height restricts our ability to maintain advancements with new fire apparatus due to the increased size of new fire apparatus.”**
  - B. There is no other area on the subject property to construct the necessary addition that would reduce the variance request.
  - C. The existing non-conforming fire station that is the subject of variance Parts B, C, and F cannot be reconstructed in this location should they become damaged or destroyed without first obtaining a variance from the Champaign County Zoning Board of Appeals.

**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: **“No.”**
  - B. The fire station was built at this location in 1961.
  - C. Eastern Prairie Fire Protection District has researched moving the fire station, but a move and new construction would be cost prohibitive.

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**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, **“Granting the requested variance will increase the Fire Department’s abilities.”**
  - B. ~~Regarding Part A of the proposed variance, for an existing non-conforming joint lot development with a lot area of 13,100 square feet (0.3 acre) in lieu of the minimum required 20,000 square feet: the lot area is 65.5% of the minimum required, for a variance of 34.5%.~~
  - C. Regarding Part B of the proposed variance, for an existing non-conforming structure with a setback of at least 41 feet from the street centerline of Wilber Avenue with a front yard of at least 3 feet, and a setback of 43 feet from the street centerline of North Fifth Street with a front yard of 1 foot, in lieu of the minimum required 55 feet setback and 25 feet front yard:
    - (1) The setback for Wilber Avenue is 74.5% of the minimum required, for a variance of 25.5%, and the front yard is 12% of the minimum required, for a variance of 88%.
    - (2) The setback for North Fifth Street is 78.2% of the minimum required, for a variance of 21.8%, and the front yard is 4% of the minimum required, for a variance of 96%.
  - D. Regarding Part C of the proposed variance, for an existing non-conforming structure with a side yard of 5 feet in lieu of 20 feet: the side yard is 25% of the minimum required, for a variance of 75%.
  - E. Regarding Part D of the proposed variance, for an addition to an existing non-conforming structure with a setback of 41 feet from the street centerline of Wilber Avenue with a front yard of 3 feet, in lieu of the minimum required 55 feet setback and 25 feet front yard: is 74.5% of the minimum required, for a variance of 25.5%, and the front yard is 12% of the minimum required, for a variance of 88%.
  - F. Regarding Part E of the proposed variance, for an addition to an existing non-conforming structure with a side yard of 1 foot in lieu of 20 feet: the side yard is 4% of the minimum required, for a variance of 96%.
  - G. Regarding Part F of the proposed variance, for an existing non-conforming structure encroaching on the visibility triangle of a corner lot: the building leaves approximately 24% of the visibility triangle unimpeded, for a variance of 76%.
  - H. Regarding Part G of the proposed variance, for parking 0 feet from the front lot line on both Wilber Avenue and North Fifth Street, and 0 feet from the rear and side lot lines, in lieu of the minimum distance of 10 feet from any front lot line and 5 feet from any side or rear lot line: the variance for each is 100%.



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- I. Regarding the proposed variance parts for yard dimensions:
- (1) Besides the importance of accommodating onsite wastewater treatment and disposal as part of the basis for the minimum yard requirement, other considerations are as follows:
    - a. Adequate light and air: The subject property does not exceed maximum lot coverage, so there is presumably no significant concern.
    - b. Separation of structures to prevent conflagration: The subject property is a fire station.
    - c. Aesthetics may also play a part in the minimum lot area and yard requirements.
- J. Regarding the proposed variance for setback from the street centerline: the Zoning Ordinance does not clearly state the considerations that underlie the minimum setback requirements. Presumably, the setback from street centerline is intended to ensure the following:
- (1) Adequate separation from roads: streets in the Wilber Heights subdivision have right of ways that are much wider than typical subdivisions. Owners and tenants almost universally encroach upon the right-of ways in this area, and the fire station is no exception.
  - (2) Allow adequate area for road expansion and right-of-way acquisition: there are no known plans to widen streets adjacent to the fire station.
  - (3) Parking, where applicable: the fire station has over 20 off-street parking spaces.
- K. Regarding the proposed variance for parking close to the property line: the Zoning Ordinance does not clearly state the considerations that underlie prohibiting parking within 10 feet of the front property line. Presumably the parking regulation is intended to ensure the following:
- (1) Safer access to and from the property for both road users and clients; and
  - (2) Adequate room for infrastructure maintenance and expansion.
  - (3) For the purposes of calculating minimum number of required parking spaces for the fire station, the Zoning Administrator determined that 1 parking space would be required for each first responder of the fire station, and 1 parking space would be required for every 200 square feet of the second floor of the fire station.
    - a. For the 12 members of the Eastern Prairie FPD, 4 parking spaces are required.
    - b. For the 1,596 square feet second floor, 8 parking spaces are required.
    - c. With the proposed expansion, there is room for at least 12 off-street parking spaces on the subject property.

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- L Regarding the proposed variance for the visibility triangle, presumably the visibility triangle requirements are to ensure that there is a sufficient sight line for roadway users to safely travel the intersection.
  - (1) The original subdivision design featured wide right-of-ways and narrow lot sizes, resulting in a visibility triangle that covers a larger part of the lot than a newer subdivision would.

**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, **“The new construction will better the drainage in front of the fire station and access to the fire station.”**
  - B. The Somer Township Road Commissioner has been notified of this variance but no comments have been received.
  - C. The nearest structure on adjacent property is a shed that is approximately 20 feet north of the existing fire station.

**GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE**

- 12. Generally regarding and other circumstances which justify the Variance, the Petitioner has testified on the application, **“We need to replace our 1998 fire engine, the new fire engines are taller than our current bay doors can accept.”**

**GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL**

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

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**DOCUMENTS OF RECORD**

1. Variance Application received April 22, 2019, with attachments:
  - A Site Plan (2 sheets)
2. Variances diagram created by P&Z Staff on May 3, 2019
3. Plat of Wilber Heights Subdivision recorded on October 8, 1924
4. Preliminary Memorandum dated May 23, 2019, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Site Plan received April 22, 2019
  - C Variances diagram created by P&Z Staff on May 3, 2019
  - D Plat of Wilber Heights Subdivision recorded on October 8, 1924
  - E Site photos taken May 10, 2019
  - F Draft Summary of Evidence, Finding of Fact, and Final Determination dated May 30, 2019

**PRELIMINARY DRAFT**

**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **940-V-19** held on **May 30, 2019**, 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;}**

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**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 **940-V-19** is hereby *{GRANTED / GRANTED WITH CONDITIONS/ DENIED}* to the petitioners, **Eastern Prairie Fire Protection District, via agents Richard Brown and John Bell**, to authorize the following variance in the I-2 Heavy Industry Zoning District:

- Part B: Authorize a variance for an existing non-conforming structure with a setback of at least 41 feet from the street centerline of Wilber Avenue with a front yard of at least 3 feet, and a setback of 43 feet from the street centerline of North Fifth Street with a front yard of 1 foot, in lieu of the minimum required 55 feet setback and 25 feet front yard, per Section 5.3 of the Zoning Ordinance.
- Part C: Authorize a variance for an existing non-conforming structure with a side yard of 5 feet in lieu of the minimum required 20 feet, per Section 5.3 of the Zoning Ordinance.
- Part D: Authorize a variance for an addition to an existing non-conforming structure with a setback of 41 feet from the street centerline of Wilber Avenue with a front yard of 3 feet, in lieu of the minimum required 55 feet setback and 25 feet front yard, per Section 5.3 of the Zoning Ordinance; and
- Part E. Authorize a variance for an addition to an existing non-conforming structure with a side yard of 1 foot in lieu of the minimum required 20 feet, per Section 5.3 of the Zoning Ordinance.
- Part F. Authorize a variance for an existing non-conforming structure encroaching on the visibility triangle of a corner lot, per Section 4.3.3 F.1. of the Zoning Ordinance.
- Part G. Authorize a variance for parking 0 feet from the front lot line on both Wilber Avenue and North Fifth Street, and 0 feet from the rear and side lot lines, in lieu of the minimum distance of 10 feet from any front lot line and 5 feet from any side or rear lot line, per Section 7.4.1 A.3. of the Zoning Ordinance.

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

SIGNED:

ATTEST:

Ryan Elwell, Chair  
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date