

CASE NO. 955-FV-19

PRELIMINARY MEMORANDUM

August 22, 2019

Petitioner: **Brad & Simone Ribbe**

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

Authorize the construction and use of a shed in the Special Flood Hazard Area for which the earthen fill extends only 3 feet beyond the foundation before sloping below the Base Flood Elevation in lieu of the minimum required extension of fill for 10 feet beyond the foundation before sloping below the Base Flood Elevation.

Subject Property: **A three acre tract in the Southeast Quarter of the Southeast Quarter of Section 15, Township 20 North, Range 10 East of the Third Principal Meridian in Stanton Township, commonly known as the farmstead at 2176 CR 2100N, St. Joseph.**

Site Area: **3 acres**

Time Schedule for Development: **As soon as possible**

Prepared by: **Susan Burgstrom**
Senior Planner

John Hall
Zoning Administrator

BACKGROUND

Brad and Simone Ribbe request a variance from the *Champaign County Special Flood Hazard Areas Ordinance (SFHA Ordinance)* so that they can construct an agricultural equipment and livestock shed. The petitioners have placed fill on the property so that the shed will be located approximately 4 feet from the east property line.

An agricultural building is exempt from the *Champaign County Zoning Ordinance*, but must comply with the *SFHA Ordinance*. The SFHA Ordinance requires that non-residential buildings meet building protection requirements by completing one of the methods listed under Section 7.B. The petitioners have placed fill on the property for the shed, but the fill does not “extend at least 10 feet beyond the foundation before sloping below the flood protection elevation” as required by paragraph 7.B.1.b., and thus requires a variance. See the related section below for compliance information.

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 not within the one and one-half mile extraterritorial jurisdiction (ETJ) of 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 Stanton 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	AG-1 Agriculture
North	Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
West	Agriculture	AG-1 Agriculture

COMPLIANCE WITH THE *SFHA ORDINANCE*

It would appear from the petitioners' submittals that the proposed shed is compliant with the *SFHA Ordinance*, other than having less than 10 feet of fill on the east side of the foundation:

7.B.1: The building and/ or building related development may be constructed on permanent land fill in accordance with the following:	
7.B.1.a.: The lowest floor (including basement) shall be at or above the flood protection elevation.	COMPLIANT AS PROPOSED. BFE is 673.3 msl per 2007 survey. FPE is 674.3 msl. The Petitioner provided elevations of the top of the clay pad for the shed, and the lowest proposed point is at 673.9 msl. The petitioner has stated: "after building is complete, will regrade to 674.3 then add ± 4" of recycled gravel" It is the understanding of P&Z Staff that the top of the recycled gravel will be the equivalent of the lowest finished floor elevation.
7.B.1.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.	VARIANCE REQUIRED. Petitioner stated that elevation has been lifted about a foot on one side and 18 inches on the other. East property line is only 4 feet from building.
7.B.1.c.: The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure.	COMPLIANT AS PROPOSED. ± 5 inches of recycled gravel will be placed after building.
7.B.1.d.: The fill shall be composed of rock or soil and not incorporate debris or refuse material.	COMPLIANT AS PROPOSED. 190 cubic yards of clay fill has been placed for building.

7.B.1.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.	TO BE VERIFIED during floodplain development and zoning use permit approval process; special conditions may be imposed as part of approval.
7.B.1.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.	TO BE VERIFIED during floodplain development and zoning use permit approval process; special conditions may be imposed as part of approval.

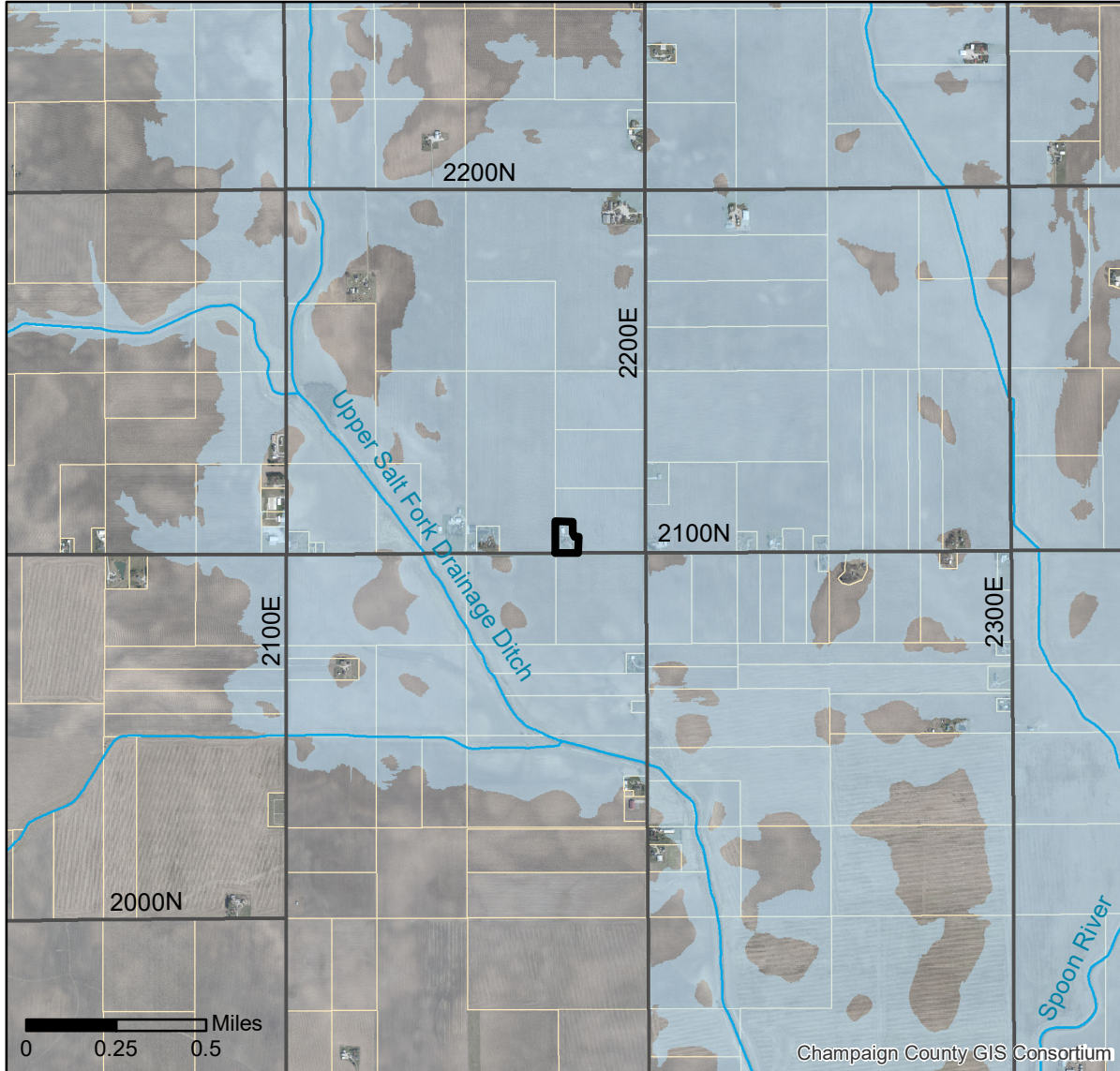
ATTACHMENTS

- A Case Maps: Location, Land Use and Zoning
- B Site Plan received July 23, 2019
- C Elevation survey by F. Wayne Ward dated October 12, 2007 and received July 23, 2019
- D Annotated Aerial created by P&Z Staff on August 19, 2019
- E FEMA Letter of Map Amendment dated January 15, 2008 and received January 22, 2008
- F Draft Summary of Evidence, Finding of Fact and Final Determination dated August 29, 2019

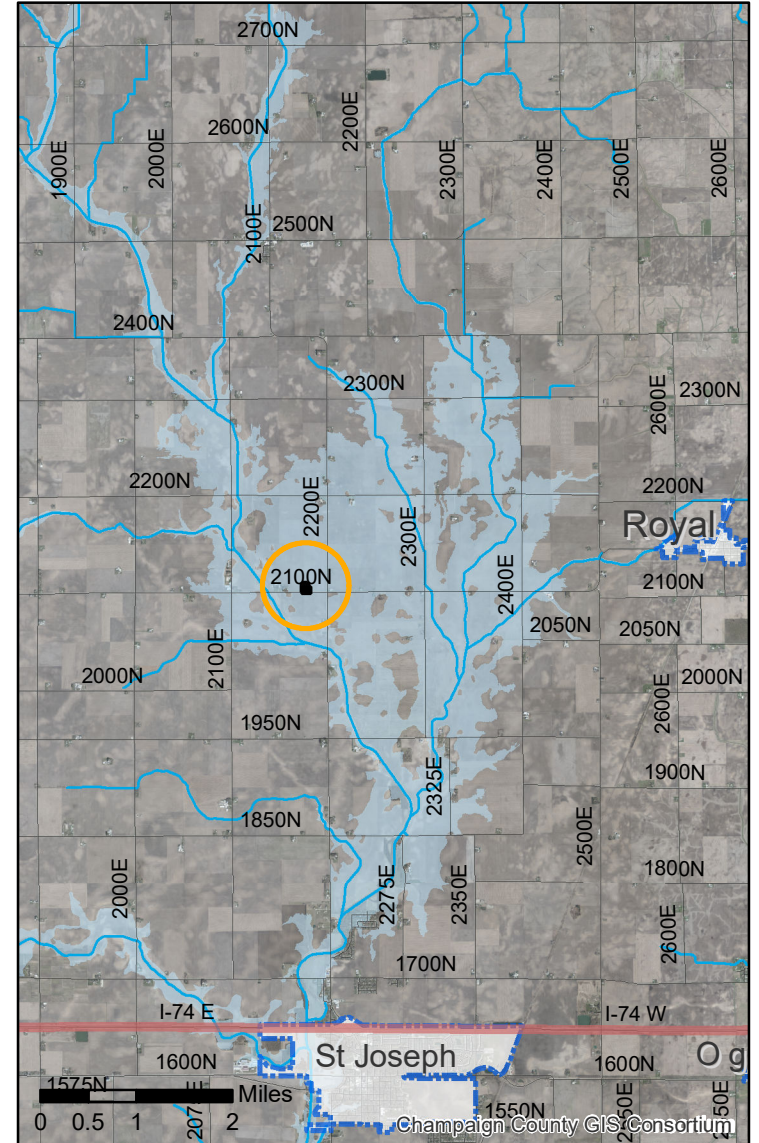
Location Map

Case 955-FV-19
August 29, 2019

Subject Property



Property location in Champaign County



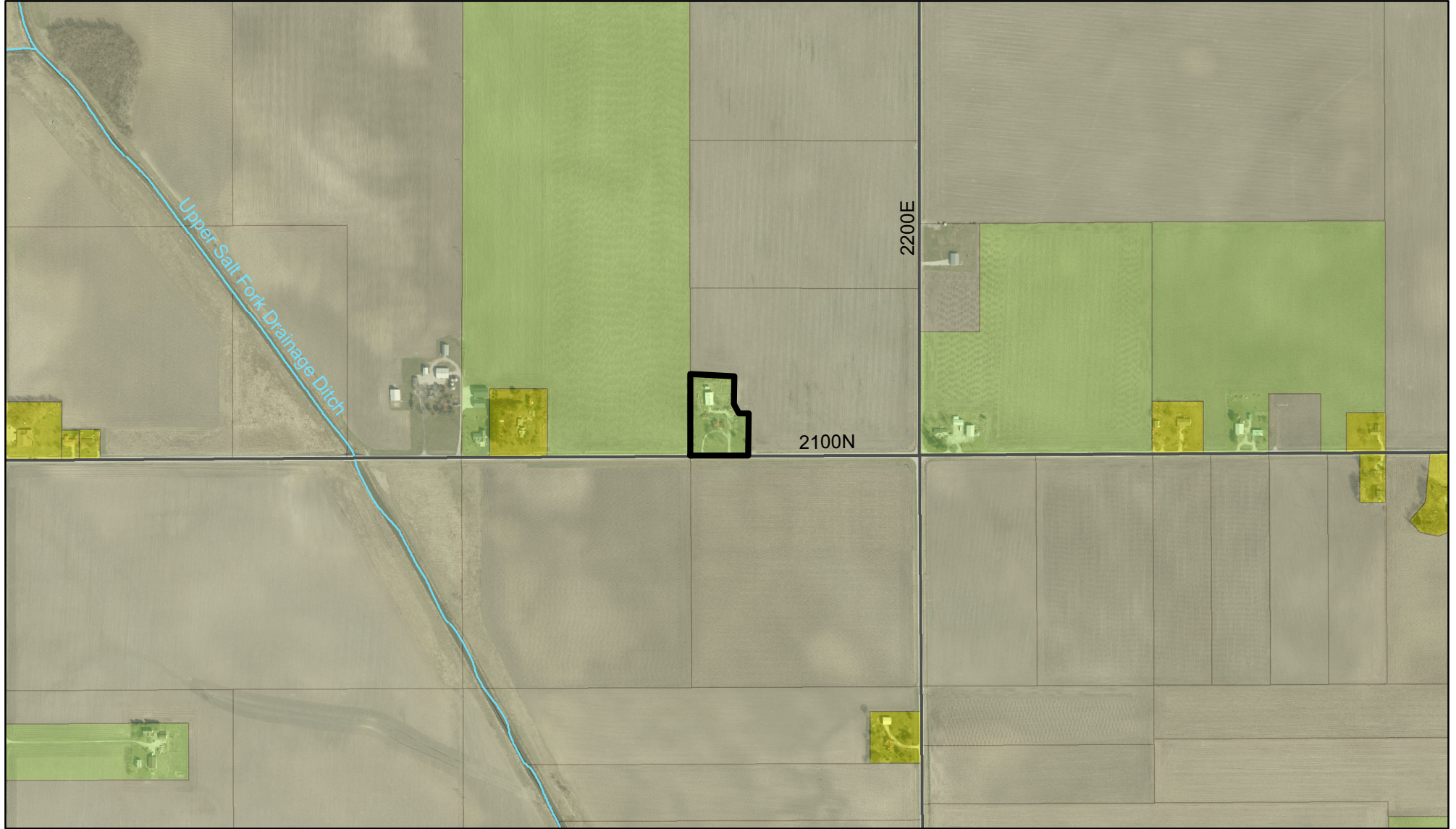
Legend

-  Subject Property
-  Parcels
-  Municipal Boundary
-  Flood Hazard Area
-  Streams
-  Streets










Land Use Map

Case 955-FV-19
August 29, 2019



Legend

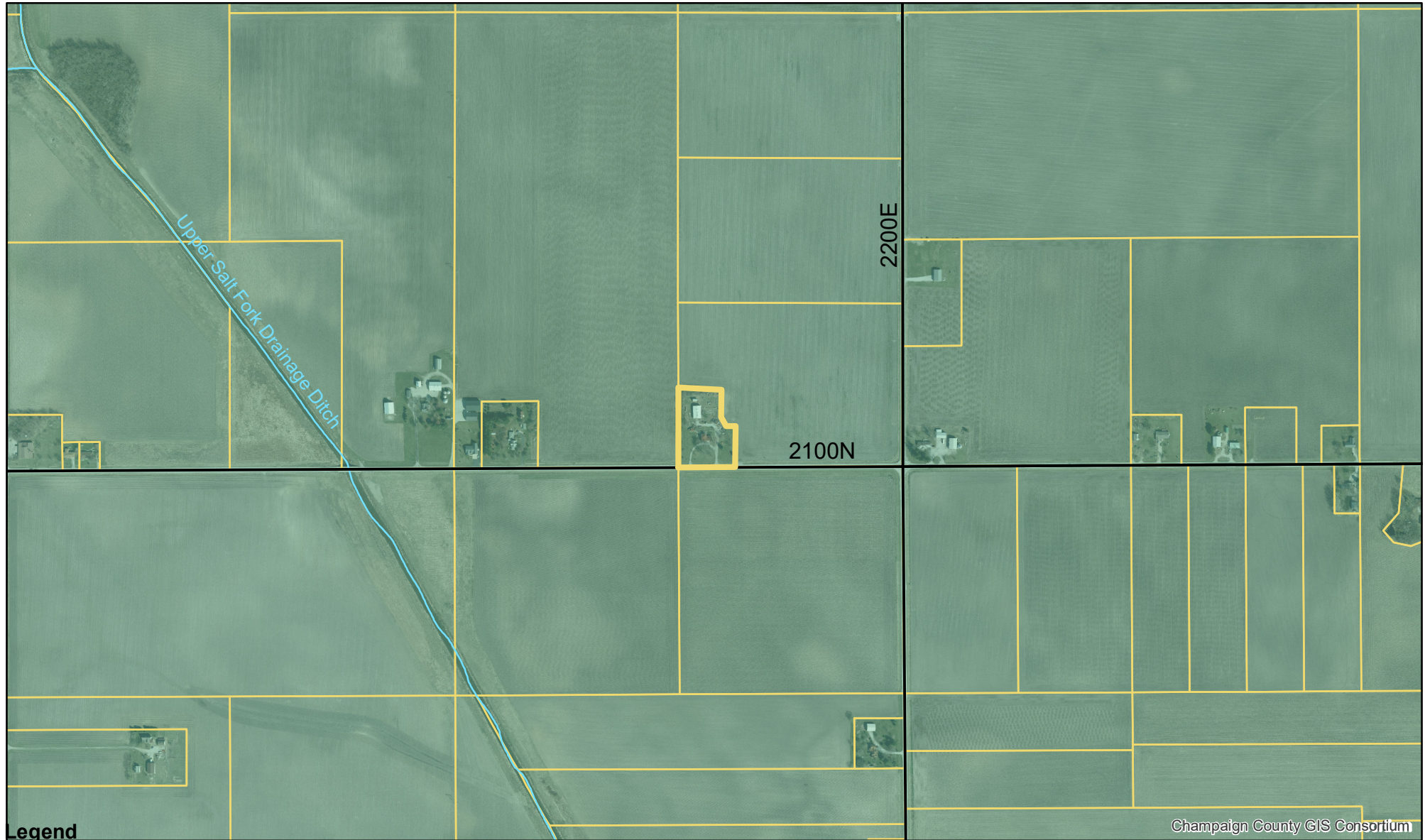
-  Subject Property
-  Municipal Boundary
-  Streets
-  Streams
-  Agriculture
-  Ag-Residential
-  Residential

0 200 400 800 Feet







Zoning Map

Case 955-FV-19
August 29, 2019




Legend

-  Subject Property
-  AG-1
-  Streams
-  Parcels

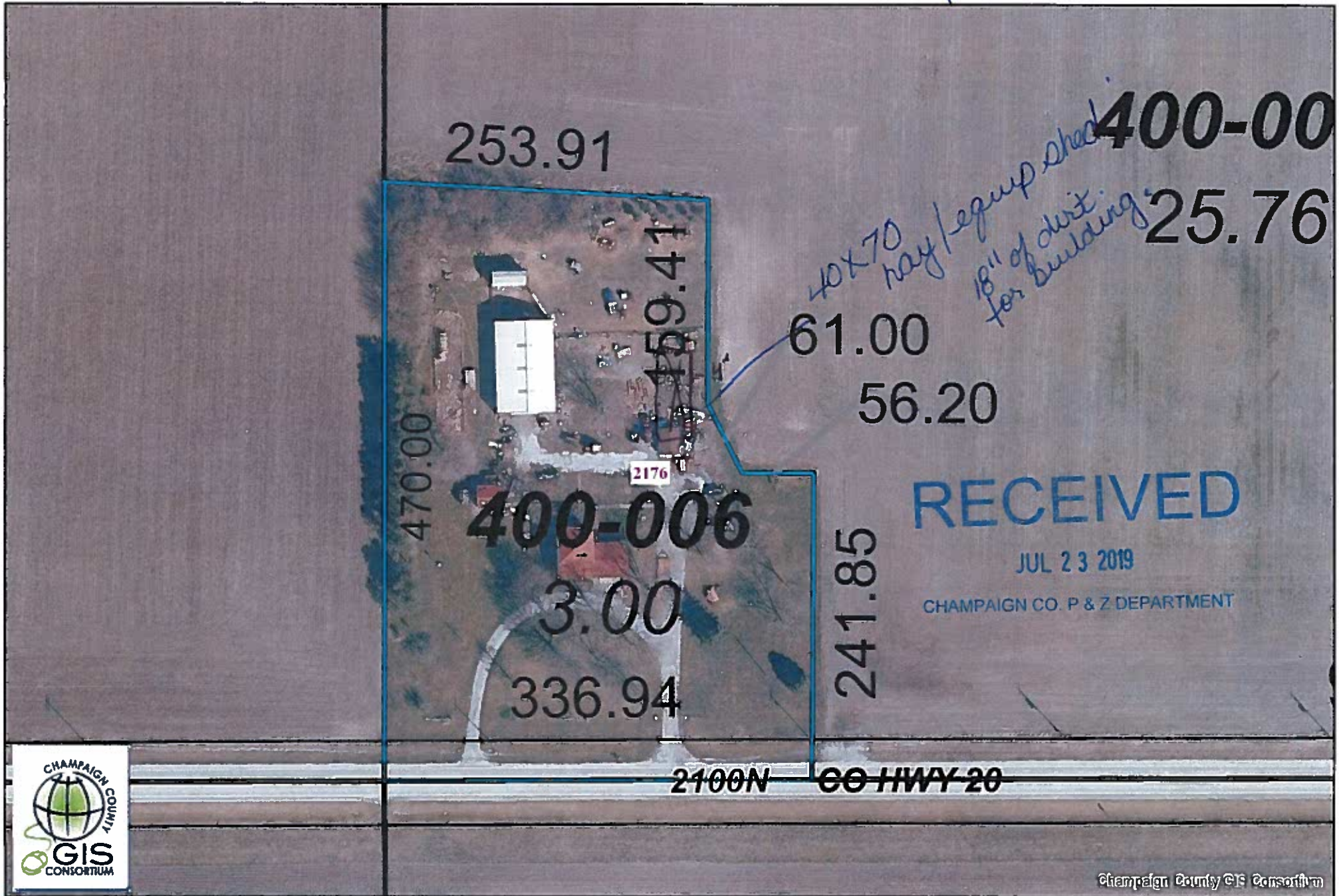
Champaign County GIS Consortium

0 200 400 800 Feet



Champaign County
Department of
PLANNING &
ZONING

*312
7-23-19*



70

Feet

This map was prepared with geographic information system (GIS) data created by the Champaign County GIS Consortium (CCGIS), or other CCGIS member agency. These entities do not warrant or guarantee the accuracy or suitability of GIS data for any purpose. The GIS data within this map is intended to be used as a general index to spatial information and not intended for detailed, site-specific analysis or resolution of legal matters. Users assume all risk arising from the use or misuse of this map and information contained herein. The use of this map constitutes acknowledgement of this disclaimer.

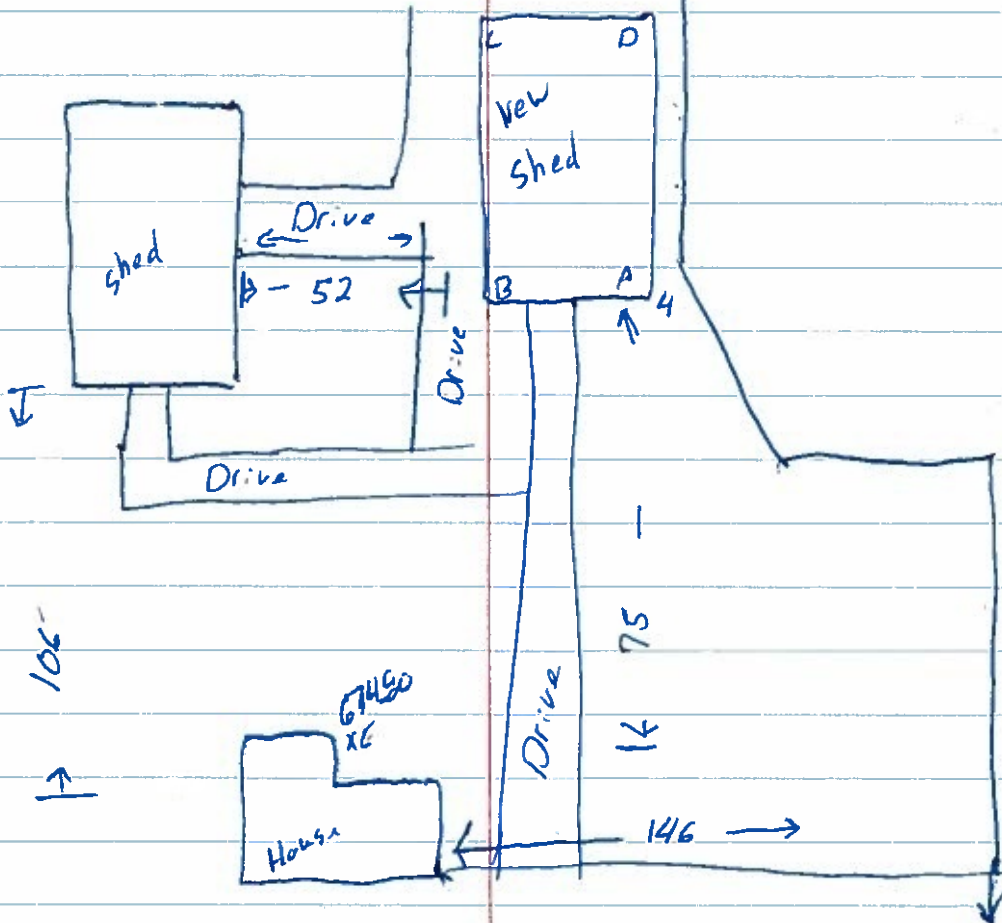
Champaign County GIS Consortium



RECEIVED

JUL 23 2019

CHAMPAIGN CO. P & Z DEPARTMENT



A 673.90

B 674.02

C 674.21

D 673.95

Elevation are on Clay Pad.

after Building is complete

will regrade to 674.30 then add +/- 4" of recycle C&G.

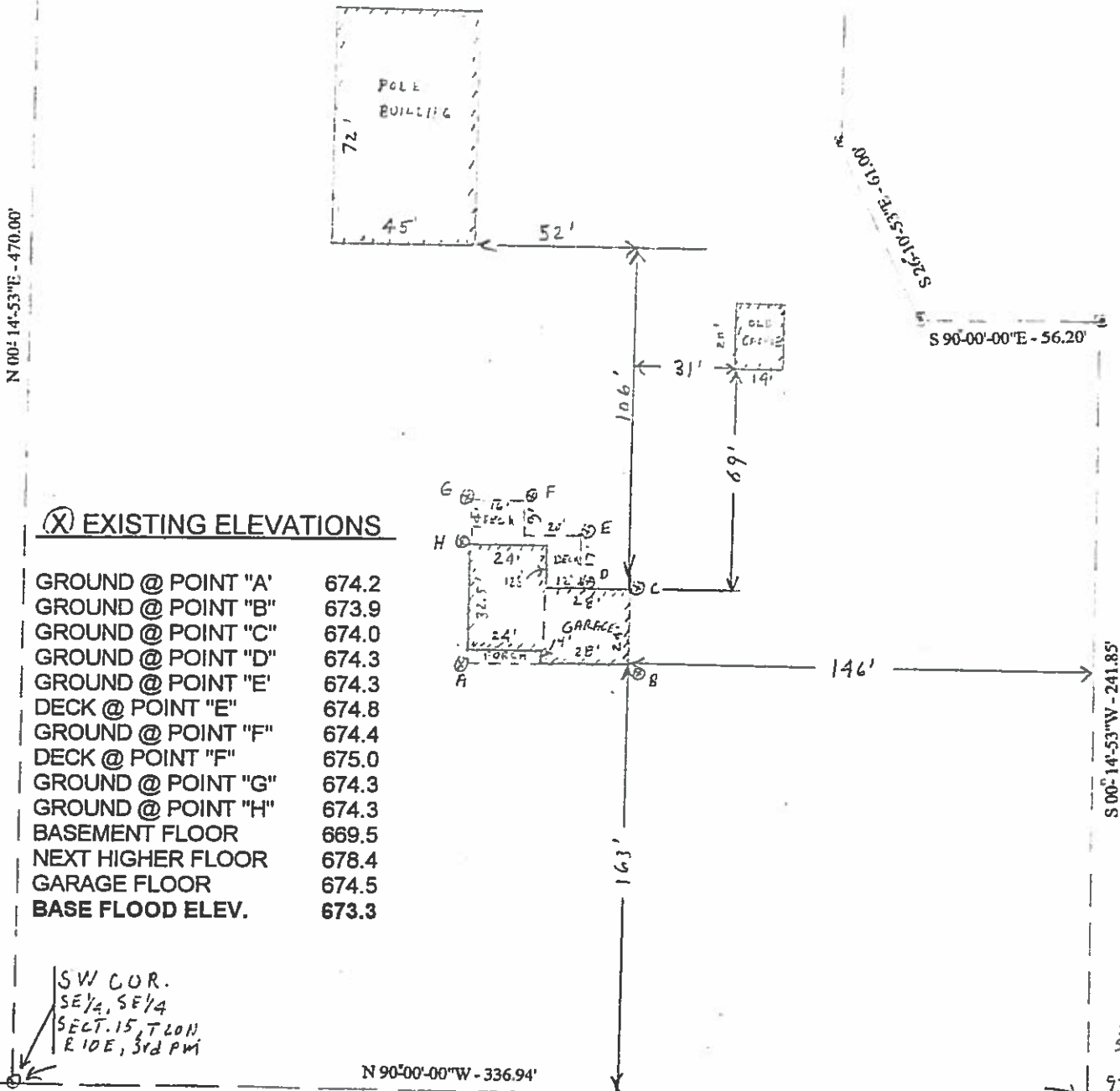
Have Slope on Pad so it will not hold water before building is built

BRAD & SIMONE RIBBE
 2176 COUNTY ROAD 2100 N.
 ST. JOSEPH, ILLINOIS 61873
 P.I.N. PART OF 27-16-15-400-002
 LOCATED IN SE1/4, SECT. 15, T20N, R10E, 3rd PM

RECEIVED

JUL 23 2019

CHAMPAIGN CO. P & Z DEPARTMENT



(X) EXISTING ELEVATIONS

GROUND @ POINT "A"	674.2
GROUND @ POINT "B"	673.9
GROUND @ POINT "C"	674.0
GROUND @ POINT "D"	674.3
GROUND @ POINT "E"	674.3
DECK @ POINT "E"	674.8
GROUND @ POINT "F"	674.4
DECK @ POINT "F"	675.0
GROUND @ POINT "G"	674.3
GROUND @ POINT "H"	674.3
BASEMENT FLOOR	669.5
NEXT HIGHER FLOOR	678.4
GARAGE FLOOR	674.5
BASE FLOOD ELEV.	673.3

SW COR.
 SE 1/4, SE 1/4
 SECT. 15, T20N
 R10E, 3rd PM

SECT. 15

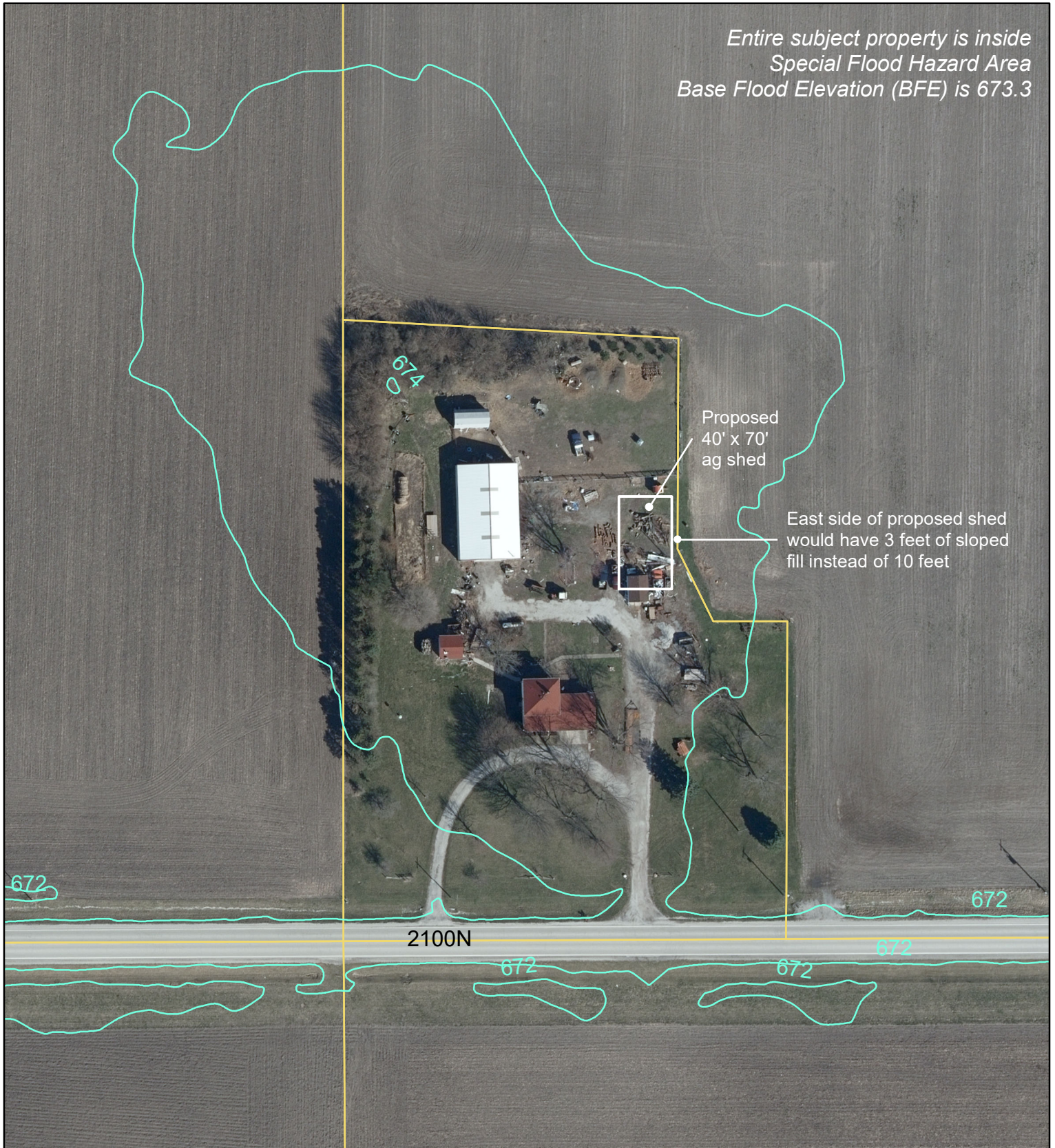
F. Wayne Ward
 F. WAYNE WARD P.E. NO. 027405

OCTOBER 12, 2007
 DATE



SURVEYED AND PLATTED BY
 WAYNE WARD ENGINEERING
 977 N. COUNTY ROAD 1500 E.
 CAMARGO, ILLINOIS 61919

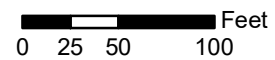
Annotated Aerial 2017

Case 955-FV-19
August 29, 2019



Legend

-  Elevation contours 2008
-  Parcels





Case 955-FV-19, ZBA 08/29/19, Attachment E Page 1 of 3
Federal Emergency Management Agency

Washington, D.C. 20472

January 15, 2008

MR. BRAD RIBBE
405 NORTH 8TH STREET
ST. JOSEPH, IL 61873

CASE NO.: 08-05-0425A
COMMUNITY: CHAMPAIGN COUNTY, ILLINOIS
(UNINCORPORATED AREAS)
COMMUNITY NO.: 170894

DEAR MR. RIBBE:

This is in reference to a request that the Federal Emergency Management Agency (FEMA) determine if the property described in the enclosed document is located within an identified Special Flood Hazard Area, the area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), on the effective National Flood Insurance Program (NFIP) map. Using the information submitted and the effective NFIP map, our determination is shown on the attached Letter of Map Amendment (LOMA) Determination Document. This determination document provides additional information regarding the effective NFIP map, the legal description of the property and our determination.

Additional documents are enclosed which provide information regarding the subject property and LOMAs. Please see the List of Enclosures below to determine which documents are enclosed. Other attachments specific to this request may be included as referenced in the Determination/Comment document. If you have any questions about this letter or any of the enclosures, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, 3601 Eisenhower Avenue, Suite 130, Alexandria, VA 22304-6439.

Sincerely,

William R. Blanton Jr., CFM, Chief
Engineering Management Branch
Mitigation Directorate

LIST OF ENCLOSURES:

LOMA DETERMINATION DOCUMENT (REMOVAL)

cc: State/Commonwealth NFIP Coordinator
Community Map Repository
Region

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JAN 22 2008

CHAMPAIGN CO. P & Z DEPARTMENT



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	CHAMPAIGN COUNTY, ILLINOIS (Unincorporated Areas)	A portion of Section 15, Township 20 North, Range 10 East, Third Principal Meridian, as described in the Warranty Deed recorded as Document No 2007R26321, in the Office of the Recorder, Champaign County, Illinois
	COMMUNITY NO.: 170894	
AFFECTED MAP PANEL	NUMBER: 1708940150B	
	DATE: 3/1/1984	
FLOODING SOURCE: UPPER SALT FORK DRAINAGE DITCH		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 40.187, -88.053 SOURCE OF LAT & LONG: PRECISION MAPPING STREETS 4.0 DATUM: NAD 83

DETERMINATION

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NGVD 29)	LOWEST ADJACENT GRADE ELEVATION (NGVD 29)	LOWEST LOT ELEVATION (NGVD 29)
-	-	-	2176 County Road 2100 North	Structure	B	-	674 1 feet	-

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below)

PORTIONS REMAIN IN THE SFHA
ZONE A
STUDY UNDERWAY

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Amendment for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the structure(s) on the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document amends the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map, therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at (877) 336 2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, 3601 Eisenhower Avenue Suite 130, Alexandria VA 22304-6439.

William R. Blanton Jr.

William R. Blanton Jr., CFM, Chief
Engineering Management Branch
Mitigation Directorate



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

PORTIONS OF THE PROPERTY REMAIN IN THE SFHA (This Additional Consideration applies to the preceding 1 Property.)

Portions of this property, but not the subject of the Determination/Comment document, may remain in the Special Flood Hazard Area. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

ZONE A (This Additional Consideration applies to the preceding 1 Property.)

The National Flood Insurance Program map affecting this property depicts a Special Flood Hazard Area that was determined using the best flood hazard data available to FEMA, but without performing a detailed engineering analysis. The flood elevation used to make this determination is based on approximate methods and has not been formalized through the standard process for establishing base flood elevations published in the Flood Insurance Study. This flood elevation is subject to change.

STUDY UNDERWAY (This Additional Consideration applies to all properties in the LOMA

DETERMINATION DOCUMENT (REMOVAL))

This determination is based on the flood data presently available. However, the Federal Emergency Management Agency is currently revising the National Flood Insurance Program (NFIP) map for the community. New flood data could be generated that may affect this property. When the new NFIP map is issued it will supersede this determination. The Federal requirement for the purchase of flood insurance will then be based on the newly revised NFIP map.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, 3601 Eisenhower Avenue, Suite 130, Alexandria, VA 22304-6439.

A handwritten signature in cursive script that reads "William R. Blanton Jr.".

William R. Blanton Jr., CFM, Chief
Engineering Management Branch
Mitigation Directorate

PRELIMINARY DRAFT

955-FV-19

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

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

Date: *{August 29, 2019}*

Petitioner: **Brad & Simone Ribbe**

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

Authorize the construction and use of a shed in the Special Flood Hazard Area for which the earthen fill extends only 3 feet beyond the foundation before sloping below the flood protection elevation in lieu of the minimum required extension of fill for 10 feet beyond the foundation before sloping below the flood protection elevation.

Table of Contents

General Application Information.....2 - 3
Requested Variance3
Specific Ordinance Requirements.....3 - 7
Variance Evidence7 - 9
Documents of Record..... 10
Case 955-FV-19 Findings of Fact 11
Case 955-FV-19 Final Determination 12

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **August 29, 2019**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioners Brad and Simone Ribbe own the subject property.
2. The subject property is a three acre tract in the Southeast Quarter of the Southeast Quarter of Section 15, Township 20 North, Range 10 East of the Third Principal Meridian in Stanton Township, commonly known as the farmstead at 2176 CR 2100N, St. Joseph.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is not within the one and one-half mile extraterritorial jurisdiction (ETJ) of 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 Stanton 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 AG-1 Agriculture, and is residential in use.
 - B. Land surrounding the subject property is also zoned AG-1 Agriculture and is agricultural and residential in use.

GENERALLY REGARDING THE REQUESTED VARIANCE AND THE PROPOSED SITE PLAN

5. Regarding the Site Plan received July 23, 2019:
 - A. The following are existing features on the subject property:
 - (1) One 1,452 square feet residence.
 - a. A survey by Wayne Ward Engineering dated October 12, 2007 and received July 23, 2019, stated that the lowest finished floor had an elevation of 673.9 feet above mean sea level (msl). The basement floor had an elevation of 669.5 feet msl.
 - b. The Base Flood Elevation from the same survey was 673.3 msl.
 - c. The Flood Protection Elevation is one foot above BFE, or 674.3.
 - (2) One 45 feet by 72 feet shed.
 - B. Regarding the proposed shed:
 - (1) The 40 feet by 70 feet shed would be located east of the existing shed.
 - (2) The highest point of the clay pad on which the shed would rest is 673.9 msl at the southeast corner.

PRELIMINARY DRAFT**Cases 955-FV-19**

Page 3 of 12

- (3) The petitioner stated that after the building is complete, he would regrade to 674.3 msl (the flood protection elevation) and then add about 4 inches of recycled gravel. It is the understanding of P&Z Staff that the top of the recycled gravel will be the equivalent of the lowest finished floor elevation.
- C. Regarding surface drainage:
- (1) The subject property is relatively flat. Surface drainage would generally flow to the road ditch to the south.
- (2) The subject property is in Special Floodzone Hazard Area Zone A, per FEMA FIRM Panel 17019C350D effective October 2, 2013.
- (3) Mr. Ribbe petitioned FEMA for a Letter of Map Amendment (LOMA) which was approved on January 15, 2008. The LOMA placed the house outside of the floodplain, but the rest of the property is still in Flood Zone A.
- D. Previous and current permits on the subject property are the following:
- (1) ZUPA 204-19-01 is for construction of a detached shed. Approval of ZUPA 204-19-01 is contingent upon current zoning Case 955-FV-19.
- (2) ZUPA 214-90-01 was approved on August 1, 1990, to construct an attached garage addition to a single family dwelling.
- (3) The original residence was constructed prior to the adoption of the Zoning Ordinance on October 10, 1973.
- E. There are no previous zoning cases on the subject property.
- F. The requested variance from the *Champaign County Special Flood Hazard Areas Ordinance* is as follows:
- (1) Authorize the construction and use of a shed in the Special Flood Hazard Area for which the earthen fill extends only 3 feet beyond the foundation before sloping below the Base Flood Elevation in lieu of the minimum required extension of fill for 10 feet beyond the foundation before sloping below 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.

PRELIMINARY DRAFT

- 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.
 - 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.

PRELIMINARY DRAFT**Cases 955-FV-19**

Page 5 of 12

- 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.
- (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

PRELIMINARY DRAFT

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 floatation following manufacturer's recommendations and protected from flood debris impact.
 - 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,

PRELIMINARY DRAFT**Cases 955-FV-19****Page 7 of 12**

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.
 - (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: **“House is out of plain, rest of property is still inside.”**

PRELIMINARY DRAFT

- (1) Mr. Ribbe petitioned FEMA for a Letter of Map Amendment (LOMA) which was approved on January 15, 2008. The LOMA placed the house outside of the floodplain, but the rest of the property is still in Flood Zone A. FEMA reaffirmed this decision after updating the FIRM maps that went into effect on October 2, 2013.

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: **“I will lose livestock and equipment value.”**
- B. The Petitioner indicated to P&Z Staff that moving the shed location six feet west (in order to have the required 10 feet of fill on the east side of the shed) would require him to cut down a tree, relocate his driveway, and that the location would make it more difficult for him to get agricultural equipment into and out of the proposed shed.

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: **“Equipment will be damaged from weather.”**

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: **“It will improve property value.”**

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: **“It is not blocking any natural waterways.”**

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 19th flood variance that has been applied for since Champaign County began fulfilling the requirements of the National Flood Insurance Program on January 17, 1984.
- B. The last SFHA variance was Case 883-FV-17 approved on September 28, 2017. There have been 23 variance cases heard since Case 883-FV-17.

PRELIMINARY DRAFT

Cases 955-FV-19

Page 9 of 12

GENERALLY REGARDING WHETHER ALL OTHER REQUIRED PERMITS HAVE BEEN OBTAINED

13. Regarding whether all other required state and federal permits have been obtained:
 - A. 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 petitioner has submitted a Floodplain Development Permit Application along with the standard Zoning Use Permit Application for the proposed shed.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

14. Generally regarding and other circumstances which justify the Variance:
 - A. The Petitioner did not provide a response on the application.

Cases 955-FV-19

PRELIMINARY DRAFT

Page 10 of 12

DOCUMENTS OF RECORD

1. Application for a variance from the Special Flood Hazard Areas Ordinance received August 2, 2019, with attachments:
 - A Site Plan – annotated aerial photo and hand-drawn site plan with notes received July 23, 2019
 - B Elevation survey by F. Wayne Ward dated October 12, 2007 and received July 23, 2019

2. Preliminary Memorandum for Case 955-FV-19, with attachments:
 - A Case Maps: Location, Land Use and Zoning
 - B Site Plan received July 23, 2019
 - C Elevation survey by F. Wayne Ward dated October 12, 2007 and received July 23, 2019
 - D Annotated Aerial created by P&Z Staff on August 19, 2019
 - E FEMA Letter of Map Amendment dated January 15, 2008 and received January 22, 2008
 - F Draft Summary of Evidence, Finding of Fact and Final Determination dated August 29, 2019

PRELIMINARY DRAFT**Cases 955-FV-19**

Page 11 of 12

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning Case 955-FV-19 held on **August 29, 2019**, 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 955-FV-19

PRELIMINARY DRAFT

Page 12 of 12

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 955-FV-19 is hereby **{GRANTED / GRANTED WITH CONDITIONS / DENIED}** to the Petitioners, Brad and Simone Ribbe, to authorize the following variance from the *Champaign County Special Flood Hazard Areas Ordinance*:

Authorize the construction and use of a shed in the Special Flood Hazard Area for which the earthen fill extends only 3 feet beyond the foundation before sloping below the Base Flood Elevation in lieu of the minimum required extension of fill for 10 feet beyond the foundation before sloping below 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:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date