

CASE NO. 953-V-19

PRELIMINARY MEMORANDUM

August 22, 2019

Petitioners: **Urbana Golf and Country Club, via agent Thomas Clarkson**

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

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

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

Part A: Authorize a variance for construction and use of a detached accessory structure with an average height of 39 feet 6 inches in lieu of the maximum allowed 24 feet for an accessory structure, per Section 5.3 of the Zoning Ordinance.

Part B: Authorize a variance for expansion of an existing non-conforming principal use (country club clubhouse) without access to a street consisting of solid ground passable to emergency vehicles, no less than 20 feet in width, and located entirely within the lot lines, per Section 4.2.1 I. of the Zoning Ordinance.

Subject Property: **A 15.15 acre tract in the Southwest Quarter of the Southeast Quarter of Section 5, Township 19 North, Range 9 East of the Third Principal Meridian in Urbana Township, and commonly known as the Urbana Golf and Country Club, 100 W Country Club Rd, Urbana.**

Site Area: **15.15 acres**

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

Prepared by: **Susan Burgstrom, Senior Planner**

John Hall, Zoning Administrator

BACKGROUND

The petitioners are expanding the country club to include a members-only hotel and spa facility just north of the main Country Club building. As proposed, the detached building will have two stories with an average height of 39.5 feet.

The subject property is one of seven lots comprising the country club. The west 165 feet is in the CR Conservation Recreation Zoning District, and the east 550+ feet is in the R-1 Single Family Residence Zoning District. The proposed expansion is entirely within the R-1 Single Family Residence Zoning District. Access to this lot is via a vehicular bridge on an adjacent lot.

Regarding Variance Part A

A principal structure has a maximum average height of 35 feet in the R-1 Zoning District, per Section 5.3 of the Zoning Ordinance. The Zoning Administrator determined that the proposed expansion would be to an accessory structure, triggering section 5.3 footnote 4, which states that the maximum average height of a residential accessory structure shall be 24 feet on lots one acre more in area.

In an email dated July 24, 2019, John Petersen, agent for the petitioners, stated:

“When we submitted the form for the foundation permit, as well as the subsequent full permit, we didn’t realize that this would be categorized as an accessory structure, since it’s a new part of an entire complex of buildings. Also, we were basing the height of the building on the definition of Section 3.0, which says it is ‘the vertical measurement from grade to a point midway between the highest and lowest points of the roof.’ Thus, since there are several locations where the eave line is lower than the north elevation but are part of the same overall ‘roof’, we used that as the ‘lowest point’ of the roof and, as a result, we thought the building height was under the 35 feet maximum.

After reviewing the ordinance a little further, I see why you’re calling it an accessory structure. If that’s the case, I can understand why a variance would be necessary...I’m guessing, however, that this is the route they’d elect to take, since any modifications to the project of the magnitude necessary to get it down to 24 feet would be problematic from an overall project standpoint.”

Regarding Variance Part B

Access to the Country Club and the proposed expansion is via an existing vehicular bridge over the Saline Branch Drainage Ditch. The bridge is located on an adjacent lot, which also belongs to the country club. The current bridge was constructed sometime between 1988 and 2002, and is at least 20 feet in width. A 15-foot wide bridge existed at the same location prior to adoption of the Zoning Ordinance on October 10, 1973.

Paragraph 4.2.1 I. of the Zoning Ordinance requires that the principal use on all lots shall have access to a street consisting of solid ground passable to emergency vehicles, no less than twenty feet in width, and located entirely within the lot lines. Without the proposed variance, the petitioners would have to abandon the current route to the existing Country Club, and construct a new road through the golf course.

The P&Z Department has not received any comments regarding either part of the proposed variance, and staff does not propose any special conditions of approval.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Country Club	CR Conservation Recreation (west 165 feet) R-1 Single Family Residence (east 550+ feet)
North (to east)	Residential	R-1 Single Family Residence
North (to west)	Country Club	CR Conservation Recreation
East	Country Club	R-1 Single Family Residence
West (to north)	Country Club	Annexation Agreement with City of Urbana
West (to south)	Country Club	CR Conservation Recreation
South	Country Club	CR Conservation Recreation (west 165 feet) R-1 Single Family Residence (east 550+ feet)

EXTRATERRITORIAL JURISDICTION

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

The subject property is located within Urbana Township, which does not have a Plan Commission. Townships with Plan Commissions have protest rights on a variance and are notified of such cases.

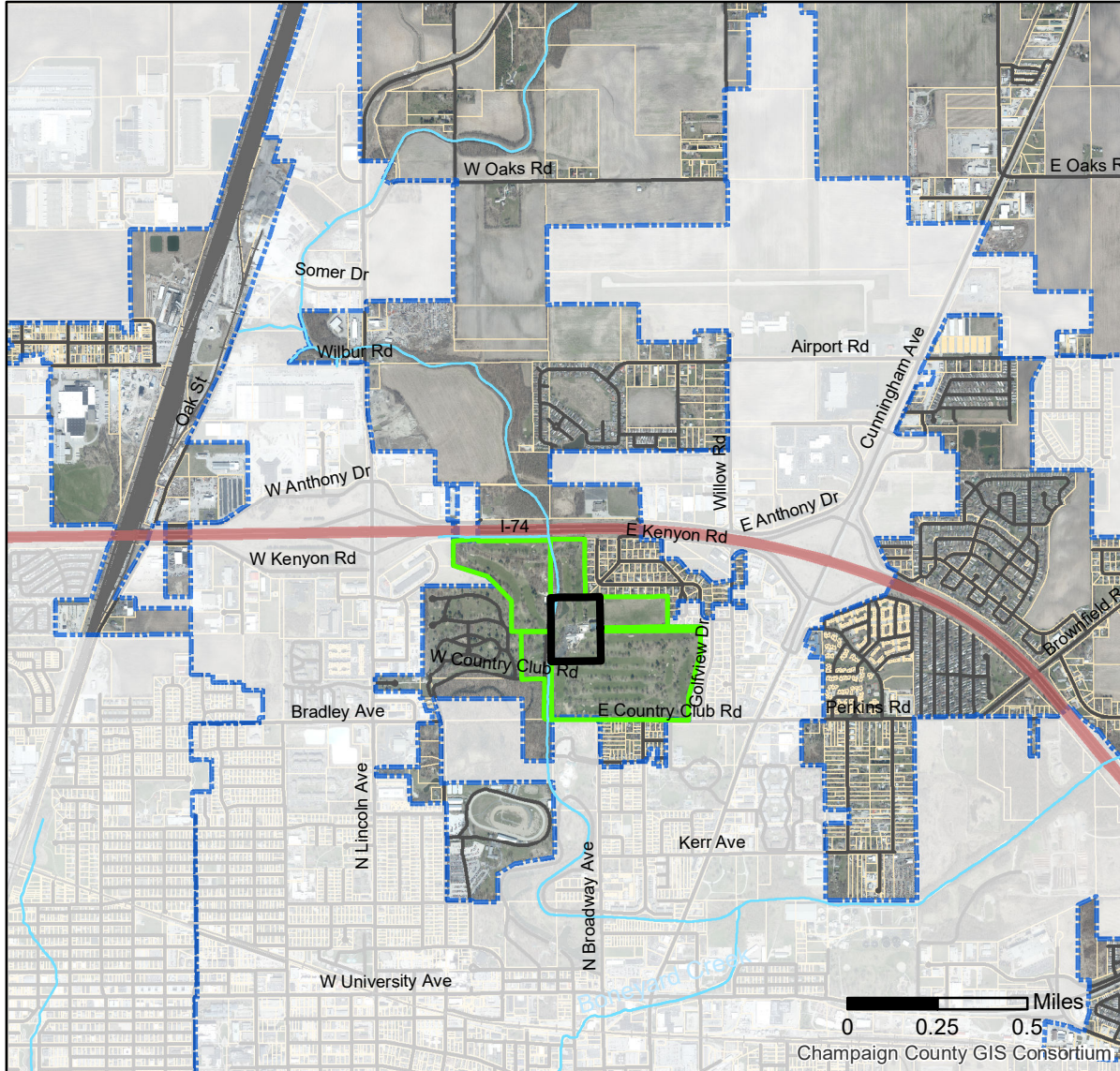
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received July 26, 2019
- C First, Second, and Lower Floor Finish Plans received July 11, 2019
- D Images of Subject Property taken July 31, 2019
- E Draft Summary of Evidence, Finding of Fact, and Final Determination dated August 29, 2019

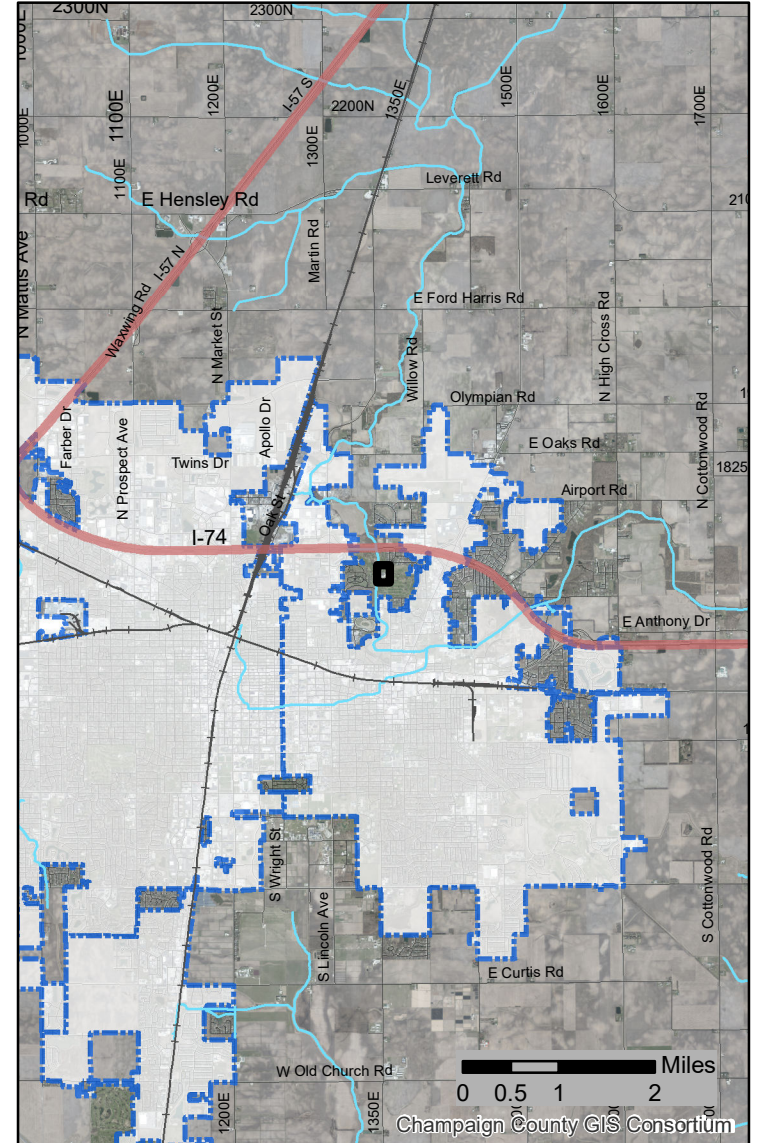
Location Map

Case 953-S-19
August 29, 2019

Subject Property



Property location in Champaign County



Legend

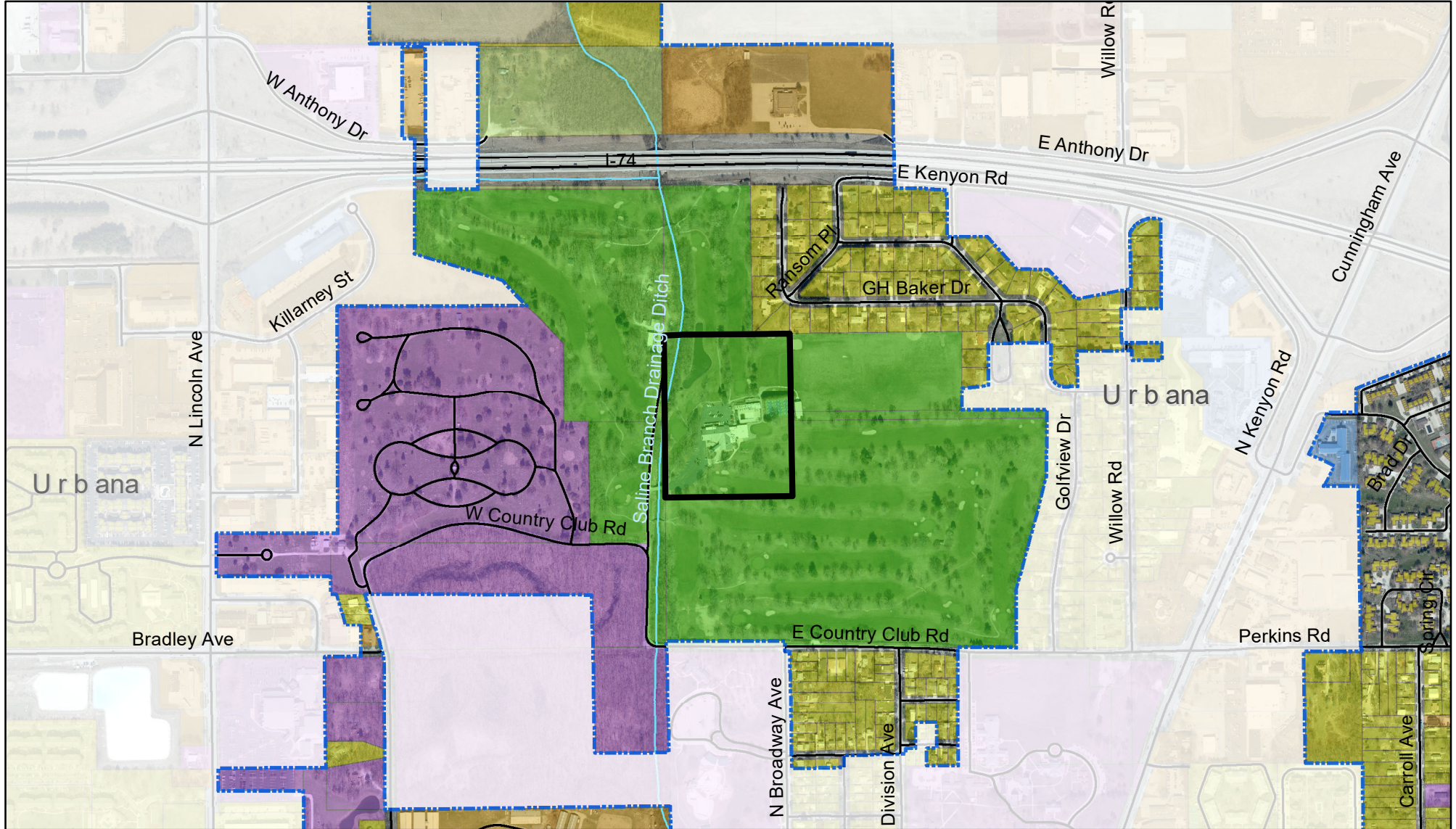
- Subject Property
- Municipal Boundary
- Interstate
- Country Club properties
- Streets
- Railroads
- Parcels










Champaign County
Department of
**PLANNING &
ZONING**

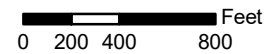
Land Use Map

Case 953-V-19
August 29, 2019



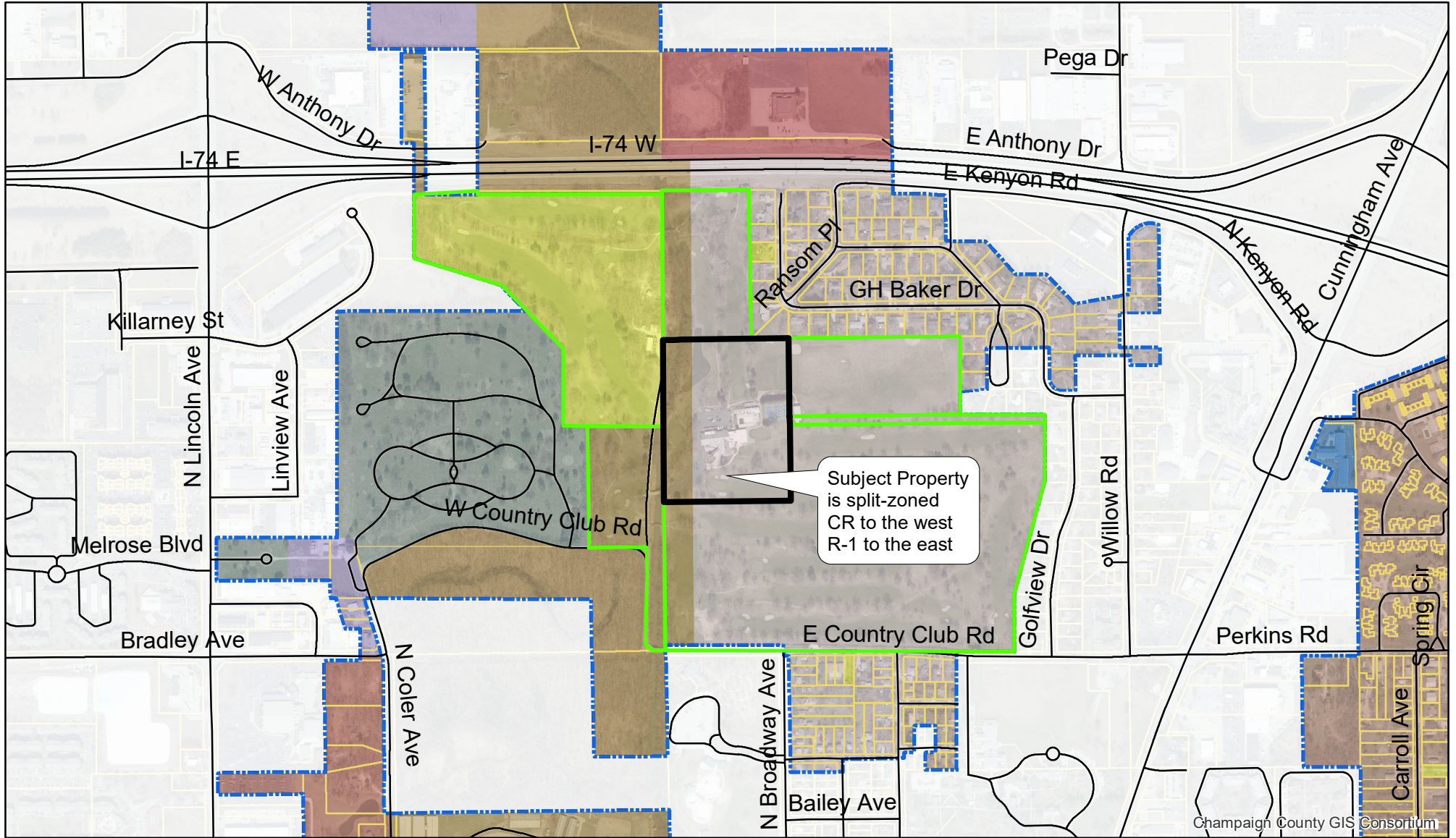
Legend

- | | | | |
|---|--|--|---|
|  Subject Property |  Open Space/Commons |  Hotel or Motel |  Agriculture |
|  Municipal Boundary |  Tax Exempt |  Commercial |  Agriculture/Residential |
|  Streets |  Residential |  Industrial | |



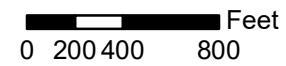
Zoning Map

Case 953-V-19
August 29, 2019



Legend

- | | | | | |
|-------------------------|---------|-----|-----|----------------------|
| Subject Property | Parcels | B-4 | R-1 | R-4 |
| Country Club properties | AG-1 | CR | R-2 | R-5 |
| Municipal Boundary | AG-2 | I-1 | R-3 | Annexation Agreement |



Champaign County
Department of
PLANNING &
ZONING

Champaign County GIS Consortium

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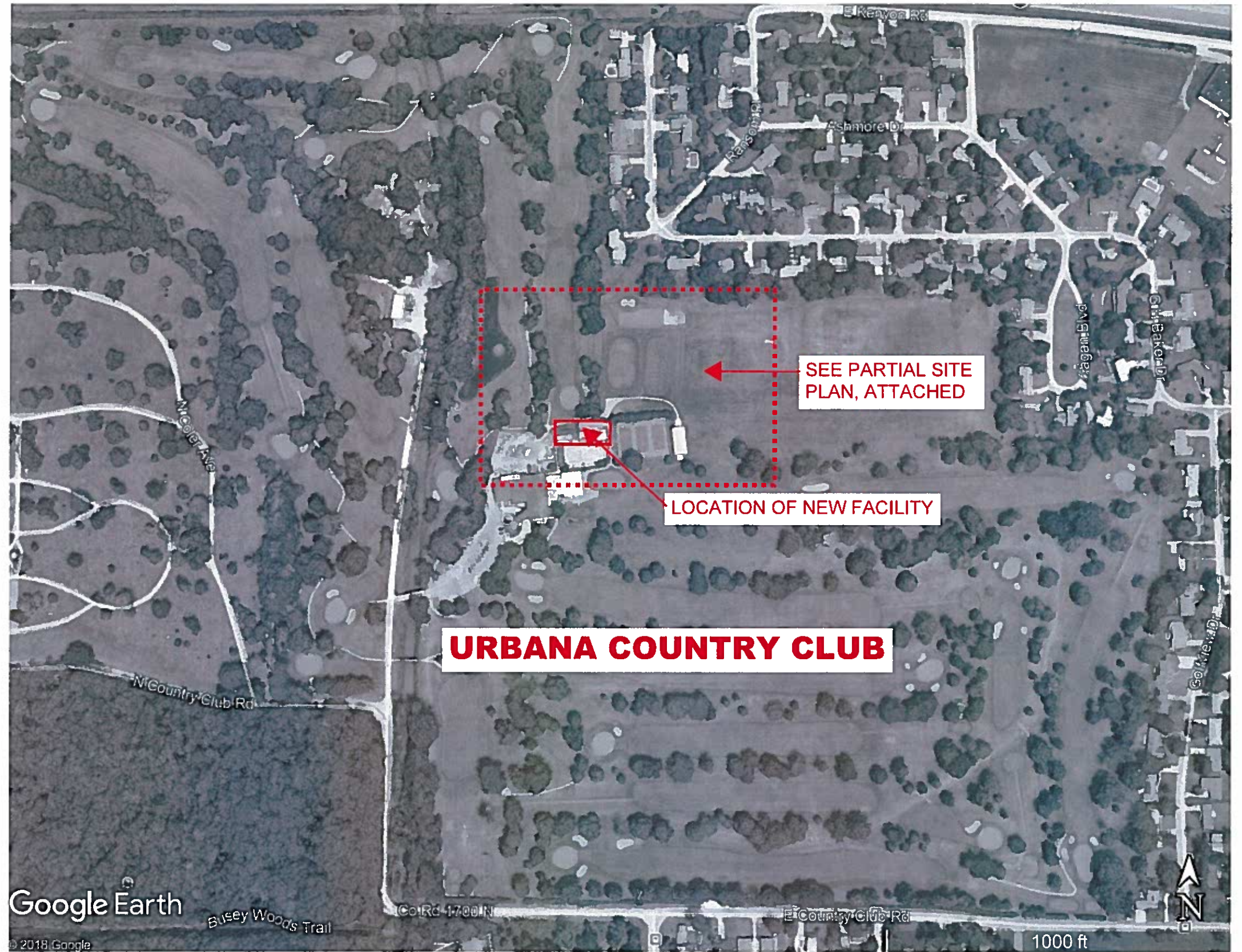
JUL 26 2019

CHAMPAIGN CO. P & Z DEPARTMENT

NOT TO SCALE

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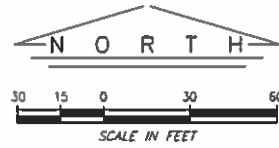


URBANA COUNTRY CLUB - NEW HOTEL & SPA FACILITY

OVERALL SITE



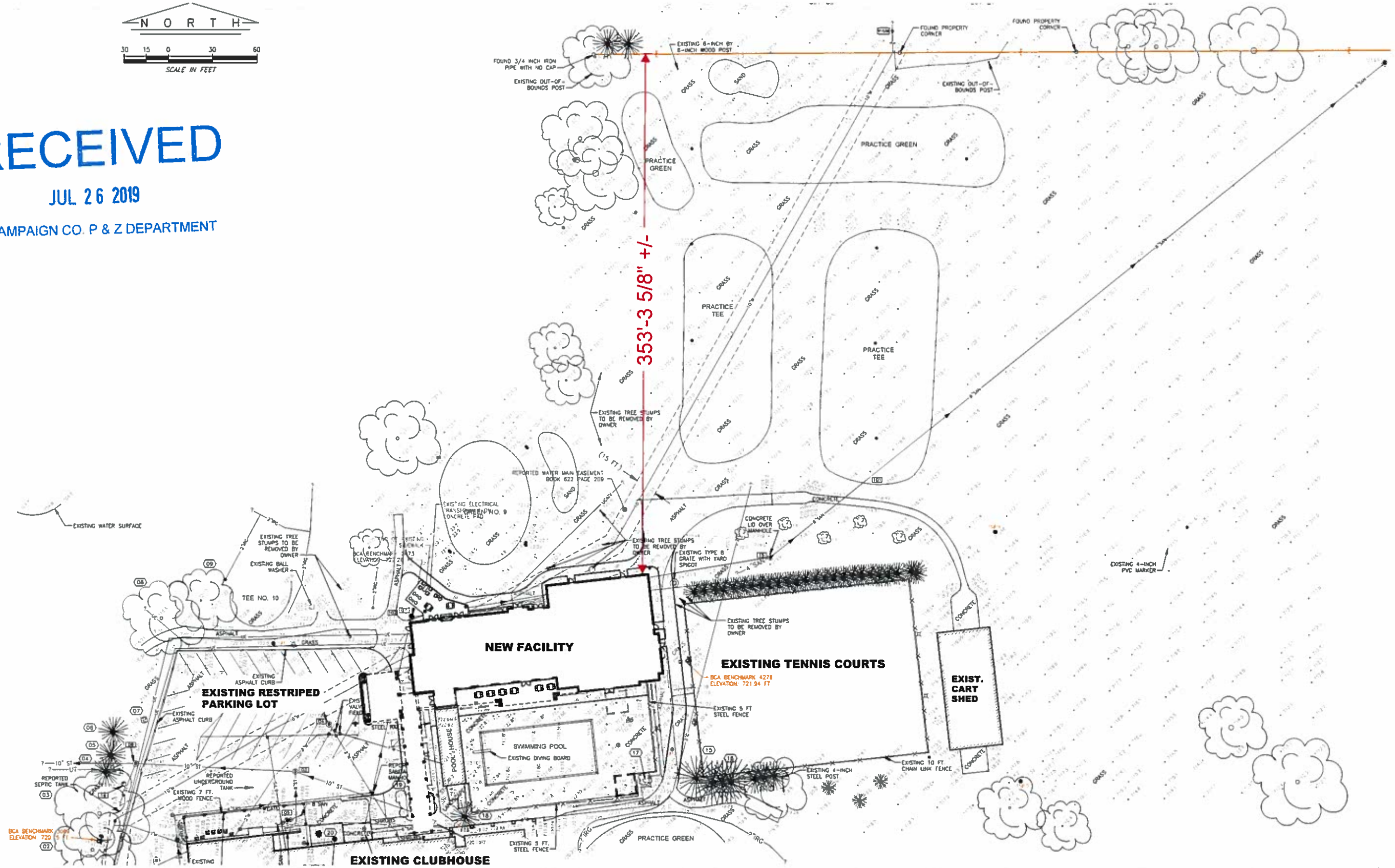
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353'-3 5/8" +/-

7/26/2019 11:50:22 AM 17154.000

PARTIAL SITE PLAN

1/64" = 1'-0"

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URBANA COUNTRY CLUB - NEW HOTEL & SPA FACILITY

PARTIAL SITE PLAN



RATIO

**URBANA
COUNTRY CLUB
- NEW HOTEL &
SPA FACILITY**
Urbana, IL 61801

Owner
Urbana Country Club
130 E. Country Club Road
Urbana, Illinois 61801
(217) 344-6872

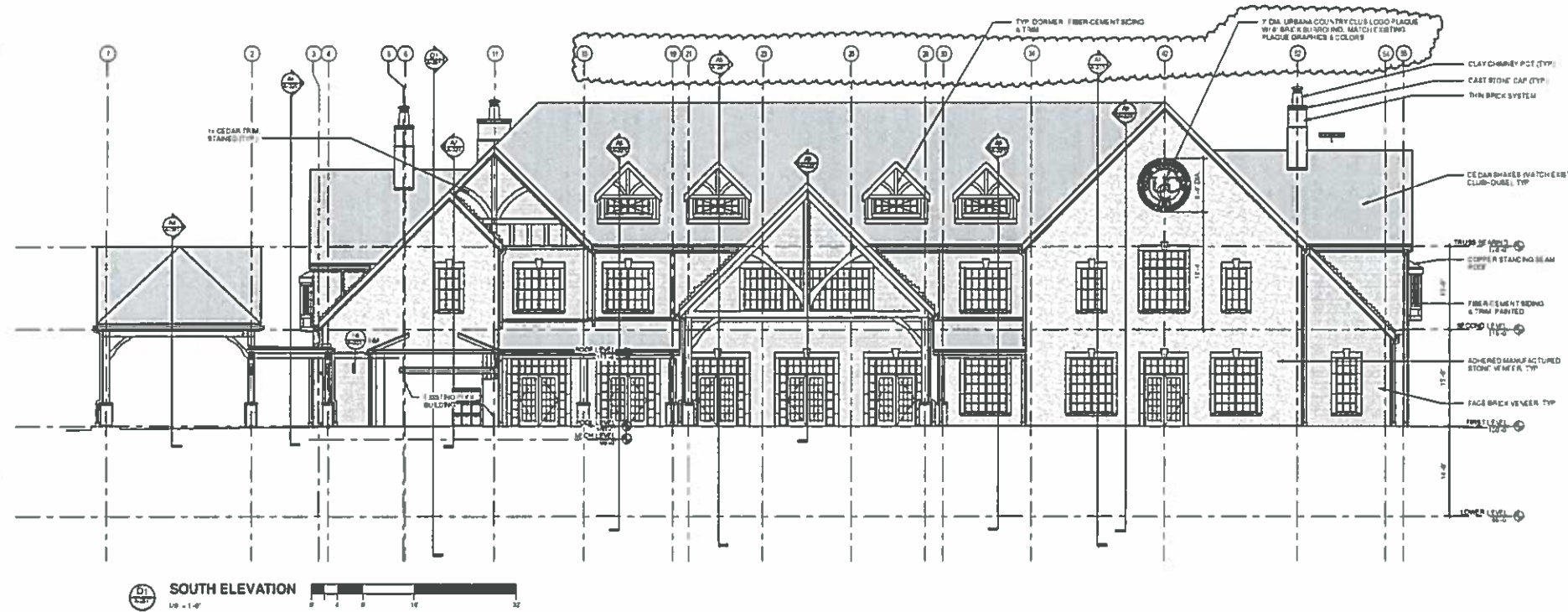
Architect
RATIO
122 South 1st Street
Champaign, Illinois 61820
(217) 353-7898

Structural Engineer
Bacon Farmer Workman Engineering &
Testing Inc.
827 Amos Street
Champaign, IL 61821
217-430-4283

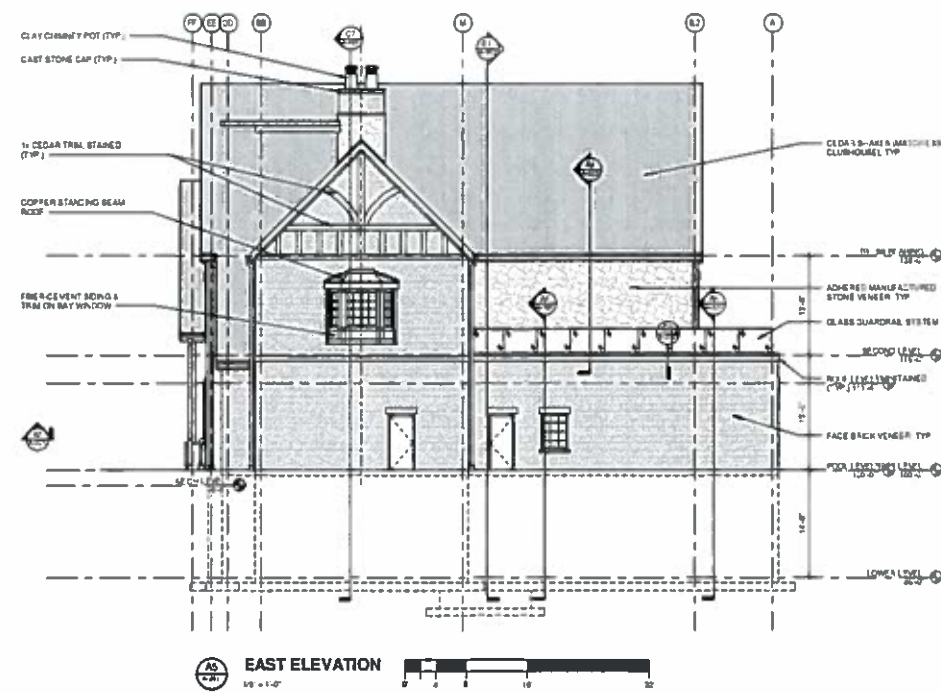
Mechanical / Electrical Engineer
BRIC Partnership, LLC
120 E. Washington Street
Belleisle, IL 62220
618-277-6200

Civil Engineer
Borns, Clark & Bird Associates
435 East Main Street
Urbana, IL 61802
217-384-1144

Exterior Consultant
KECdesign
211 C. Mercury Drive, #2
Champaign, IL 61822
217-336-1540



SOUTH ELEVATION
1/8" = 1'-0"



EAST ELEVATION
1/8" = 1'-0"

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CHAMPAIGN CO. P & Z DEPARTMENT

SCALE DATE 06.21.19

NO.	DESCRIPTION	DATE
1	1/8/19 PRELIM SET	06/20/19
2	1/8/19 PRELIM SET	06/20/19
3	1/8/19 PRELIM SET	06/20/19
4	1/8/19 PRELIM SET	06/20/19
5	1/8/19 PRELIM SET	06/20/19
6	1/8/19 PRELIM SET	06/20/19
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18	1/8/19 PRELIM SET	06/20/19
19	1/8/19 PRELIM SET	06/20/19
20	1/8/19 PRELIM SET	06/20/19

RATIO

PROJECT NO. 17154.000

BH&E TITLE
**EXTERIOR
ELEVATIONS**

SHEET NUMBER
A-201

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URBANA
COUNTRY CLUB
- NEW HOTEL &
SPA FACILITY
Urbana, IL 61801

Owner
Urbana Country Club
100 F. County Club Road
Urbana, Illinois 61801
(217) 244-4672

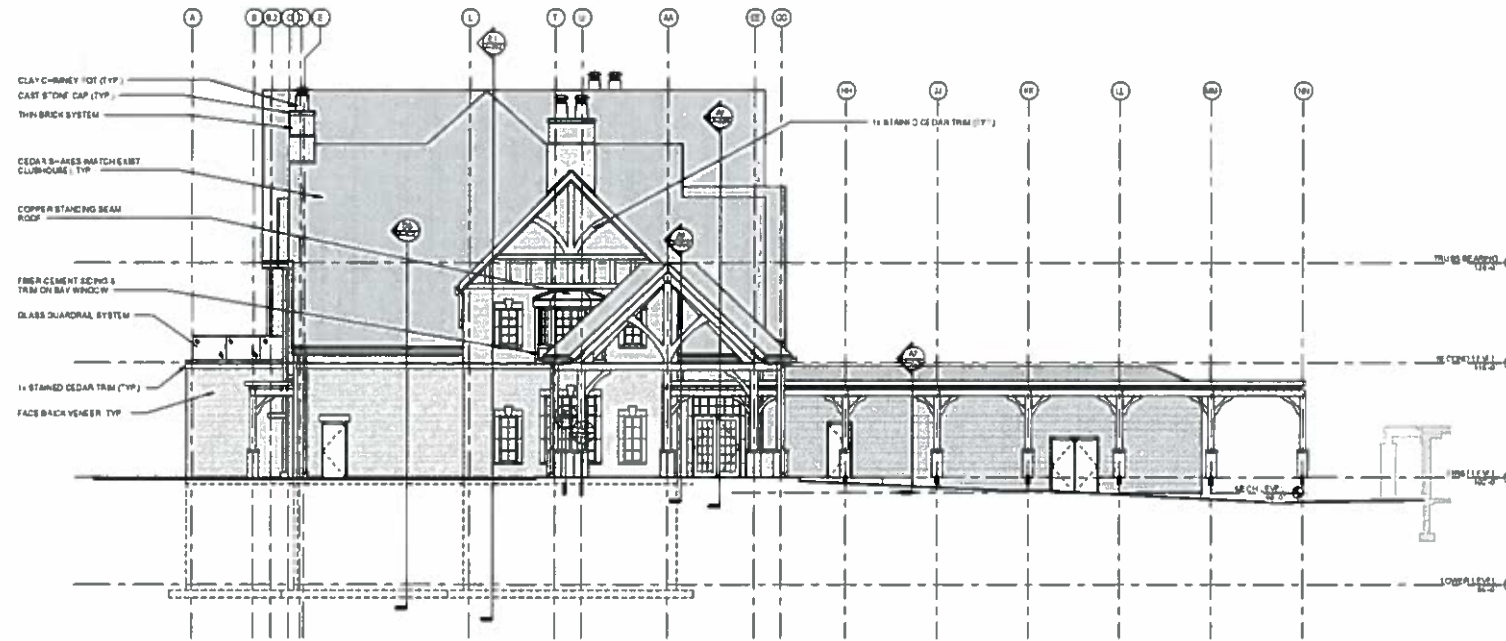
Architect
RATIO
122 South Hill Street
Champaign, Illinois 61820
(217) 252-7898

Structural Engineer
Bacon Farmer Workmen Engineering &
Testing Inc.
877 Arrow Street
Champaign, IL 61821
217-230-4283

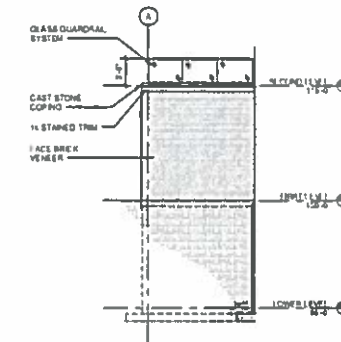
Mechanical/Electrical Engineer
BRUC Partnership, LLC
120 E Washington Street
Sobler, IL 62220
618-277-6200

Civil Engineer
Berna, Clancy and Associates
423 East Main Street
Urbana, IL 61802
217-264-1144

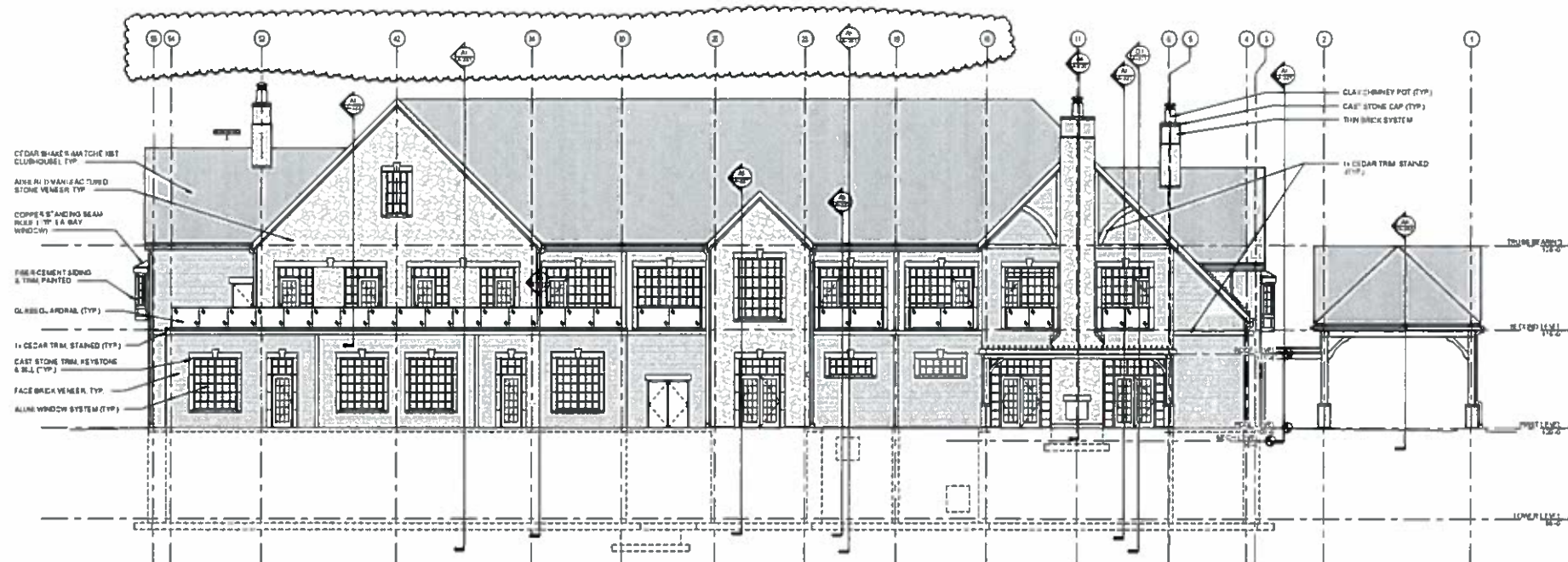
Feedforward Consultant
KECdesign
321 E. Mercury Drive #2
Champaign, IL 61822
217-258-1840



D1 WEST ELEVATION
1/8" = 1'-0"



D7 WEST ELEVATION - FITNESS
1/8" = 1'-0"



A1 NORTH ELEVATION
1/8" = 1'-0"

REVISION DATE 06/21/19

DATE	BY	DESCRIPTION
06/21/19	...	ISSUED FOR CONSTRUCTION

RATIO

PROJECT NO. 17184.C.05

SHEET TITLE
EXTERIOR
ELEVATIONS

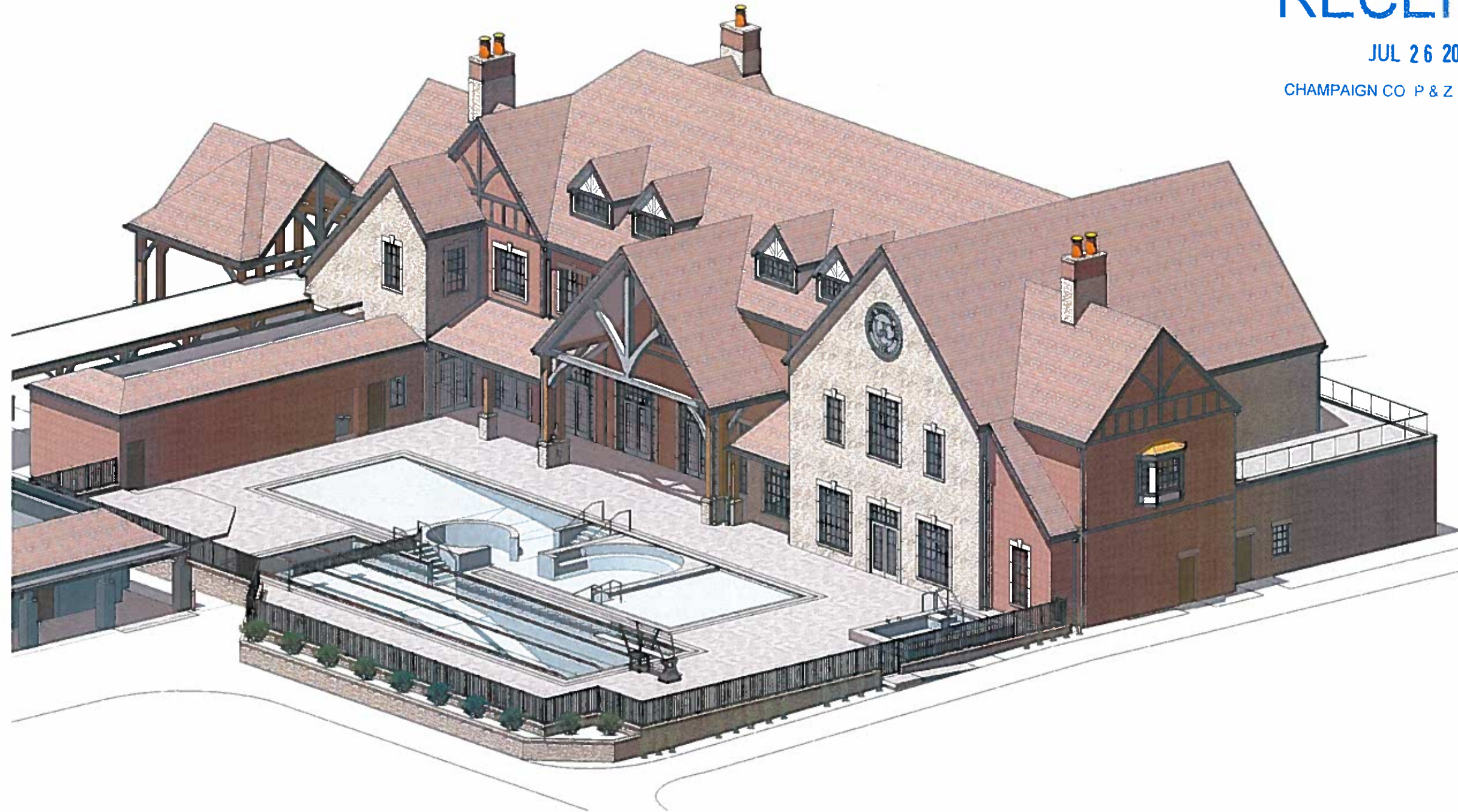
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A-202

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Urbana Country Club - New Hotel & Spa Facility | SE AXONOMETRIC VIEW | RATIO

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THE RETREAT AT UCC

953-V-19 Site Images



Main Country Club entrance
(courtesy of UG&CC Facebook)



Proposed expansion area on north side of main building

PRELIMINARY DRAFT

953-V-19

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

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

Date: ***{August 29, 2019}***

Petitioner: **Urbana Golf and Country Club, via agent Thomas Clarkson**

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

Part A: Authorize a variance for construction and use of a detached accessory structure with an average height of 39 feet 6 inches in lieu of the maximum allowed 24 feet for an accessory structure, per Section 5.3 of the Zoning Ordinance.

Part B: Authorize a variance for expansion of an existing non-conforming principal use (country club clubhouse) without access to a street consisting of solid ground passable to emergency vehicles, no less than 20 feet in width, and located entirely within the lot lines, per Section 4.2.1 I. of the Zoning Ordinance.

Table of Contents

General Application Information..... 2
Required Variance..... 3
Specific Ordinance Requirements..... 3 - 6
Variance Evidence 6 - 8
Documents of Record..... 9
Case 953-V-19 Findings of Fact..... 10
Case 953-V-19 Final Determination..... 11

PRELIMINARY DRAFT

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. The petitioner, UG&CC LLC, 520 E Anthony Drive, Urbana, owns the subject property. Thomas Clarkson, UG&CC LLC Secretary-Treasurer, is agent on behalf of petitioner for this case.
2. The subject property is a 15.15 acre tract in the Southwest Quarter of the Southeast Quarter of Section 5, Township 19 North, Range 9 East of the Third Principal Meridian in Urbana Township, and commonly known as the Urbana Golf and Country Club, 100 W Country Club Rd, Urbana.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the City of Urbana, a municipality with zoning. Municipalities do not have protest rights on a variance and are not notified of such cases.
 - B. The subject property is located within Urbana Township, which does not have a 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 a 15.15-acre lot that is currently split-zoned CR Conservation Recreation and R-1 Single Family Residence and is in use as a Country Club.
 - (1) The western 165 feet (approximate) of the subject property is zoned CR Conservation Recreation, and the remaining is zoned R-1.
 - B. Land to the north is split-zoned CR Conservation Recreation and R-1 Single Family Residence, and is part of the Country Club to the northwest and residential to the northeast.
 - C. Land to the east is zoned R-1 Single Family Residence, and is part of the Country Club.
 - D. Land to the south is split-zoned CR Conservation Recreation and R-1 Single Family Residence, and is part of the Country Club.
 - E. Land to the west is split between CR Conservation Recreation to the southwest and land under annexation agreement with the City of Urbana to the northwest, and is part of the Country Club.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan for the subject property:
 - A. The Petitioner's Site Plan, received July 26, 2019, was prepared by Ratio Architects and includes the following sheets:
 - (1) Overall Site (aerial with location noted);
 - (2) Partial Site Plan;

PRELIMINARY DRAFT**Case 953-V-19**

Page 3 of 11

- (3) A-201 Exterior Elevations;
 - (4) A-202 Exterior Elevations;
 - (5) SE Axonometric View; and
 - (6) Additional Conceptual Views.
- B. The proposed members-only hotel and spa facility has two stories and an average height of 39 feet 6 inches. First, second, and lower floor plans are attached to the Preliminary Memorandum dated August 22, 2019.
- C. Access to the existing facility and the proposed expansion is via a vehicular bridge on an adjacent lot, thus necessitating the requested variance Part B.
- D. The following are previous Zoning Use Permits for the Urbana Golf & Country Club:
- (1) ZUPA #100-15-01 was approved on April 21, 2015, to construct additions to the existing golf course clubhouse.
 - (2) ZUPA #101-14-02 was approved on May 23, 2014, to construct a storage shed for golf carts.
 - (3) ZUPA #18-01-01 was approved on April 10, 2001, to construct a bathroom facility as an accessory use to the existing golf course.
 - (4) ZUPA # 288-99-02 was approved on November 10, 1999, to construct an addition to the existing Country Club.
 - (5) The original country club was constructed prior to adoption of the Zoning Ordinance on October 10, 1973.
- E. There are no previous zoning cases for the subject property.
- F. The required variance is as follows:
- (1) Variance Part A: A proposed residential accessory building with an average height of 39.5 feet in lieu of the maximum allowed 24 feet, per Section 5.3 of the Zoning Ordinance.
 - (2) Variance Part B: A proposed expansion without access to a street consisting of solid ground passable to emergency vehicles, no less than 20 feet in width, and located entirely within the lot lines, per Section 4.2.1 I. 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) "ACCESS" is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.

PRELIMINARY DRAFT

- (2) “ACCESSORY BUILDING” is a BUILDING on the same LOT within the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE or the main or principal USE.
- (3) “ACCESSORY USE” is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
- (4) “BUILDING” is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.
- (5) “BUILDING, DETACHED” is a BUILDING having no walls in common with other BUILDINGS.
- (6) “HEIGHT” as applied to a story is the vertical measurement between the surface of any floor and the surface of the floor next above it, or if there is no floor above, then the vertical measurement between the surface of the floor and the ceiling next above it.

As applied to a BUILDING is the vertical measurement from GRADE to a point midway between the highest and lowest points of the roof.

As Applied to an Enclosed or Unenclosed STRUCTURE:

STRUCTURE, DETACHED: The vertical measurement from the average level of the surface of the ground immediately surrounding such STRUCTURE to the uppermost portion of such STRUCTURE.

STRUCTURE, ATTACHED: Where such STRUCTURE is attached to another STRUCTURE and is in direct contact with the surface of the ground, the vertical measurement from the average level of the surface of the ground immediately adjoining such STRUCTURE to the uppermost portion of such STRUCTURE shall be the HEIGHT. Where such STRUCTURE is attached to another STRUCTURE and is not in direct contact with the surface of the ground, the vertical measurement from the lowest portion of such STRUCTURE to the uppermost portion shall be the HEIGHT.

- (7) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (8) “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.

PRELIMINARY DRAFT

- (9) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.
- (10) “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.
- B. Paragraph 4.2.1 I. states: The principal USE on all LOTS shall have ACCESS to a STREET consisting of solid ground passable to emergency vehicles, no less than twenty feet in width, and located entirely within the LOT LINES.
- C. Paragraph 5.1.3 states: The CR, Conservation-Recreation DISTRICT is intended to protect the public health by restricting development in areas subject to frequent or periodic floods and to conserve the natural and scenic areas generally along the major stream networks of the COUNTY.
- D. Paragraph 5.1.4 states: The R-1, Single Family Residence DISTRICT is intended to provide areas for single FAMILY detached DWELLINGS, set on LOTS and is intended for application in mainly non-urban and developing areas where community facilities can be made readily available.
- E. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
 - a. That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
 - b. That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
 - c. That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
 - d. That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
 - e. That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
 - (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9 D.2.

PRELIMINARY DRAFT

- F. Maximum average HEIGHT for a residential ACCESSORY BUILDING in the AG-1 Agriculture District is established in Section 5.3, Footnote 4 of the Zoning Ordinance as 15 feet on lots less than one acre in area and 24 feet on lots one acre or more in area.
- (1) Average height for a building is calculated as the vertical measurement from grade to a point midway between the highest and lowest points of the roof as per Section 3.0 of the Zoning Ordinance, under definition of HEIGHT.

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, **“The property in question is a Country Club, with the location of the existing and new structures being generally near the center of the property, several hundred feet away from any adjacent property line, and is surrounded by open space including a golf course and driving range.”**
- B. Regarding Part A of the proposed Variance, for an average HEIGHT of 39.5 feet in lieu of the maximum allowed 24 feet for an accessory structure:
- (1) In an email dated July 24, 2019, John Petersen stated, “When we submitted the form for the foundation permit, as well as the subsequent full permit, we didn’t realize that this would be categorized as an accessory structure, since it’s a new part of an entire complex of buildings. Also, we were basing the height of the building on the definition of Section 3.0, which says it is ‘the vertical measurement from grade to a point midway between the highest and lowest points of the roof.’ Thus, since there are several locations where the eave line is lower than the north elevation but are part of the same overall ‘roof’, we used that as the ‘lowest point’ of the roof and, as a result, we thought the building height was under the 35 feet maximum.”
- a. A principal structure has a maximum average height of 35 feet in the R-1 zoning district, per Section 5.3 of the Zoning Ordinance. Note that the Zoning Administrator determined that the proposed expansion would be to an ACCESSORY STRUCTURE, triggering Section 5.3 Footnote 4, which states that the maximum average height of a residential ACCESSORY STRUCTURE shall be 24 feet on LOTS one acre more in area.
- C. Regarding Part B of the proposed Variance, for an expansion to a PRINCIPAL USE without ACCESS to a STREET consisting of solid ground passable to emergency vehicles, no less than 20 feet in width, and located entirely within the lot lines:
- (1) Access to the Country Club and the proposed expansion is via an existing vehicular bridge over the Saline Branch Drainage Ditch.
- (2) The bridge is located on an adjacent lot, which also belongs to UG&CC LLC.
- (3) The current bridge was constructed sometime between 1988 and 2002, and is at least 20 feet in width.
- (4) A 15-foot wide bridge existed at the same location prior to adoption of the Zoning Ordinance on October 10, 1973.

PRELIMINARY DRAFT**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, **“A very low maximum height would impose a serious burden on the proposed use of the new facility to the extent that the project would no longer be practical and would not achieve the goals of the property owner.”**
 - B. Regarding Part A of the proposed Variance, for exceeding the maximum allowed average height of a residential accessory structure: without the proposed variance, the petitioners would have to redesign the proposed expansion, which could make the project economically unviable.
 - C. Regarding Part B of the proposed Variance, for an expansion to a PRINCIPAL USE without ACCESS to a STREET consisting of solid ground passable to emergency vehicles, no less than 20 feet in width, and located entirely within the lot lines: without the proposed variance, the petitioners would have to abandon the current route to the existing Country Club, and construct a new road through the golf course.

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, **“Applicant is not aware of any such actions.”**
 - B. Regarding Part A of the variance for average height, the petitioners were not aware of how to calculate roof height per the Zoning Ordinance method.
 - C. Regarding Part B of the variance for access, the existing bridge replaced a narrower bridge that was constructed as part of the Country Club prior to the adoption of the Zoning Ordinance on October 10, 1973.

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, **“A country club is a recognized principal use (permitted by right) in the R-1 Zoning District. This variance is only for the new structure to exceed the maximum permitted height for an accessory building. Due to location on the property, several hundred feet from the nearest property line, there should be no adverse impact to the adjacent properties.”**

PRELIMINARY DRAFT

- B. Regarding Part A of the proposed variance, for exceeding the maximum allowed average height of 24 feet: the requested variance is 165% of the maximum average height allowed, for a variance of 65%.
- (1) Presumably, the height requirements are to ensure that there are no shadow or visual impediments for adjacent neighbors. The nearest neighbor is over 500 feet from the proposed expansion, so the building would not have an adverse effect.
- C. Regarding Part B of the proposed variance for access: the requested variance is 0% of the minimum required, for a variance of 100%.
- (1) Zoning Case 055-AT-06, approved on February 18, 1997, established the need for a 20 feet wide access drive consisting of solid ground passable to emergency vehicles due to safety concerns expressed by first responders.

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: **“Due to the location of the new structure and the distance to the nearest property line, there should be no adverse effects to the public health, safety, or welfare as a result of the variance from the height restrictions.”**
- B. The Urbana Township Road Commissioner has been notified of this variance but no comments have been received.
- C. The Eastern Prairie Fire Protection District has been notified of this variance but no comments have been received.
- D. The nearest structure to the proposed expansion on adjacent property is a residence that is approximately 500 feet to the north.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

12. Generally regarding and other circumstances which justify the Variance:
- A. The Petitioner has testified on the application: **“The design of the new building, although slightly in excess of the maximum permitted height for a residential structure, is in context with and will complement the existing buildings on the site, it fits in well with the use of the property (country club), and will be an attractive addition to the property.”**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

13. Regarding proposed special conditions of approval:

No special conditions are proposed at this time.

DOCUMENTS OF RECORD

1. Variance Application received July 26, 2019, with attachments:
 - A Site Plan created by Ratio Architects

2. Emails between John Hall and John Peterson dated July 24, 2019 to July 26, 2019

3. Preliminary Memorandum dated August 22, 2019, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received July 26, 2019
 - C First, Second, and Lower Floor Finish Plans received July 11, 2019
 - D Images of Subject Property taken July 31, 2019
 - E Draft Summary of Evidence, Finding of Fact, and Final Determination dated August 29, 2019

PRELIMINARY DRAFT

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **953-V-19** held on **August 29, 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:}**

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 **953-V-19** is hereby *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* to the petitioners, **UG&CC LLC**, to authorize the following variance in the R-1 Single Family Residence Zoning District:

Part A: Authorize a variance for construction and use of a detached accessory structure with an average height of 39 feet 6 inches in lieu of the maximum allowed 24 feet for an accessory structure, per Section 5.3 of the Zoning Ordinance.

Part B: Authorize a variance for expansion of an existing non-conforming principal use (country club clubhouse) without access to a street consisting of solid ground passable to emergency vehicles, no less than 20 feet in width, and located entirely within the lot lines, per Section 4.2.1 I. of the Zoning Ordinance.

{SUBJECT TO THE FOLLOWING CONDITION(S):}

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

SIGNED:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date